



ANNO QUADRAGESIMO SECUNDO ET QUADRAGESIMO
TERTIO

VICTORIÆ REGINÆ.

A.D. 1879.

No. 158.

An Act to further amend "The Northern Territory Land
Act, 1872."

[Assented to, 25th October, 1879.]

WHEREAS it is desirable to further amend "The Northern Territory Land Act, 1872," and to amend "The Northern Territory Land Amendment Act, 1876"—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: Preamble.

1. The time for making applications for land in the Northern Territory required for plantations of rice, sugar, coffee, tea, indigo, tobacco, or cotton, or for special purposes, pursuant to clause 81 of "The Northern Territory Land Act, 1872," shall be and the same is hereby extended from the first day of January, one thousand eight hundred and eighty, to the first day of January, one thousand eight hundred and ninety. Time for applying for plantation selections extended to the 1st January, 1890.

2. Every holder of a miner's rights or right shall, during the continuance thereof, subject to the terms and conditions hereinafter mentioned, be entitled to occupy for the purpose of cultivation an area not exceeding ten acres of such portion of the waste lands of the Crown as shall not, at the time of making the application hereinafter mentioned, have been found to be auriferous, or of such of the said waste lands as shall have been at the time of such application worked out. Holders of miner's rights entitled to ten acres for cultivation

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Mode of application.

3. Every such holder desirous of occupying land for the purposes aforesaid, shall make application to the warden of the district wherein the said lands are situated, in the form in the First Schedule hereto, and shall, to such application, annex a plan of the land so applied for, delineating therein, as precisely as possible, the size, shape, and the position thereof in connection with some natural or other feature in the neighborhood thereto, and also delineating therein such portion of any river, stream, or watercourse as passes through the said land, or along any boundary thereof; and every such application shall be accompanied by a fee of Twenty Shillings. A copy of such said application shall also, at the time of such application, be posted by such holder in a conspicuous position upon the said land, and shall remain so posted for a period of not less than ten clear days.

Notice of objections to grant of licence.

4. Within ten days from the delivery of the said application to the said warden, any person desirous of opposing the granting of an occupation licence to such applicant shall lodge with the said warden a notice of opposition, setting forth concisely the grounds of such objection. After the expiration of ten days from the lodging of such application, and whether the same be opposed or not, the said warden may, in his discretion, grant or refuse such licence.

Terms of licences and renewals.

5. Every such licence shall be signed and issued by the warden of the district, and shall be in the form in the Second Schedule hereto, and upon the expiration thereof such holder shall, upon renewal from time to time of his miner's right, be entitled, upon payment of a fee of Twenty Shillings, to a renewal of the said licence; and such renewal shall be in the form in the Third Schedule hereto, and shall be endorsed on or annexed to the original licence.

Forfeiture of licence.

6. If, at any time, it shall be made to appear to the satisfaction of the warden granting the said licence, or any renewal thereof, that after the issue thereof the holder is not a *boná fide* miner, or that he is not *boná fide* cultivating the said land, or that he is using the same for other than cultivation purposes, the said warden may give to such holder notice in writing that the said licence, from and after a date in such notice mentioned, will be revoked; and after personal service of such notice, or if personal service cannot be effected, after posting the same on a conspicuous place on the land, the said licence shall, and for all purposes shall, be deemed to be absolutely void; and any occupation of the said lands by such holder shall thereafter be deemed to be unauthorised, and such holder may, on continuing to occupy after such notice, be dealt with as a person in unauthorised occupation of waste lands of the Crown.

Licence not assignable.

7. It shall not be lawful for the holder of any such licence to assign or transfer his said licence, or any interest therein; or to carry on upon the said lands any mining operations, or to use the said land otherwise than for cultivation purposes: Provided that it shall be lawful for the said holder to surrender his said licence at any time during the currency thereof.

Holder may surrender licence.

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8. No occupation licence for cultivation purposes shall be granted or renewed if, in the opinion of the said warden, the land for which such licence is sought is auriferous; and for the purpose of ascertaining at any time whether the said land, or any part thereof, is auriferous, it shall be lawful for any holder of a miner's right, upon paying to the holder of the said licence a sum for compensation (to be fixed by the said warden) to enter upon the said land, or any part thereof, notwithstanding the currency of such licence, and there prospect for gold.

Cultivation licences not to be granted on auriferous lands.

Compensation payable by prospectors.

9. No occupation licence for cultivation purposes shall be granted under this Act for lands held under any subsisting mining lease, notwithstanding that the lessee or lessees may have ceased to carry on operations thereon, nor shall any such licence be granted for lands whereon are erected at the time of the application any buildings or machinery.

Cultivation licences not to be granted on leased lands, &c.

10. No occupation licence for cultivation purposes shall be granted for lands having thereon rivers, watercourses, or surface waters, which, in the opinion of the warden of the district, are required for public purposes.

Cultivation licences not to be granted if injurious to public water rights.

11. For the purposes of this Act, the term "lands worked out," shall mean lands which, in the opinion of the warden of the district, have been finally abandoned after having been *bonâ fide* completely worked for auriferous deposits.

Interpretation.

12. It shall be lawful for any licensee under this Act to erect upon the land held under his licence all necessary buildings, stables, cowsheds, and fences; and, upon the determination of the licence under which the said lands are occupied, or of any renewal thereof, whether by effluxion of time or otherwise, the said licensee shall be at liberty to remove all buildings, erections, and fences.

Necessary buildings, &c., may be erected.

13. This Act may be called "The Northern Territory Land Further Amendment Act, 1879."

Short title.

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

WM. F. DRUMMOND JERVOIS, Governor.

SCHEDULES REFERRED TO.

FIRST SCHEDULE.

Northern Territory of South Australia.

No. [Date]
To the Honorable the Commissioner of Crown Lands.
I, the undersigned, being the holder of a miner's right dated the day of
18 , do hereby apply, upon and subject to the terms and conditions of
Act No. of 1879, intituled "An Act to further amend the Northern Territory
Land Act, 1872," for a licence to occupy, during the currency of such miner's right,
for the purpose of cultivation that portion of the waste lands of the Crown containing
 acres, or thereabouts, situate near and particularly
delineated and described in the plan hereto annexed.

SECOND SCHEDULE.

[Royal Arms.]

Northern Territory of South Australia.—Cultivation Licence.

No. [Date]
No. of miner's right of , having paid to me the sum of
 on account of the public revenue, is hereby licensed, during the
currency of the miner's right, No. , held by him, and subject to the terms and
conditions of Act No. , of 1879, intituled "An Act to further amend the Northern
Territory Land Act, 1872," to occupy, for the purpose only of cultivation, all
that piece of land containing acres, or thereabouts, situate at
and more particularly described in application No. , of 18
 Warden of the district of
[Not transferable.]

THIRD SCHEDULE.

Renewal of Cultivation Licence.

No. [Date]
No. of miner's right. of , having paid to me the sum of
 on account of the public revenue, is hereby licensed during the currency of miner's
right No. , held by him, and subject to the terms and conditions of Act No.
of 1879, intituled "An Act to further amend the Northern Territory Land Act, 1872,"
to occupy, for the purpose only of cultivation, the piece of land mentioned and
described in the within licence No. .
 Warden for the district of
[Not transferable.]