



ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO
SECUNDO.

VICTORIÆ REGINÆ.

A.D. 1878.

No. 123.

*An Act to amend the Laws relating to the Crown Lands in South
Australia.*

[Assented to, 30th November, 1878.]

WHEREAS it is expedient to amend and add to the Law Preamble
relating to the sale and occupation of the Crown Lands in
South Australia—Be it therefore 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:

1. This Act may be cited for all purposes as “The Crown Lands Short title.
Act, 1878.”

2. This Act shall be divided into five parts relating to the fol- Division into parts.
lowing subject matters—

PART I.—Amendment of the “Crown Lands Consolidation Act,”
with respect to Credit Selections, sections 3 to 19:

PART II.—Pastoral Leases for Fourteen Years, with Right of
Renewal, of Lands within the limits of the First Schedule,
sections 20 to 35:

PART III.—Leases not within the limits of the First Schedule,
sections 36 to 38:

PART IV.—Provisions applicable to all Leases for Pastoral Purposes,
sections 39 to 41:

PART V.—General Provisions, applicable to the “Crown Lands
Consolidation Act” and this Act, sections 42 to 51.

PART

PART I.

PART I

AMENDMENT OF THE "CROWN LANDS CONSOLIDATION ACT," WITH RESPECT TO CREDIT SELECTIONS.

Repeal of section 25

3. Section 25 of the "Crown Lands Consolidation Act" is hereby repealed.

Area of land allowed to be purchased.

4. The maximum area of land which any person shall be entitled to hold under agreement for purchase upon credit shall be six hundred and forty acres of reclaimed lands, or one thousand acres of country or improved lands; but no person shall, except as hereinafter provided, be entitled to hold under agreement for purchase upon credit, both reclaimed lands and country or improved lands, nor shall any person be entitled to hold under agreement for purchase upon credit more than one thousand acres of land of whatever description, nor at any one time more than three separate and detached blocks of land.

How area computed.

5. In computing the area of land to which any person shall be entitled under the last preceding section, there shall be deducted from the maximum area the area of all land which any such person may hold or may have held under any agreement under the "Crown Lands Consolidation Act" other than agreements which may have been or may be surrendered under section 30 of the said Act, and in making such deduction, each acre of reclaimed land shall be computed as one acre and thirty-six sixty-fourths of an acre of country or improved land.

Selectors allowed to select sufficient quantity of land to complete maximum area.

6. Any person who shall have selected less than six hundred and forty acres of reclaimed lands, or less than one thousand acres of country or improved lands may select a sufficient portion of reclaimed country or improved lands open to selection to complete the maximum area to which he is by this Act entitled; and the balance of land to which any person so selecting shall be entitled shall be computed in the proportion of six hundred and forty acres of reclaimed lands to one thousand acres of country or improved lands, and *vice versa*: Provided that where a section of land is subdivided to complete the maximum area to which any person is entitled the direction of the line subdividing the same shall be subject to the approval of the Surveyor-General, and that a fee of Ten Pounds shall be paid for each subdivision by the person requiring the same.

Penalty for fraud in selecting.

7. Any person who shall hold any land under agreement for purchase upon credit contrary to any of the preceding sections shall be guilty of a fraud under this Act, and all land held by him under agreement, and all moneys paid by him on account or in respect thereof, shall be absolutely forfeited.

8. Notwithstanding

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8. Notwithstanding anything in the last preceding Sections contained, it shall be lawful for any purchaser on credit where the block or blocks of land selected by him shall contain as surveyed an area of not more than sixty acres in excess of the area to which he would be entitled under the last preceding sections, to purchase such excess upon payment in cash at the time of selection at the rate per acre which he agrees to pay for the land selected, but such person shall not be entitled to a land grant for the excess so purchased unless and until he shall have completed the purchase under such agreement; and in case the land held under agreement shall be forfeited, the excess of land so purchased shall revert to the Crown.

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Provision for excess in blocks as surveyed.

9. Any person applying for transfer of land under agreement may, subject to the approval of the Commissioner and for any of the causes for which he may approve of a transfer in section 34 of "The Crown Lands Consolidation Act" mentioned, surrender his agreement; and the Commissioner may, at his discretion, cause the land comprised in the agreement so surrendered to be resurveyed in two or more blocks at the expense of the person so surrendering his agreement, and the Commissioner may enter into one or more new agreements for the sale upon credit of such land or any part thereof.

Provision for transfer in one or more blocks of land surrendered.

10. Every person accepting a transfer of land under agreement shall have the same right of purchasing for cash any area not exceeding sixty acres, as is granted by section 8 of this Act to original selectors.

Transferees of land to have same right of acquiring, except as original selectors.

11. No country lands shall be offered for sale by auction, for cash or credit, unless the same shall have been open for sale upon credit, and shall have remained unsold for a period of two years.

Land to be open for selection for two years.

12. Section 29 of the "Crown Lands Consolidation Act" is hereby repealed, and the said Act shall be read and construed as if the next following section had been inserted therein in lieu of the section hereby repealed.

Repeal of section 29.

13. When any person, having entered into more agreements than one expiring at different dates, shall complete the purchase of the land included in any of such agreements, continued residence upon the land so purchased shall be deemed residence upon the land included in any other agreement entered into during the currency of such agreement so completed; and when any person at the time of entering into any agreement for the purchase of any land is residing upon land immediately adjoining the land which he so agrees to purchase, residence upon such first-mentioned land shall be deemed residence upon the land agreed to be purchased: Provided always, that the previous consent of the Commissioner shall have been obtained to such continued or adjoining residence: And provided also that continued or adjoining residence by any person upon land of which he may have completed the purchase, and which he

Construction of residence clause.

may

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may have sold or agreed to sell or let with right of purchase, shall not be deemed to be in any way residence under the provisions of this Act.

Repeal of Sections 42, 43, 44, and 45.

14. Sections 42, 43, 44, and 45 of the "Crown Lands Consolidation Act," and the Sixth, Seventh, Eighth, and Ninth Schedules to the said Act, are hereby repealed, and the said Act shall be read and construed as if the following five sections had been inserted therein in lieu of the sections and schedules hereby repealed.

Information may be laid for the purpose of examining selector.

15. Any person authorised by the Commissioner may lay an information in the form in the Second Schedule hereto, or to the like effect, before any Justice of the Peace, for the purpose of holding an examination of any person holding land under agreement touching and concerning the land held by him and the compliance with or the breach or violation by any such person of the provisions of this Act, or any Act hereby repealed, and the terms and conditions of any such agreement; and thereupon such Justice shall forthwith issue his summons in the form in the Third Schedule hereto, or to the like effect, directed to the person holding land under agreement mentioned in such information, requiring him to appear at a certain time and place before such Justices of the Peace or Special Magistrate as may then be there, and to continue in attendance until discharged, and to be examined touching and concerning the several matters and things referred to in the said information, and also at the same time and place to produce all agreements, deeds, documents, books, and other writings to be specified in such summons.

Witnesses how summoned.

16. Every Justice of the Peace shall, on the application of any party interested, issue his summons in the form in the Fourth Schedule hereto, or to the like effect, requiring any person or persons to be and appear at a time and place mentioned in such summons, before such Justices of the Peace or Special Magistrate as shall then be there, to testify what he or they shall know concerning the matters referred to in any such information, and to produce all agreements, deeds, documents, books, and other writings to be specified in such summons; and any person summoned as aforesaid under this or the preceding clause who shall, without sufficient excuse to the satisfaction of the presiding Justices or Special Magistrate, fail to attend and continue to attend to be examined in accordance with any such summons, or who shall after attending refuse to answer any question relating to the several matters and things referred to in any such summons, shall forfeit and pay a penalty of not less than Twenty Pounds nor more than One Hundred Pounds; and any person summoned as aforesaid who shall hold any land under agreement, and who shall refuse to answer any question relating to any such land held by him, shall, in addition to such penalty, forfeit all land comprised in any such agreement, and all moneys paid in respect thereof, and such land shall revert to the Crown, and such agreement may be revoked and possession of the land mentioned therein may be resumed in manner provided by the forty-seventh section of this Act.

Penalty on selector refusing to give evidence.

17. The

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17. The evidence of all persons at any such examination shall be upon oath, to be administered by the presiding Special Magistrate or the presiding Justices of the Peace, or one of them, and shall be taken down in writing and signed by the person examined, and such evidence shall forthwith be forwarded to the Commissioner by the Special Magistrate or Justices of the Peace taking the same; and no person shall be protected at any such examination as aforesaid from answering any questions which may be put to him by reason only that his answer would subject him to fine or penalty by reason of any breach of or offence against this Act, or any repealed Act; but no evidence given by him under the provisions hereof shall be used or receivable in any proceedings against him except under this Act, and except upon an information for perjury in respect of such evidence.

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Evidence to be on oath and transmitted to Commissioner.

18. Any person who shall wilfully make a false statement before any Justices of the Peace or Special Magistrate, upon being examined under the provisions of this Act, shall be deemed guilty of perjury, and shall be liable to the penalties of perjury, and all land held by him under agreement, and all moneys paid by him on account thereof, shall be absolutely forfeited.

Consequences of perjury.

19. It shall not be compulsory on any person excepting the person holding the land under agreement touching or concerning which land or agreement any such examination is held, to attend upon any summons unless he shall have been previously paid his reasonable expenses, not exceeding Seven Shillings per day and Sixpence per mile (one way) for travelling expenses.

Witnesses entitled to be paid.

PART II.

PART II.

PASTORAL LEASES FOR FOURTEEN YEARS WITH RIGHT OF RENEWAL OF LANDS WITHIN THE LIMITS OF THE FIRST SCHEDULE.

20. After the passing of this Act, Part iv. of the "Crown Lands Consolidation Act" shall not apply to lands situate within the boundaries set forth in the the First Schedule hereto; but this provision shall not affect any estate, right, interest, or liability created by or existing, and shall not prejudice or affect anything lawfully done, or commenced or contracted to be done under the said Act, or under any existing regulations, agreements, leases, or licences; and all proceedings, matters, and things, lawfully had or done under or in pursuance of the said Act shall be of the same force and effect to all intents and purposes as if this Act had not been passed.

Repeal.
Saving clause.

21. The Governor shall have power from time to time, and at all times, to demise for pastoral purposes any portion of the Crown Lands situated within the boundaries set forth in the First Schedule hereto, and not at the time of any such demise subject to any lease for pastoral purposes.

Pastoral leases may be granted of lands in First Schedule.

22. Every

*Crown Lands Act.—1878.***PART II.****Mode of application.**

22. Every person desirous of obtaining a lease of Crown lands for pastoral purposes under this part of this Act shall by himself or his agent, thereunto duly authorised, make an application in writing to the Surveyor-General for the land in respect of which he is desirous of obtaining a lease. Every application shall be in such form and for blocks of such shape, and shall be accompanied by such payments and plans or other documents, as may be directed by any regulation to be made under the authority of this Act: and no application shall be received unless made in accordance with such regulation.

Term of lease to be fourteen years.

23. Every lease under this part of this Act shall be for the term of fourteen years, commencing from the first day of January or the first day of July, as the case may be, next succeeding the date of application.

Renewal of term.

24. Every lessee under this part of this Act shall have a right to a new lease for fourteen years of the lands demised to him on the expiration of the first term of fourteen years, upon giving to the Commissioner six months' previous notice in writing of his desire to have such new lease, which notice shall expire during the currency of the then existing lease.

Rent and assessment.

25. The rent payable in respect of the land comprised in all such leases shall be as follows, that is to say—For the first lease for fourteen years, the annual rent of Two Shillings and Sixpence for every square mile or part of a square mile of land comprised in such lease, and a sum equivalent to One Penny per head on the average number of sheep, and Sixpence per head on the average number of cattle actually depasturing on the lands included in such lease, and for the renewed lease of fourteen years, the annual rent of Five Shillings for every square mile or part of a square mile of land comprised in such lease, and a sum equivalent to Twopence per head on the average number of sheep, and One Shilling per head on the average number of cattle actually depasturing on the lands included in such lease.

Improvements to revert to Crown at expiration of term.

26. At the expiration or other determination of the term created by any such lease, or any renewal thereof, all improvements, of what nature or kind soever made, erected, situate, or being upon the land therein comprised, shall revert absolutely to Her Majesty, Her heirs, and successors, subject to the payments to the lessee, his executors, administrators, or assigns, provided by section 29 of this Act.

Lessee to make returns, and be liable to like payments and penalties imposed by Part iv. of "Crown Lands Consolidation Act."

27. Every lessee under this part of this Act shall make, or cause to be made, the like returns, and be liable to the like penalties, and the like payments, and every lease shall be liable to forfeiture for the like causes, and the Commissioner shall have the like powers as are provided by the "Crown Lands Consolidation Act," with respect to leases under Part iv. of that Act.

Governor may resume leased lands.

28. It shall be lawful for the Governor at any time during the currency of any lease granted under the authority of this part of this Act to resume possession of the whole or any part of the land comprised

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prised in any such lease: Provided that at least three years' previous notice shall have been given in the *Government Gazette*, published on or next after the first days of January, April, July, or October in any year, of the intention so to resume such land: Provided, also, that where any such land is required to be resumed for roads or railways, or purposes connected therewith, it shall only be necessary to give one month's previous notice, in manner aforesaid.

29. The lessee of any land resumed under the last preceding section, or the executors, administrators, or assigns of such lessee shall, where such resumption shall occur during the currency of the first term of fourteen years, be entitled to receive, and shall, within six calendar months after such resumption, be paid the value of all wells, reservoirs, tanks, or dams of a permanent character situate upon the land so resumed and constructed by such lessee or any person under whom he claims, and available for the use of cattle or sheep, and which may increase the carrying capability of the land so resumed, and also the value of all substantial huts, sheds, buildings, and fences situate upon the said land, and erected during the currency of the lease for residence or shearing purposes, and also (except where the said land shall be resumed for roads or railways, or purposes connected therewith) compensation for any loss occasioned by such resumption, but no lessee of any land resumed, nor his executors, administrators, or assigns, shall be paid any compensation in respect of the increased value of his lease, occasioned by reason of any natural waters, or any expenditure upon roads or railways, or upon adjoining or other lands. Where such resumption shall occur during the currency of the second term of fourteen years the lessee of the land resumed, or his executors, administrators, or assigns, shall be entitled to receive and be paid as aforesaid, the value of all such wells, reservoirs, tanks, dams, huts, sheds, buildings, and fences as aforesaid, but shall not be entitled to any compensation for any other loss occasioned by such resumption; and on the termination of the lease the lessee or his executors, administrators, or assigns, shall, within six calendar months after such termination, be paid the full value of all wells, dams, and reservoirs of a permanent character which increase the carrying capabilities of the land comprised in such lease. The amount of compensation and also the value of the improvements for which any such lessee is entitled to be paid under this section shall be determined in case of dispute by two arbitrators, of whom one shall be nominated by the Commissioner, and the other by the person or persons entitled to compensation or payment, or in case of the arbitrators not being able to agree by an umpire to be appointed by them before entering upon the consideration of the amount of compensation or payment: Provided that in case either of the parties entitled to nominate an arbitrator as aforesaid shall neglect to name an arbitrator for the space of seven days next after a notice in writing so to do shall have been given him by the other party or shall name an arbitrator who shall refuse to act, then the arbitrator named by the other party may make a final decision alone.

Compensation payable
on resumption.

30. Every

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Covenants to be inserted in lease.

30. Every lease under the authority of this part of this Act shall contain covenants on the part of the lessee within three years from the date thereof to stock, and during the term created by such lease, to keep upon the demised land sheep in the proportion of ten head, or cattle in the proportion of three head to every two square miles of the land comprised in such lease; to keep in good condition and repair all erections, fences, and improvements at the time of the lease existing on the demised lands, and all wells, reservoirs, tanks, and dams of a permanent character constructed during the currency of the lease and available for the use of cattle or sheep, and which may increase the carrying capability of the demised land, and also all substantial huts, sheds, buildings, and fences which may, during the currency of the lease, be erected upon the said land (reasonable wear and tear and damages by fire, storm, or tempest only excepted); to pay and discharge all taxes and impositions which, during the lease, shall become payable in respect of the demised premises: And every such lease shall contain such other covenants by the lessee, and be upon such other terms and conditions consistent with the provisions of this Act as the Governor may think fit to impose.

Commissioner may extend period for stocking land.

31. In any case in which it shall be shown to the satisfaction of the Commissioner that it would be impossible for, or would inflict great hardship upon the lessee, to comply with the covenant contained in any lease under this part of this Act to stock the land included therein, it shall be in the discretion of the Commissioner to extend the period for stocking the said land in pursuance of such covenant upon such terms and conditions as he may deem advisable. Provided that such term shall not be extended, unless he shall be satisfied that such lessee has *bonâ fide* endeavored to comply with such covenant. The Commissioner shall cause a return showing the particulars and reasons for every such extension, to be laid before both Houses of Parliament within one month from the time of granting the same, or if Parliament be not then in session, within one month after the next meeting of Parliament.

Lessee under previous Acts may give notice of desire to exchange for lease under this Act.

32. Any person who at the time of the passing hereof is the lessee, or has a preferential claim to a lease for pastoral purposes of any Crown lands within the limits comprised in the First Schedule hereto, and who shall be desirous of obtaining a lease of the lands so held by him as aforesaid under this part of this Act, may give notice in writing to the Commissioner, within twelve months from the passing hereof, of his desire to surrender his present lease or claim, and to obtain a lease under this part of this Act in lieu thereof, which notice may be in the form or to the effect following, that is to say—

To the Commissioner of Crown Lands and Immigration.

Sir—I, _____, of _____, being the lessee of that portion of the Crown lands included in lease numbered _____ [or, having a preferential claim to

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a lease for pastoral purposes of (describe land)], do hereby give you notice that it is my desire to surrender such lease (or claim), and obtain a lease under Part II. of "The Crown Lands Act, 1878," in lieu thereof.

Dated this _____ day of _____ 18 .

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33. On receipt of such notice by the Commissioner, the Governor may accept a surrender of the lands included in the lease or claim mentioned in such notice, and may demise such lands to the lessee or person surrendering such lease or claim for the term of fourteen years, to be computed from the commencement of the term created by the lease or claim so surrendered. The rent payable upon every such lease issued in lieu of any lease or claim so surrendered as aforesaid, shall for the unexpired term thereof be at the same rate, and such lease shall contain the same terms and conditions in all respects as if the same had been originally granted for the term of fourteen years under this part of this Act: Provided that in all cases where the leases or claims surrendered adjoin and are worked as one run, and bear the same date of commencement, such leases or claims shall, if the lessee shall so wish, be consolidated.

Governor may grant substituted lease.

34. Any person who shall be desirous of seeking for fresh water upon any lands within the boundaries aforesaid, which shall be entirely destitute of permanent surface water, and not subject to any lease, may obtain for twelve months a preferential right to a lease of such land to enable him to obtain permanent water by artificial means, upon such terms and conditions as may be provided by any regulation or regulations to be made in pursuance of this part of this Act: Provided that such right shall not be renewable, except in cases when it shall be shewn to the satisfaction of the Commissioner that the holder has *bonâ fide* endeavored to obtain permanent water, but has been hindered by drought, or other circumstances beyond his control, and that no one person or firm of persons shall hold a greater area than one thousand square miles under such right.

Preferential right to lessees on finding permanent surface water.

35. The Commissioner shall, notwithstanding anything contained in the "Crown Lands Consolidation Act," or this Act, cause to be offered for sale, at public auction, the lease of any lands included in any lease for pastoral purposes, situated within the limits of the First Schedule hereto issued under the authority of any Act for the time being in force in the said province, and which may have been determined by effluxion of time, forfeiture, surrender, or otherwise, in such sized blocks, and at such rents and assessments, and for such terms of years, not exceeding the terms of years, and right of renewal authorised by this part of this Act, and on such other terms and conditions as he may deem meet or advisable: Provided that the Commissioner shall give not less than one month's previous notice of any such public auction by advertisement in the *Government Gazette*.

Commissioner to have power to offer lands included in determined leases for sale by public auction.

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PART III.

LEASES NOT WITHIN THE LIMITS OF THE FIRST SCHEDULE.

Commissioner to have power to offer lands included in determined leases for sale by public auction.

36. The Commissioner, notwithstanding anything in the "Crown Lands Consolidation Act," or this Act, contained, may cause to be offered for sale, at public auction, the lease of any lands not within the limits of the First Schedule hereto, in such sized blocks, and for such term of years, not exceeding fourteen years, and on such other terms and conditions as he may deem advisable: Provided that the Commissioner shall give not less than one month's previous notice of any such public auction by advertisement in the *Government Gazette*: And provided also that no lease of any lands previously included in any lease, whether such lease be still subsisting, or be determined by effluxion of time, forfeiture, surrender, or otherwise, shall be offered for sale in the first instance at a less annual rental than the rent and assessment last paid or payable for such lands under any such subsisting or determined lease, and that such lands may be withheld from being so offered if required for public purposes. The first, and every subsequent year's rent to be payable annually in advance: Provided also that the lessee at the time the whole or a part of the land comprised in his lease is sold as above, or the lessee at the time of the determination of his lease by effluxion of time, shall have twelve months from the date of such sale in the which to remove his stock, and such lessee shall pay the same rent as the successful purchaser at such sale and shall be entitled to hold the land for twelve months upon such other terms and conditions as may be provided by regulations: Provided further that no notice offering, any such lease at auction shall be given in pursuance of this clause until after a statement shall have been laid before both Houses of Parliament for fourteen days showing the situation and size of the blocks of land the lease whereof is so proposed to be offered.

Payment for wells and dams.

37. Upon the expiration of any lease granted under the authority of the last preceding section, or upon the resumption of the whole or any part of the land comprised in any such lease, the lessee or his executors, administrators, or assigns shall, within six months from such expiration or resumption, be paid the value of all wells, reservoirs, tanks, or dams of a permanent character situate upon the land so resumed, and constructed by such lessee, or any person under whom he claims, and available for the use of cattle or sheep, and which may increase the carrying capability of the land included in such lease, also compensation for fencing upon resumption: Provided that in no case shall compensation be paid or payable unless the written approval of the Commissioner of Crown Lands shall, before the making and construction of any wells, reservoirs, tanks, dams, fences, or other like improvements, have been first previously obtained.

Power of resumption.

38. The Governor may, at any time during the currency of any lease granted under the authority of this part of this Act, resume possession of all or any part of the land comprised in any such lease
upon

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upon at least twelve months' previous notice of the intention to resume such land having been given in the *Government Gazette*, published on or next after the first days of January, April, July, or October in any year: Provided that where the land intended to be resumed is required for roads, or railways, or purposes connected therewith, the Governor may resume such land upon giving one month's previous notice in the *Government Gazette* of his intention to resume such land; and that in case of such last-mentioned resumption no compensation shall be payable to the lessee except the value of the wells, reservoirs, tanks, dams, fences, buildings, and erections situate upon the land resumed.

PART III.

PART IV.

PROVISIONS APPLICABLE TO ALL LEASES FOR PASTORAL PURPOSES.

PART IV.

39. No person whose lease shall have been forfeited shall again become the lessee, or become the underlessee, assignee of the lease, or occupier of the whole or any part of the land comprised in such forfeited lease; and every dealing or transaction in contravention of this provision shall be absolutely void, and shall render the lease of the lands thereby intended to be affected liable to forfeiture.

Disability of lease suffering forfeiture.

40. Every lease heretofore or hereafter to be granted for pastoral purposes shall be construed as if there were inserted therein a covenant by the lessee that the lessee, his executors, administrators, or assigns, will not assign or sublet the demised lands, or any part thereof, unless and until he or they shall have stocked the land comprised in such lease with sheep in the proportion of ten head or cattle in the proportion of three head to every two square miles of the land comprised in such lease, and unless such lands shall be so stocked at the time of any assignment or subletting: Provided always, that this clause shall not operate to the prejudice of any lease in respect of anything lawfully done before the passing hereof; nor shall it apply to any lease heretofore or hereafter granted in respect of which the owner thereof can satisfy the Commissioner (who shall be the sole judge) that he has *bonâ fide* expended money in the endeavour to discover new country; and that he has not held the land included in such lease or preferential claim merely for the purpose of speculation.

No assignment of lease to be made unless land stocked.

41. The Commissioner may in all cases require proof that the land included in any lease has been stocked in accordance with the covenant implied in every lease by virtue of the last preceding section,

Commissioner may require proof that land stocked.

PART V.

GENERAL PROVISIONS APPLICABLE TO "CROWN LANDS CONSOLIDATION ACT" AND THIS ACT.

PART V.

42. The Commissioner, or any person or persons authorised by him, may enter upon any land included in any lease, for the purpose of

Power to enter leased land to search for water.

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of searching for water, and may sink wells, and do such other acts as may be necessary or expedient to search for water. The Governor may in any case where water shall be found by the Commissioner or any such person forthwith resume possession of any well or other place wherein or whereon water shall have been found, and also of not more than one square mile of land contiguous thereto, included in any lease or leases, without prejudice to any other right or power of resumption, and no compensation other than compensation of the nature or kind payable under Part III. of this Act for improvements upon lands resumed for roads or railways, or purposes connected therewith, shall be allowed or claimable in respect of the resumption by this clause provided for.

Governor may resume place where water found, and one square mile contiguous

Compensation on such resumption.

Lease of resumed land.

Covenants to be inserted in leases of wells.

43. The Governor may demise any well and land so resumed, either by private contract to any previous lessee or other person, or may offer the lease thereof for sale by public auction. Every such lease shall contain covenants on the part of the lessee to pay all rents and taxes which may become payable in respect of the demised premises during the currency of the lease; to maintain in good and tenantable condition, and repair all buildings, erections, ditches, and watercourses, upon the demised land; to erect, to the approval of the Commissioner, and maintain upon the said land during the currency of the lease, a house of public accommodation, and therein afford accommodation to the public; and if he shall obtain a licence in respect of the said house under any laws for the time being relating to licensed victuallers, keep and conduct the licensed premises in a proper and orderly manner, so as to afford no just or reasonable cause for withholding or withdrawing the licence, and from time to time to renew and keep such licence in force; to construct appliances for watering stock either by shallow sinking, deep seated sinking with surface appliances, or surface reservoirs; and whenever thereunto reasonably required to supply all cattle, sheep, and other stock with water; and every such lease shall contain such other covenants by the lessee, and be upon such other terms and conditions as the Governor may think fit to impose.

Lessee may charge for water.

Lessee may cultivate 200 acres.

44. Every lessee under the last preceding section shall be entitled to make such charges for water supplied to travelling stock and to the public as may from time to time be authorised by the Commissioner of Crown Lands, and may cultivate not more than two hundred acres of the land included in his lease for the purpose of supplying food to travelling stock, but not otherwise for the purpose of sale or barter.

Simultaneous application.

45. All applications received at the office of the Surveyor-General on one and the same day between the hours of ten o'clock in the forenoon and twelve o'clock at noon on all days on which the said office shall be open for business, except Saturdays, and on Saturdays between the hours of ten and eleven o'clock in the forenoon, for or including the same land shall be considered to be simultaneous applications, and the right to a lease of the lands included in such simultaneous applications shall be determined in manner hereinafter provided.

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46. In the event of there being only one application received at the office of the Surveyor-General in respect of the same land on any one day, the person making such application shall be entitled to a lease under this Act of the land included in his application.

When only one application applicant entitled to lease.

47. In all cases of simultaneous applications under the "Crown Lands Consolidation Act," or this Act, the right to any lease of lands included in any simultaneous application, shall be offered for sale at auction, in the Land Office, not later than two o'clock in the afternoon on the same day. At every such auction only those persons shall be allowed to compete who shall have made an application in accordance with the provisions of "The Crown Lands Consolidation Act," or any regulation thereunder, or of this Act, and the person bidding the highest annual rental shall be entitled to the lease.

Where more than one application, lease to be put up to auction.

48. Section 100 of "The Crown Lands Consolidation Act" shall be read and construed as if there had been inserted at the end of the said section the following words, that is to say—"but every such owner or person in charge shall be competent to give evidence upon the hearing of every such information."

Amendment of section 100 of Crown Lands Consolidation Act.

49. No lessee under this Act, or under any lease to be hereafter made under the provisions of "The Crown Lands Consolidation Act" of lands for pastoral purposes, who shall make any improvements which shall increase the carrying capability of his run, shall receive or be entitled to receive any compensation for any such improvements unless he shall within twelve months of the completion thereof give notice in writing to the Commissioner of such improvements, stating the nature, cost, position so far as known, and date of completion thereof.

Lessee to give notice of improvements.

50. The Governor may from time to time make, repeal, alter, and vary such regulations as he may deem advisable for carrying out the objects, purposes, and provisions of this Act, and the various parts thereof respectively; and every regulation when published in the *Government Gazette* shall have the force of law, but any regulation hereafter to be made under the authority of this Act shall be laid before Parliament within fourteen days after the publication thereof if the Parliament be then sitting, and, if the Parliament be not then sitting, within fourteen days from its next sitting for the dispatch of business.

Governor may make regulations.

51. Except so far as the same is inconsistent with this Act, the "Crown Lands Consolidation Act" shall be incorporated and read herewith as one Act

Incorporation.

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

WM. F. DRUMMOND JERVOIS, Governor.

SCHEDULES

Crown Lands Act.—1878.

SCHEDULES REFERRED TO

THE FIRST SCHEDULE.

Comprising all that portion of the colony within the following boundaries:— Commencing at a point on the western boundary of the Province of South Australia, in latitude $30^{\circ} 20'$; thence east, along said parallel of latitude, to a true north line, five miles west of Para Kyliya Trigonometrical Station; thence true north, to the 29th parallel of south latitude; thence east, by said parallel, to Lake Eyre North; thence generally in an easterly direction, along the southern shores of said lake, and its south-eastern arm, east of the River Clayton; thence east-north-easterly, to Gerty's Hill, and east by the latitude of said hill to Lake Gregory; thence easterly across said lake, to a point forty and a half miles $4^{\circ} 20'$ west of true north from Damper Point Trigonometrical Station; thence true south 40° east for $35\frac{1}{2}$ miles; thence true south, 85° east, for $16\frac{1}{4}$ miles; thence true south 5° west for 10 miles; thence true south 85° east for $5\frac{1}{2}$ miles; thence true south 5° west for 16 miles; thence true south, to intersect the north-eastern shore of Lake Frome; thence south-easterly and south-westerly by the north-eastern and south-eastern shores of said lake, and westerly, along its southern shore, to a point about $30\frac{1}{2}$ miles east of Mount John Trigonometrical Station; thence by a line true south about $5^{\circ} 30'$ west, to the north boundary of County Derby; thence east, along the north boundary of said county, and its production to the east boundary of the province; thence north, along said boundary, to the 26th parallel of south latitude; thence west, along said parallel to the west boundary of the province; thence south along said Province boundary to the point of commencement.

THE SECOND SCHEDULE.

“Crown Lands Consolidation Act.”—Information.

South [Royal Arms] Aus'ralia
(to wit).

Be it remembered that on this _____ day of _____ in the year _____ of our Lord one thousand eight hundred and _____ at _____ in the said province _____ of _____ in the said province who is hereunto authorised by the Commissioner of Crown Lands and Immigration personally came before me _____ Esquire one of Her Majesty's Justices of the Peace in and for the said province and gave me to understand and be informed that _____ of _____ in the said province is the holder of section _____ in the Hundred of _____ in the said province under an agreement dated the _____ day of _____ 18 _____ and that it is expedient that the said _____ should be summoned to be examined touching and concerning the said land and the compliance with or the breach or violation by the said _____ of the provisions of the “Crown Lands Consolidation Act” or any Act thereby repealed and the terms and conditions of the said agreement and the said _____ prayeth that the said _____ may be summoned to be examined accordingly.

Taken before me at _____ the day and year first above written.

J.P.

THE THIRD SCHEDULE.

“Crown Lands Consolidation Act.”—Summons to holder of Land under agreement.

To _____ of _____ Whereas information hath this day been laid before the undersigned one of Her Majesty's Justices of the Peace in and for the Province of South Australia that you are _____

Crown Lands Act.—1878.

are the holder of section _____ in the Hundred of _____ in the
said province under an agreement dated the _____ day of _____
18 and that it is expedient that you should be summoned to be examined
touching and concerning the said land and the compliance with or the breach or
violation by you of the provisions of the "Crown Lands Consolidation Act" or any
Act thereby repealed and the terms and conditions of the said agreement These are
therefore to command you in Her Majesty's name that laying aside all and singular
business and excuses you be and appear on _____ the _____ day of
_____ 18 at _____ o'clock in the _____ noon at
before such Justices of the Peace or Special Magistrate as may then be there and
continue in attendance until discharged to be examined touching and concerning the
several matters and things referred to in the said information [*and if so*] and also
have you then and there
and all agreements deeds documents books and other writings in your possession
custody or control relating to the several matters and things aforesaid].
Given under my hand and seal this _____ day of _____ in the
year of our Lord 18 _____ at _____ in the province aforesaid.

J.P. (L.S.)

THE FOURTH SCHEDULE.

"Crown Lands Consolidation Act."—Summons to Witness.

Between _____ complainant, and _____ defendant.
To _____ of _____ in the Province of South Australia.
Whereas information has been laid before me the undersigned [or _____]
one of Her Majesty's Justices of the Peace in and for the said province that the
above-named defendant is the holder of section _____ in the Hundred of _____
in the said province under an agreement dated the _____
day of _____ 18 and that it is expedient that the said defendant should
be summoned to be examined touching and concerning the said land and the com-
pliance with or the breach or violation by him of the provisions of the "Crown Lands
Consolidation Act" or any Act thereby repealed and the terms and conditions of the
said agreement And whereas it hath been suggested to me that you are likely to
give material evidence on behalf of the _____ on this behalf These are
therefore to command you and each of you in Her Majesty's name that laying aside
all and singular business and excuses you be and appear on _____ the _____
day of _____ 18 at _____ o'clock in
the _____ noon at _____ before such Justices of the Peace or Special
Magistrate as may then be there and so on from day to day until discharged to
testify all and singular those things which you or either of you know concerning the
matter of the said information on the part of the _____
[and if so (and also have you then and there
and all agreements, deeds, documents, books, and other writings relating to the
several matters and things aforesaid)].
Given under my hand this _____ day of _____ A.D. 18 _____
_____ J.P.