



ANNO QUINQUAGESIMO SEPTIMO ET QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1894.

No. 599.

An Act relating to the Establishment of an Irrigation Settlement at Lake Bonney.

[Assented to, December 21st, 1894.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as "The Lake Bonney Settlement Act, 1894." Short title.

2. The chief objects of this Act are— Chief objects.

(1) To provide for the establishment of a settlement at Lake Bonney, wherein

(2) Irrigation works and improvements will be undertaken by the Commissioner of Public Works, and

(3) Land may be acquired on

(4) Terms which will recoup, with interest, the public expenditure.

3. This Act is divided into parts, as follows:— Parts.

PART I.—Preliminary.

PART II.—Setting Apart and Sub-division of the Settlement.

The Lake Bonney Settlement Act.—1894.

PART I.

PART III.—Management of the Settlement before the Constitution of the Trust.

Division 1.—Improvements:

Division 2.—Acquisition, tenure, and transfer of land:

Division 3.—Finance.

PART IV.—Terms and Conditions of Perpetual Leases.

PART V.—Management of the Settlement after the Constitution of the Trust.

Division 1.—The Lake Bonney Irrigation Trust.

Division 2.—General Powers and Duties of the Trust.

PART VI.—Miscellaneous.

Interpretation.

4. In this Act, unless where the context requires a different construction—

- “By-law” means by-law made by the Trust pursuant to this Act:
- “Commissioner” means the Commissioner of Public Works:
- “Factories” includes buildings, machinery, and appliances for the purpose of wine making, fruit preserving, or dairying, or any other purpose approved by the Commissioner:
- “Factory fund” means the fund referred to in section 48:
- “Government reserves” means lands within the settlement reserved for Government purposes by the proclamation constituting the Trust:
- “Land tax” includes the land tax imposed by the “Taxation Act, 1884,” and all land taxes to be imposed by any Act amending the same.
- “Lessee” includes as well the original lessee of land held under a perpetual lease issued pursuant to this Act as the transferee of such lease and the executors or administrators of any such lessee or transferee; and, for the purposes of any assessment made or rate declared under this Act, includes the person for the time being receiving or entitled to receive the rents and profits of any leased land, whether on his own account or as trustee or agent for another:
- “Paying settler” means a settler who has entered into an agreement in the form in Schedule D:
- “Prescribed” means prescribed by this Act or by by-law:
- “Proclamation” means proclamation by the Governor in the *Government Gazette*:
- “Purchase-money,” as regards a settler’s block or a township allotment, means the price for a perpetual lease thereof:
- “Regulations” means the regulations in force under this Act:
- “Settlement” means “The Lake Bonney Irrigation Settlement,” established under this Act:

“Settler’s

*The Lake Bonney Settlement Act.—1894.***PART I.**

“Settler’s block” means a settler’s block such as is referred to in paragraph (1) of section 7:

“This Act” includes regulations:

“Township allotment” means a township allotment such as is referred to in paragraph (2) of section 7:

“Trust” means the Lake Bonney Irrigation Trust constituted under this Act:

“Trustee” means a member of the Trust:

“Working settler” means a settler who has entered into an agreement in the form in Schedule C.

5. All powers conferred by this Act upon the Commissioner shall be exercised when, where, and in such manner as the Commissioner shall think fit, unless otherwise expressly provided.

Discretionary exercise of Commissioner’s powers.

PART II.**PART II.****SETTING APART AND SUB-DIVISION OF THE SETTLEMENT.**

6. The Governor may, by Proclamation, set apart the land described in Schedule A hereto, and shown in the plan at the end of this Act, for the purposes of the Lake Bonney Irrigation Settlement; but no expenditure shall be incurred by the Commissioner unless and until at least two hundred and fifty blocks have been taken up by settlers who have entered into an agreement in the form of Schedule D hereto, and have made a deposit of Thirteen Pounds for each block applied for, which deposit shall also be paid by all paying settlers, and shall be retained by the Commissioner until completion of the agreement as security for the performance thereof.

Governor may set apart land for irrigation settlement.

7. The Commissioner shall cause the settlement to be surveyed and subdivided as follows:—

Survey and sub-division.

- (1) Into not more than one thousand settlers’ blocks of about ten acres each:
- (2) Into not more than three townships, each containing not less than two hundred allotments of about half an acre each:
- (3) With Government reserves, and reserves for roads, for sites for factories, for commonage, and for any purposes approved by the Commissioner.

8. A plan of the settlement, showing the sub-divisions thereof, and distinguishing the several blocks by separate numbers, and certified by the Engineer-in-Chief, shall be kept in the office of the Surveyor-General.

Plan.

PART III.

PART III.

MANAGEMENT OF THE SETTLEMENT BEFORE THE
CONSTITUTION OF THE TRUST.*Division I.—Improvements.*

Commissioner to
manage settlement
until Trust con-
stituted.

9. Until the constitution of the Trust the settlement shall be managed and controlled by the Commissioner.

Commissioner to
construct irrigation
and other works and
improvements.

10. The Commissioner shall undertake—

(1) The construction of works, and the erection of machinery for supplying water to the settlement, and for irrigating the settlers' blocks:

(2) The erection of a dwelling on each settler's block, and the fencing of each such block, and the planting of one-half thereof.

Forty-five Pounds shall be spent in the erection of the dwelling, but if the settler so desires a lesser sum may be spent, and the balance shall be expended in other improvements on the block. The certificate of the Commissioner shall be conclusive as to the amount of the expenditure:

Provided that, in the case of any settler holding more than one block, the whole or any proportion of the improvements to which he may be entitled upon such land shall be carried out on either of his blocks if the settler so desire.

Commissioner may
construct roads and
other improvements.

11. The Commissioner may—

(1) Construct roads, streets, bridges, and jetties upon the settlement:

(2) Erect factories on factory reserves.

Division 2.—Acquisition, Tenure, and Transfer of Land.

Mode of acquisition
of land.

12. Land in the settlement may be acquired as follows:—

(1) As to settlers' blocks—

(a) Prior to the payment of the purchase-money, by settler's agreement:

(b) After payment of the purchase-money, on perpetual lease:

(2) As to township allotments—

(c) On perpetual lease.

Settlers' agreements.

13. Each settler's agreement shall bind the settler to purchase a settler's block, and shall be in the form in Schedule C or D, which may be applicable, and shall be executed by the settler at the time and place appointed by the Commissioner, and in manner prescribed.

Maximum purchase-
money of block.

14. The purchase-money for a settler's block under a settler's agreement shall in no case exceed Twenty-two Pounds per acre, and shall be the share of the settler in the outlay by the Commissioner, as ascertained pursuant to section 50.

15. The

The Lake Bonney Settlement Act.—1894.

PART III.

15. The Commissioner may, by notice in the *Government Gazette* and published in such other manner as he shall think fit, invite applications from suitable persons desirous of becoming settlers under this Act. The notice shall specify a date on and after which such applications will be received. All applications shall be in the form in Schedule B.

Commissioner may invite applications from intending settlers.

16. Settlers shall be divided into two classes, namely, "Working Settlers" and "Paying Settlers."

Classification of settlers.

17. The labor necessary for carrying out the works by this Act authorised shall, as far as conveniently practicable, be obtained by the employment of working settlers.

Labor of working settlers to have preference.

18. The Commissioner shall deduct from the earnings of each working settler, under his agreement, a sum computed at the rate of two-thirds of such earnings per week, and shall credit the same against the purchase-money of the block.

Portion of working settlers' earnings to go towards payment of purchase-money of block.

19. The Commissioner may accept or reject any application; but not more than six hundred applications shall be accepted in the case of paying settlers, nor more than four hundred in the case of working settlers, and the number of working settlers shall not at any time exceed two-thirds of the number of paying settlers.

Limitation of acceptance of applications.

20. The following persons shall not be eligible to become working settlers, that is to say—

Disqualifications.

- (a) Persons who have not been continuously resident in the province for two years immediately preceding the thirtieth day of June, one thousand eight hundred and ninety-four:
- (b) Persons under eighteen or over sixty years of age:
- (c) Asiatics:
- (d) Persons holding, or being or having been interested in, land in the province improved with the aid of advances from the public funds which have not been repaid.

The Commissioner shall not accept any applicant being an Asiatic as a paying settler.

21. The Commissioner shall, by notice in the *Government Gazette*, notify successful applicants of the acceptance of their applications and appoint a time and place for signature by them of their agreements.

Notice to successful applicants.

22. The Commissioner shall cause a settler's block to be allotted to each successful applicant who has duly executed his agreement. The first allotment of blocks among the settlers shall be by ballot, but afterwards the allocation shall be made according to priority of application; applications received on the same day being determined by ballot.

Allotment of blocks.

23. The

The Lake Bonney Settlement Act.—1894.

PART III.

Conduct of ballot.

23. The balloting shall be conducted by some persons to be appointed by the Commissioner, and in such manner as he shall determine; and the number of the block allotted to each settler shall be forthwith notified to him.

Limitation of settler's interest in block and produce thereof.

24. Each settler shall fulfil his agreement in every respect, and shall be entitled to the possession and user of the block allotted to him, and to the produce thereof during the continuance of his agreement, so long as he shall observe and perform the terms and conditions thereof to the satisfaction of the Commissioner; but, except as in this section mentioned, he shall not, until a perpetual lease shall be granted him, as provided by this Act, have any separate interest or property in such block, or in any buildings or improvements thereon.

Working settler to enter into occupation at time appointed.

25. Every working settler shall, at such time and manner as the Commissioner shall appoint, proceed to the settlement and enter into occupation of the block allotted to him.

Paying settler to give notice of intention to occupy.

26. Paying settlers shall notify the Commissioner when they desire to enter into occupation of the blocks allotted to them, and until receipt of such notification the Commissioner shall not proceed to erect dwellings upon such blocks as by this Act authorised.

Commissioner may supply water at prescribed rates.

27. After the construction of the works mentioned in section 10, or sooner if practicable, and until the constitution of the Trust, the Commissioner shall supply water to the lessees of township allotments, and to the settlers for domestic, factory, or irrigation purposes, at such rates and upon such terms as may be prescribed.

Certain water to be free.

28. Until the completion of the works mentioned in section 10 no settler shall be charged for water supplied for irrigation purposes in respect of the half of his block of which the Commissioner shall undertake the planting.

Settlers may improve their blocks subject to Commissioner's control.

29. Settlers may plant and cultivate their respective blocks, and make improvements thereon; but it shall be lawful for the Commissioner to control such planting, cultivation, and improvement in any case where it may be deemed necessary by the Inspector, until the constitution of the Trust provided under Part V. of this Act.

Settlers may be transferred to different class with Commissioner's consent.

30. Settlers may, with the consent in writing of the Commissioner, be transferred, either permanently or for such period as may be determined, from the class of working settlers to that of paying settlers, or *vice versa*, and in every such case the settler shall, during the period of his transfer, observe and perform the conditions of the agreement prescribed for members of the class to which he shall be so transferred, and shall be subject to the same liabilities, in like manner in all respects as if he had signed the agreement applicable to such class.

Transfer

*The Lake Bonney Settlement Act.—1894.**Transfer of Settlers' Agreements.*

PART III.

31. Any settler desiring to transfer his agreement to some eligible person may do so in manner prescribed, with the approval of the Commissioner, but not otherwise.

Agreements may be transferred with Commissioner's consent.

32. In the case of a deceased settler his personal representatives may, within twelve months after his decease, exercise a similar right of transfer.

Transfer by representatives of deceased settlers.

33. The person desiring to effect a transfer shall cause an instrument of transfer, in the form in Schedule E hereto, to be executed in manner prescribed by the transferor and proposed transferee, and shall transmit the same to the Commissioner.

Form of transfer.

34. The instrument shall truly set forth the consideration for the proposed transfer, and the amount standing to the credit of the transferor against the purchase-money of the block. If the consideration shall exceed the total of such amount added to the value of any improvements made by the settler on the block, the excess above such total shall be forwarded to the Commissioner with the instrument. The decision of the Commissioner as to the value of any such improvements shall be final for all the purposes of this section. If the Commissioner shall not approve of the transfer, the amount forwarded to him shall be refunded to the person paying the same, and the instrument shall have no effect as a transfer.

Consideration for transfer to be stated, and profit to be paid to Commissioner.

35. If the Commissioner shall approve of the transfer he shall notify the transferor and transferee thereof, and thereupon the transferor shall be released from the agreement, and all his privileges and advantages, duties, and liabilities under such agreement shall vest in and devolve upon and be discharged by the transferee; and the purchase-money standing to the credit of the transferor shall be transferred in account to the credit of the transferee.

Effect of approved transfer.

36. In any of the following cases, that is to say—

- (a) If any "working settler" shall become permanently disabled or be otherwise rendered incapable of working, of which incapacity the determination of the Commissioner upon such evidence as he shall consider sufficient shall be final; or
- (b) If any "paying settler" shall permit his payments to fall into arrear to an amount exceeding Ten Pounds; or
- (c) If any settler shall die, and his personal representatives shall not, within twelve months after his decease, obtain the Commissioner's approval to a transfer of his interest to some eligible person:

Cancellation of agreement and repayment by Commissioner of portion of moneys credited.

the Commissioner may pay to the settler, or his representatives, a sum equal to one-half of the amount credited to such settler against the purchase-money of the block, and, by notice in writing to such settler or his representatives, cancel his agreement. The residue of the moneys credited shall belong to the Commissioner. **37.** If

The Lake Bonney Settlement Act.—1894.

PART III.

Penalty for non-payment of instalments.

37. If any paying settler shall make default in payment of any instalment of purchase-money upon the day appointed for the payment thereof under his agreement, a penalty of five per centum shall be added to the amount of such instalment; and if such amount and penalty be not paid within one month after such day, a further penalty of ten per centum may be added by the Commissioner.

Cancellation of agreement and forfeiture of moneys for breach.

38. If any settler shall make default in the observance or performance of any of the terms or conditions of his agreement, the Commissioner may, by notice in writing to such settler, cancel his agreement, and thereupon all moneys paid by or credited to the settler as against the purchase-money of the land shall be absolutely forfeited by the settler to the Commissioner.

Commissioner in special cases may waive entire forfeiture.

39. If any settler shall make any such default as is mentioned in the lastly-preceding section, and if the Commissioner shall consider that, in the special circumstances of the case, a less penalty than the forfeiture of all the moneys paid or credited as in that section mentioned would suffice, he may, upon cancellation of the agreement, pay to the settler any proportion, not exceeding one-half, of the amount of such moneys.

Effect of cancellation of agreement.

40. The Commissioner shall give one month's written notice to the settler before cancelling any agreement, and if the Commissioner shall cancel any agreement he shall give notice thereof in the *Government Gazette*, and from the date of such cancellation the settler shall have no further right to the user, or occupation, or produce of the land comprised in the agreement, nor to any improvements thereon, nor any further interest in the settlement; and such lands and improvements may be allotted by the Commissioner, and possession thereof given to some other person willing to take the same, as if the cancelled agreement had never existed.

Limitation of block holdings.

41. No person shall be entitled at the same time to hold, use, or occupy more than two settler's blocks.

Township Allotments.

Leases of township lands may be offered at auction.

42. The Commissioner may sell by auction perpetual leases of township allotments.

Limitation of holdings in townships.

43. No person shall be entitled at the same time to hold, use, or occupy more than two township allotments.

Part VIII., "The Crown Lands Act of 1888," incorporated herewith.

44. The provisions of Part VIII. of "The Crown Lands Act, 1888," shall be deemed to be incorporated in this Act so far as the same shall be applicable.

Division 3.—Finance.

Outlay by Commissioner not to exceed Two Hundred and

45. The outlay by the Commissioner in carrying out the objects and purposes of this Act, exclusive of the cost of erecting factories, shall not exceed Two Hundred and Twenty Thousand Pounds, but

it

The Lake Bonney Settlement Act.—1894.

it is the intention of this Act that the Commissioner shall expend no money in carrying out its objects beyond the amounts paid to him, from time to time, by the paying settlers; but the Commissioner is authorised, if he thinks it desirable, to advance a sum of One Pound for each Two Pounds so paid to him, but so that such sum shall in no case exceed Ten Thousand Pounds beyond the amounts so contributed; and all advances shall be made out of revenue and not from loan. The said outlay shall be treated in account as moneys advanced by the Commissioner, and to be repaid with interest at the rate of five per centum per annum.

PART III.

Twenty Thousand Pounds, and to be treated as an advance

Advance from revenue.

46. The cost of erecting factories shall be defrayed by the Commissioner out of the moneys standing to credit of the Factory Fund.

Cost of erecting factories to be borne by Factory Fund.

47. The Commissioner shall cause to be kept a separate account, to be called the "Lake Bonney Settlement Account," to which shall be

"The Lake Bonney Settlement Account."

Debited—

- (a) The outlay by the Commissioner in carrying out the objects and purposes of this Act, exclusive of the cost of erecting factories:
- (b) Interest on the said outlay, computed at the rate mentioned in section 45:

And Credited—

- (c) All moneys paid by paying settlers on account of the purchase-money of their blocks:
- (d) All moneys deducted from the earnings of working settlers, and credited against the purchase-money of their blocks:
- (e) All moneys received by the Commissioner on account of water supplied upon the settlement.

48. The Commissioner shall also cause to be kept a separate account, to be called the "Factory Fund," to which shall be

Factory Fund.

Debited—

- (a) The outlay by the Commissioner in erecting factories:
- (b) All moneys paid to any settler or settler's representatives on cancellation of a settler's agreement:

Credited—

- (c) All moneys received by the Commissioner on the transfer of any settler's agreement:
- (d) All moneys forfeited to the Commissioner on the cancellation of any such agreement:
- (e) All penalties received in respect of the non-payment of any instalment of purchase-money:
- (f) The net proceeds of the sales of leases of township allotments:

49. An

*The Lake Bonney Settlement Act.—1894.***PART III.**

Abstract of accounts to be annually laid before Parliament.

49. An abstract of the accounts provided for in sections 47 and 48, showing the sums respectively debited and credited therein under convenient headings, shall be annually laid before Parliament.

Price of settlers' blocks, how to be fixed.

50. As soon as the Commissioner shall consider the works mentioned in section 10 satisfactorily completed, the Commissioner shall ascertain the price or purchase-money of the settlers' blocks in manner following, that is to say:— The aggregate of the amounts debited to the Lake Bonney Settlement account, in respect of the matters mentioned in paragraphs (a) and (b) of section 47, shall be divided by the number of acres in the settlers' blocks shown in the plan mentioned in section 8, and the purchase-money of each settler's block shall be fixed at the rate per acre thus ascertained.

When credits equal purchase-money, settler to receive perpetual lease.

51. So soon as the cash payments made by a settler, or the earnings credited to him, or the cash payments and earnings credited, shall amount to a sum equal to the purchase-money of his block, as determined by the preceding section, such settler shall be entitled to a perpetual lease of the block.

PART IV.**PART IV.****TERMS AND CONDITIONS OF PERPETUAL LEASES.**

Perpetual leases to be in the form in Schedule F, and be granted by Commissioner.

52. Every perpetual lease to be granted pursuant to this Act shall be granted by and in the name of the Commissioner, and shall be in the form in Schedule F, subject to any modifications or additions which the Commissioner shall think necessary for giving effect to this Act.

Leases to be prepared by Commissioner.

53. Every such lease shall be prepared by the Commissioner, and executed within such time and in such manner as may be prescribed.

Rents to be reserved.

54. The annual rent to be reserved by every perpetual lease of a township allotment shall be One Pound ; and by every perpetual lease of a settler's block shall be One Shilling per acre ; such rents shall be payable annually in advance, and shall not be subject to re-valuation.

Lessee to pay land tax.

55. Every such lease shall subject the lessee to payment of the land tax, in addition to the rent thereby reserved.

The Lake Bonney Settlement Act.—1894.

PART V.

PART V.

MANAGEMENT OF THE SETTLEMENT AFTER THE
CONSTITUTION OF THE TRUST.*Division 1.—The Lake Bonney Irrigation Trust.*

56. So soon as perpetual leases shall have been granted, pursuant to this Act, of not less than one hundred settlers' blocks, the Governor may, by Proclamation in the *Government Gazette*, constitute a Trust, to be called "The Lake Bonney Irrigation Trust," which shall thereafter have the control and management of the settlement.

Constitution of "The Lake Bonney Irrigation Trust."

57. The Trust shall consist of seven members. The first members shall be appointed by the Commissioner by notice in the *Government Gazette*.

To consist of seven trustees.

58. The Trust shall be a body corporate, and shall have perpetual succession and a common seal, of which judicial notice shall be taken, and shall by its name be capable of suing and being sued, and of purchasing, holding, and alienating land, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

Incorporation of Trust.

Division 2.—General Powers and Duties of the Trust.

59. Upon the Trust being constituted all roads, streets, commonage lands and other reserves within the settlement, and all irrigation and public works and factories, with the plant appertaining thereto, and all improvements made or constructed by the Commissioner under the authority of this Act, shall vest in and be under the control of the Trust, with the following exceptions, namely—

Works and lands to be vested in the Trust.

- (a) Government reserves, and any works, buildings, or improvements thereon:
- (b) Improvements, other than irrigation works, upon settlers' blocks or township allotments.

60. Within the settlement, for the purposes of this Act, the Trust shall have the like duties, jurisdiction, powers, and authorities as are by law imposed upon or vested in District Councils, and to be discharged or exercised by them within or in connection with their several districts; and also all such duties, jurisdiction, powers, and authorities, not inconsistent with this Act, as may be declared by the Governor by Proclamation, or as may be conferred or imposed by Parliament by Act.

Duties and powers of Trust to be analogous to those of District Councils, with such additional powers as may be proclaimed.

61. For the purposes of this Act, all the provisions of "The District Councils Act, 1887," which relate to—

Incorporation of certain provisions of Act No. 419 of 1887.

- (a) The jurisdiction, duties, powers, and authorities of District Councils:
- (b) The qualification, disqualification, election, retirement, duties, powers, and privileges of councillors, and all elective officers:
- (c) The

The Lake Bonney Settlement Act.—1894.

PART V.

- (c) The duties, powers, and privileges of officers and servants appointed or employed by the Council:
- (d) Assessments, and appeals therefrom:
- (e) Rates and ratepayers:
- (f) Meetings and elections:
- (g) Income and expenditure:
- (h) Evidence, procedure, and forms:

in so far as such provisions are not repugnant to this Act, shall be incorporated herein *mutatis mutandis*.

Interpretation of certain words in incorporated provisions.

62. In particular the following words occurring in such incorporated provisions shall, for the purposes of this Act, have the meanings hereby assigned to them, namely—

“ District ” means settlement:

“ District Council ” means Trust:

“ Councillor ” or “ Member of the Council ” means trustee:

“ Owner ” means lessee.

Jurisdiction and powers of District Councils excluded.

63. No District Council shall have or exercise any powers, jurisdiction, or control within the settlement after the constitution of the Trust.

Trust to supply and distribute water.

64. The Trust shall supply and distribute water for the irrigation of the settlement and the use of the inhabitants thereof, and at such reasonable rates and charges as may be approved by the Commissioner, and to others who are adjacent to the settlement, and at such rates as may be agreed upon.

Rates to be declared on the basis of area.

65. All rates declared by the Trust shall be declared upon the basis of area, irrespective of improvements upon the land, and so that one acre of land in a township shall be deemed to be equivalent to ten acres of land in settlers' blocks.

Assessment of fractional parts of acres.

66. For the purpose of computing the rates payable in respect of—

Settlers' Blocks.—A fractional part of an acre, if equal to or exceeding half an acre, shall be deemed to be an acre; but if less than half an acre, shall not be taken into account.

Township Allotments.—A fractional part of an allotment, if equal to or more than one rood, shall be deemed to be half an acre; but if less than one rood shall not be taken into account.

Trust to have regard to wishes of rate-payers in management of settlement.

67. In all matters relating to the development of the settlement, the erection, carrying on, repair, and maintenance of factories or other works in connection therewith, the declaring of rates, the expenditure

The Lake Bonney Settlement Act.—1894.

ture of the moneys of the Trust, the appointment or removal of officers or servants of the Trust, or otherwise relating to the management of the settlement, the Trust shall have regard to and be guided by the opinion of the ratepayers, as expressed by resolution carried by a majority of three-fourths of the ratepayers qualified to vote, and voting, personally or by proxy, at a meeting of ratepayers specially convened for the consideration of such resolution: Provided that such resolution shall not be repugnant to any of the provisions of this Act.

PART V.

68. Subject to the provisions of section 67, all powers and duties to be exercised and performed by the Trust pursuant to this Act shall be exercised and performed in such manner as the trustees shall consider most conducive to the attainment of the objects and purposes of this Act, and most advantageous to the settlement.

Powers to be exercised in manner most beneficial to settlement.

69. The Trust shall have and perform the like powers and duties under all Acts in force in the province as it would have and perform if the settlement were a district constituted by or under "The District Councils Act, 1887," and the Trust were the District Council of such district.

Powers and duties of Trust under other Acts.

70. The settlement is hereby constituted a local option district within the meaning of Part IV. of "The Licensed Victuallers Amendment Act of 1891."

Local option.

71. No licence or permit of any kind for the sale of intoxicating liquor shall be granted within the settlement until a poll has been taken under the provisions of Part IV. of "The Licensed Victuallers Amendment Act of 1891."

Poll to be taken.

PART VI.

MISCELLANEOUS.

PART VI.

72. The Governor may, by Proclamation, withdraw from the Lake Bonney Irrigation Trust any commonage or other reserves for the time being vested in it, and constitute the land so withdrawn, or any part thereof, into further settlements, and may irrigate and cultivate the same and construct and make upon or in connection therewith the like waterworks, irrigation works, factories, and other improvements as are by this Act authorised with reference to the Lake Bonney Irrigation Settlement; and may make the like agreements, subject to such modifications as the Commissioner may think necessary, with persons desirous of becoming settlers, and with similar rights to perpetual leases; and may set apart townships, and sell by public auction perpetual leases of township allotments; and may set apart further commonage and other reserves, and may make all necessary surveys and sub-divisions; and generally may deal with such further settlements, reserves, and commonage in like manner as by this Act is authorised with reference to the Lake Bonney Irrigation Settlement: Provided that the Commissioner shall not expend any public funds on any such further settlements without the

Governor may withdraw lands from Trust and constitute further settlements.

The Lake Bonney Settlement Act.—1894.

PART VI.

the approval of Parliament: Provided that no Proclamation pursuant to this section or the two succeeding sections shall be issued until a resolution approving the same has been adopted by both Houses of Parliament.

Governor may constitute further Trusts with functions analogous to the Trust first constituted.

73. The Governor may, by Proclamation, constitute further Trusts to deal with any such further settlements, and every such further Trust shall be constituted in like manner, and shall have the like jurisdiction, powers, and duties as are by this or any subsequent Act vested in or devolved upon the Lake Bonney Irrigation Trust.

Governor may extend jurisdiction of Lake Bonney Irrigation Trust to other settlements.

74. The Governor, in lieu of constituting a separate Trust with regard to any such settlement, may, by Proclamation, extend the jurisdiction, powers, and duties of the Lake Bonney Irrigation Trust to any such further settlement; in which case such jurisdiction and powers shall be exercisable and such duties shall be carried out and performed by the Trust as if such further settlement and the improvements thereon had originally formed portion of the lands and improvements vested in or subject to the control of the Trust.

Water may be taken from River Murray or Lake Bonney.

75. All water required by the Commissioner, or the Trust, for the purposes of this Act, may be taken from the River Murray, Lake Bonney, or any creek, stream, or lagoon within the settlement.

Penalty for false declaration.

76. Any person wilfully making a false declaration, or subscribing any application or transfer form containing any statement which such person shall know to be false, shall be guilty of perjury; and, on conviction, may be imprisoned, with or without hard labor, for any period not exceeding four years. Any settler's agreement induced, or lease or consent to a transfer obtained, by means of any false statement or false declaration, shall be liable to cancellation or forfeiture, at the option of the Commissioner.

Gazette to be evidence.

77. The production of the *Government Gazette* in which shall be published any Proclamation, regulation, notice, appointment, or other notification, made or given, or purporting to be made or given, pursuant to this Act, shall be conclusive evidence in all courts and before all tribunals that such Proclamation, regulation, notice, appointment, or notification was duly made or given and is of full force and effect.

Forms.

Forms.

78. The forms in the Schedules to this Act shall be sufficient for the various purposes to which they are applicable, and may be varied or modified as the circumstances may require.

Regulations.

Regulations.

79. The Governor may from time to time make, alter, and revoke all such regulations as may appear necessary or advisable for regulating—

- (a) The duties, powers, authorities, and privileges of all persons employed in the administration of this Act: (b) The

The Lake Bonney Settlement Act.—1894.

PART VI.

- (b) The meetings and proceedings of the Trust and of ratepayers :
- (c) The supply and distribution of water upon the settlement, and the charges therefor :
- (d) The management of the settlement, and all improvements thereon, and the employment, duties, and privileges of settlers, lessees, and occupiers of the land until the constitution of the Trust :
- (e) The making and dealing with applications, fixing of boundaries, areas, rents, and purchase-money, and the making of surveys :
- (f) The form and contents of notices, applications, leases, licences, and all other instruments and documents, and the mode of executing, serving, or delivering the same :
- (g) Elections :
- (h) The making of assessments, and the declaring and recovery of rates :
- (i) Transfers, transmissions, and forfeitures :
- (j) The imposing of penalties :
- (k) The time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which no time or procedure is provided, is to be done or performed :
- (l) The subjects upon which the Trust may make by-laws; and the confirmation by the Governor, and publication, thereof :
- (m) Fees to be paid :
- (n) The income and expenditure of the Trust :
- (o) All other matters and things arising under and consistent with this Act not herein expressly provided for, and otherwise fully and effectually carrying out and giving force and effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof.

80. All such regulations, and every alteration and revocation thereof, shall be laid before Parliament for thirty days, and, except in so far as the same may be disapproved within that time by resolution of either House of Parliament, shall be published in the *Government Gazette*, and after such publication thereof shall have the force of law: Provided that no such regulation, alteration, or revocation shall be repugnant to this Act, or to the general spirit and intendment of the laws in force within the province.

Regulations to be laid before Parliament and gazetted.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.

SCHEDULES

The Lake Bonney Settlement Act.—1894.

SCHEDULES.

SCHEDULE A.

Section 6.

All that piece of land, situated in the county of Hamley, containing about 153,000 acres, bounded by a line commencing at the angle at the intersection of the western and south-western boundaries of block "A," Renmark Irrigation Colony; thence running westerly in a straight line to the River Murray at Overland Corner; thence following the said river to the south-western corner of the said Renmark Irrigation Colony near Spring Cart Gully; thence north-easterly along the south-western boundary of the said colony to the point of commencement, but exclusive of the section of land numbered 150.

* SCHEDULE B.

Application Form.

Section 15.

The Commissioner of Public Works, Adelaide.

I [*name in full*], of [*residence*], in answer to the advertisement in the hereby apply to be appointed a working (*or paying as the case may be*) settler in connection with the Lake Bonney Irrigation Settlement, pursuant to "The Lake Bonney Settlement Act." I declare that I have been continuously resident in South Australia for more than two years immediately preceding June 30th, 1894, and that I do not hold and am not interested in any land improved with the aid of advances from the public funds which have not been repaid; and I beg to submit the following particulars regarding myself, all of which I declare to be true.

Date and place of birth.

Whether married or single.

Ages and the sex of children (if any).

Trade or occupation.

Name of last employer in South Australia, and length of service with him.

And I undertake, in the event of this application being granted, to subscribe an agreement with you in the form prescribed by the said Act, at such time and place as may be appointed by you.

Yours, &c.,

[*Signature.*]

NOTE.—The declaration set out above need not be made by any applicant who desires to become a paying settler.

SCHEDULE C.

Working Settlers' Agreement.

Section 13.

Agreement made the _____ day of _____, 18____, between the Commissioner of Public Works of the province of South Australia (hereinafter called "the Commissioner," which term also includes the Commissioner of Public Works of the said province for the time being), of the one part and _____ of _____ (hereinafter called "the settler," which term also includes the executors, administrators, and assigns of the said _____), of the other part, whereby it is mutually agreed between the Commissioner and the settler as follows:—

1. The settler shall purchase from the Commissioner a perpetual lease of a settler's block of about ten acres of land, situated in the Lake Bonney Irrigation Settlement, at such price as may hereafter be determined by the Commissioner, pursuant to "The Lake Bonney Settlement Act," hereinafter referred to as the said Act.

2. The said block shall be allotted by the Commissioner in manner prescribed by the said Act, and the lease thereof shall be paid for by deductions from the wages of the settler as hereinafter mentioned, and shall be issued at the time and in manner and upon and subject to the terms and conditions prescribed by the said Act.

3. The settler shall, at the time and in manner appointed by the Commissioner, forthwith proceed to the said settlement, and there during the continuance of this agreement well and faithfully, and to the utmost of his skill and ability, perform such work as may be allotted to him by the Commissioner or any person on his behalf, and well and faithfully serve the Commissioner during such hours of daily labor as may be prescribed.

4. The

The Lake Bonney Settlement Act.—1894.

4. The settler shall promptly and cheerfully obey the orders of the Commissioner, and of all officers, overseers, or other persons appointed by him.

5. The settler shall be orderly, and at all times use his utmost endeavors to promote the good order, discipline, health, and sanitary condition of the settlement and of the settlers.

6. Upon any buildings or improvements being erected or made upon the said block the settler shall preserve the same in good order and condition, to the satisfaction of the Commissioner, and shall not knowingly or wilfully permit or suffer any act or thing whereby the same, or any trees or plants upon the land, may be injured or destroyed.

7. The settler shall not assign this agreement, or any moneys credited to him hereunder, or any benefit or advantage arising hereunder, without the consent of the Commissioner in writing first obtained.

8. So long as the settler shall well and faithfully perform his part of this agreement, and until the purchase-money of the said lease shall be fully paid by the settler, the Commissioner shall employ him upon the said settlement, and shall pay him for his services wages at the rate of Five Shillings and Five Pence for each day of eight hours upon which he shall be fully employed by the Commissioner. Of such wages a sum computed at the rate of two-thirds of such wages but not exceeding One Pound a week shall be retained by the Commissioner, and applied in or towards payment of the purchase-money of the said lease, and the remainder of the said wages shall be paid to the settler in cash.

9. Notwithstanding any such retention of wages as aforesaid, the settler shall not have any estate, right, or interest in the said block of land, or the improvements thereon, or any part thereof respectively, until the purchase-money shall be fully paid and a perpetual lease of the said land granted to him under the said Act; but he may use and occupy the said land unless and until the Commissioner shall forbid him so to do.

10. This agreement is entered into subject to the provisions of the said Act relating to settlers agreements and the powers of cancellation of this agreement. Forfeiture of the moneys retained, penalties, and all other the powers and authorities conferred upon the Commissioner thereunder shall be deemed to be incorporated herein.

In witness whereof the said parties hereto have hereunto set their hands the day and year first before written.

Witness—

, Commissioner.

, Settler.

SCHEDULE D.

Paying Settler's Agreement.

Agreement made the _____ day of _____ 18____, between the Commissioner of Public Works of the province of South Australia (hereinafter called the "Commissioner," which term also includes the Commissioner of Public Works of the said province for the time being) of the one part and _____ of _____ (hereinafter called "the settler," which term also includes the executors, administrators, and assigns of the said _____) of the other part, whereby it is mutually agreed between the Commissioner and the settler as follows:—

1. The settler shall purchase from the Commissioner a perpetual lease of a settler's block of about ten acres of land situated in the Lake Bonney Irrigation Settlement, at such price as may hereafter be determined by the Commissioner, pursuant to "The Lake Bonney Settlement Act," hereinafter referred to as "the said Act."

2. The said block shall be allotted by the Commissioner in manner prescribed by the said Act, and the lease thereof shall be paid for by payment of a deposit of Thirteen Pounds on the signing of the application form B to the said Act, and the balance by the settler by weekly instalments of One Pound, to be paid to the Commissioner or some officer appointed by him to receive the same, either upon or near the said settlement, or at Adelaide, as the Commissioner may determine.

3. Notwithstanding any such payment, the settler shall not have any estate, right, or interest in the said land, or the improvements thereon, or any part thereof respectively until the purchase-money shall be fully paid and a perpetual lease of the block granted to him under the said Act; but he shall have the use and occupation of the said land unless and until the Commissioner shall otherwise determine.

4. After allotment of the said block the settler may, by notice in writing to the Commissioner, specify a date, not being more than three months after the date hereof,

The Lake Bonney Settlement Act.—1894.

SCHEDULE F.

Perpetual Lease under "The Lake Bonney Settlement Act, 1894."

I, _____, Commissioner of Public Works of the province of South Australia, in exercise of the powers conferred upon me by the above-mentioned Act (hereinafter called the said Act), hereby lease to [name of lessee], of [residence], [occupation], his executors, administrators, and assigns (all of whom are hereinafter included in the designation "the lessee") all that piece of land containing _____ acres, or thereabouts, situate in the Lake Bonney Irrigation Settlement, being the [settler's block or township allotment] No. _____ in the plan of the said settlement lodged in the office of the Surveyor-General, together with all buildings and improvements thereon, in perpetuity from the _____ day of _____ 189____, at the annual rent of _____ to be paid in advance to the Treasurer of the said province for the time being, on the _____ day of _____ in every year during the continuance of this lease. And the lessee hereby covenants with the said Commissioner and his successors in office (all of whom are hereinafter included in the designation "the Commissioner"), as follows:—

1. The lessee will punctually pay the said rent at the times and in manner aforesaid.

2. The lessee will pay the land tax imposed by the "Taxation Act, 1884," or any Act amending or extending the same, and all rates, taxes, and assessments which may be imposed upon or become payable in respect of the said land and premises.

3. The lessee will at all times during the continuance of this lease keep all buildings, fences, channels, watercourses, and irrigation works and improvements on the said land in good repair, order, and condition, and all fruit and other trees and plants properly pruned to the satisfaction in all things of the Commissioner, and in the like good repair, order, and condition will deliver up the same at the determination of this lease.

4. The lessee will punctually pay for all water which may be supplied to him by the Commissioner or the Lake Bonney Irrigation Trust, at such rates as may be authorised.

5. The lessee shall not, during the currency of this lease, without the consent in writing of the Commissioner being first had and obtained, transfer these presents or the premises hereby leased, or any part thereof, or do, commit, or suffer any act, matter, or thing whereby the said premises, or any part thereof, shall or may be transferred to any person or persons.

6. That the Commissioner and all persons authorised by him may at all times unrestrictedly enter into and upon the said land and premises hereby leased, and examine the condition thereof, and of all such defects, and wants of reparation as shall be then and there found, to give to the lessee, or leave upon the leased land, notice in writing to repair and amend the same within three calendar months then next following, within which time the lessee will repair and amend the same accordingly.

7. That the Lake Bonney Irrigation Trust and the members thereof, and all persons authorised thereby, may at all times unrestrictedly enter upon and examine the said land and premises, and effect any repairs, alterations, or improvements in any water channel, drain, or other irrigation or sanitary work upon the said land which the Trust shall think necessary or proper.

8. The lessee will during the currency of this lease, to the satisfaction of the Commissioner, keep the said land free from rabbits and all animals or birds which by any Act have been or shall be declared to be vermin, or a nuisance; and will destroy Bathurst bur and all other noxious weeds growing upon the said land.

9. The lessee will at all times comply with and observe the regulations and by-laws that may from time to time be made under the said Act: Provided always—

1. That if the said rent, or any part thereof, be not paid on or before the due date thereof, a penalty of Five Pounds per centum shall be added to such rent, or unpaid part thereof; and if the same shall not be paid for the space of one calendar month after such due date, together with such penalty, a further penalty of Ten Pounds per centum shall be added; and if such rent and penalties be not paid within one month after such first month, the same shall be recoverable by the Commissioner by action in any court of competent jurisdiction:

2. That

The Lake Bonney Settlement Act.—1894.

2. That if the rent hereby reserved shall be in arrear for more than three months after the due date thereof, or if the Commissioner shall be satisfied there has been a breach of any of the covenants herein contained or implied, the Commissioner may re-enter and take possession of the said land and premises, and determine this lease, without prejudice to any rights of the Commissioner against the lessee in respect of such rent or breach; and the Commissioner may insert a notice in the *Government Gazette* declaring this lease to be forfeited, and such notice shall in all courts and elsewhere, and under all circumstances, be taken to be conclusive evidence that such lease has been lawfully determined: And it is hereby declared that this lease is granted pursuant to the said Act, and that all powers, conditions, and obligations conferred or imposed by the said Act upon the Commissioner or lessee shall be deemed to be implied herein.

Dated this day of , 189 .

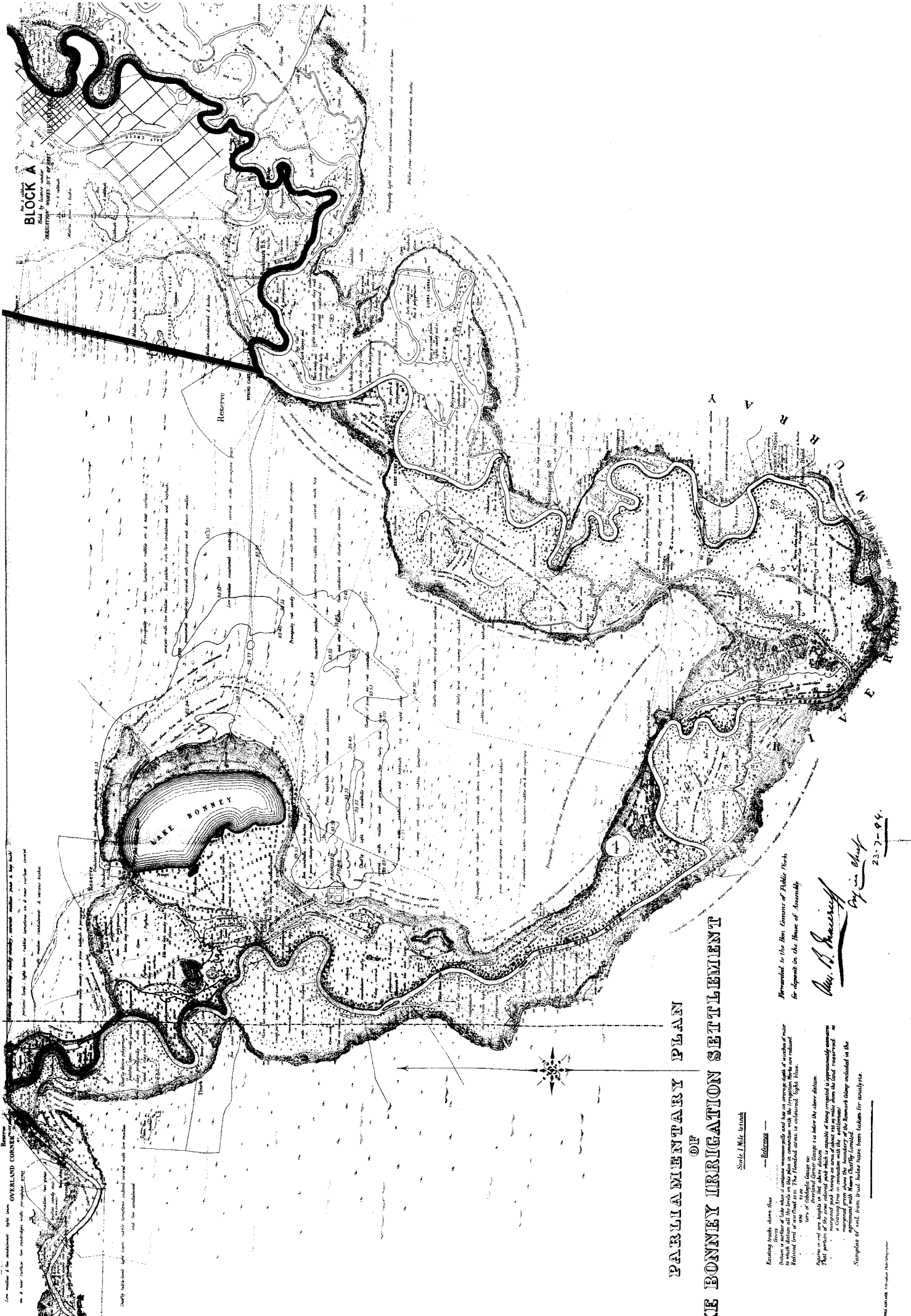
, Commissioner.

, Lessee.

Signed by the Commissioner of Public Works in
the presence of—

Signed by the above-mentioned , as
lessee, this day of , 189 ,
in the presence of —

PLAN.



BLOCK A
 Held by Lessee under
 LICENSING POWERS ACT 1926

**PARLIAMENTARY PLAN
 OF
 LAKE BONNEY IRRIGATION SETTLEMENT**

Scale 1 Mile to inch

Existing tracks shown the
 front
 shown in outline of line when it contains waterways and has an average depth of water of six
 feet or more. The front limit of the front area is indicated by a dotted line.
 The front area is shown in outline of line when it contains waterways and has an average depth of water of six
 feet or more. The front limit of the front area is indicated by a dotted line.
 The front area is shown in outline of line when it contains waterways and has an average depth of water of six
 feet or more. The front limit of the front area is indicated by a dotted line.
 The front area is shown in outline of line when it contains waterways and has an average depth of water of six
 feet or more. The front limit of the front area is indicated by a dotted line.

Presented to the Hon. Governor of Public Works
 for deposit in the House of Assembly

Wm. B. Swirey
 By *Wm. B. Swirey*

23-7-94