



ANNO TRICESIMO SEPTIMO

# VICTORIÆ REGINÆ.

A.D. 1873.

No. 26.

*An Act to encourage the Planting of Forest Trees.*

[Assented to, 18th December, 1873.]

**W**HEREAS it is expedient to encourage the planting of forest trees—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. The short title of this Act shall be “The Forest Trees Act, 1873.” Short title.

2. In the construction of this Act the word “planted” shall include also trees which have been sown on the spot and were not transplanted. Interpretation.

3. The Governor may from time to time, by Proclamation in the *Government Gazette*, declare this Act to be in operation in any district to be defined in such Proclamation, and on a day to be fixed in such Proclamation this Act shall come into operation in such district. Time and place of operation of Act.

4. If any person shall plant any land, not being waste lands of the Crown, and not being less than five acres in extent, with forest trees, he shall be entitled to receive, in respect to every acre so planted, a land order in the form in the Schedule hereto, which shall authorize such person to purchase, to the amount of Two Pounds, any of the waste lands of the Crown in the Province open for sale at auction or otherwise, or in payment of the interest of the purchase money if selected on credit, or in payment of any rent due to the Government, Land orders given to persons planting trees.

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Conditions required.

Government, but subject in every other respect to the laws and regulations for the time being in force regulating the sale and disposal of the waste lands of the Crown: Provided that no such land order shall be given unless the land has been devoted to purposes of planting only for at least two years, that the trees are in a vigorous and healthy condition, and that the land is securely fenced in against both sheep and cattle.

Regulations to be made by Governor.

5. The Governor may from time to time make regulations for defining the number and description of trees to be planted on each acre, and for prescribing the period not exceeding five years for which such trees shall be preserved, and for preventing the cutting or other destruction of such trees during such period, and the other terms and conditions to be fulfilled by persons claiming a land order under the provisions of this Act; and upon the certificate of an officer appointed by him for that purpose that the terms and conditions herein expressed, as well as those prescribed in such regulations, have been complied with, the person to whom such certificate is given shall be entitled, on the production of such certificate to the Commissioner of Crown Lands, to receive a land order for an amount to which such certificate shall prove him to be entitled, and such regulations may be made to apply generally throughout the said Province, or may be limited to apply to any one or more districts, and different regulations may be made from time to time for the several districts, and such regulations may prescribe any penalty not exceeding Five Pounds for any breach of any such regulations. The regulations aforesaid may be altered or revoked by the Governor, but such alteration or revocation shall only have prospective operation, and shall not affect the rights of any person who shall, before the publication of such alteration or revocation, have planted any forest trees in accordance with the regulations altered or revoked.

Land order to be exercised within five years.

6. Every such land order shall be transferable, and shall be exercised within five years from the date thereof, and if not exercised within such period shall be absolutely null and void, and no renewal thereof shall be granted.

Land order may be offered for payments at different times.

7. It shall be lawful for the holder of the land order, if the sum of money named therein exceed Fifty Pounds, but not otherwise, to exercise such right wholly at one time, or from time to time (before the expiration of the period aforesaid), and to purchase, under such land order, land in one parcel, or in more parcels than one; and whenever such land order, whatever the amount thereof may be, shall be exercised by the purchase or selection of any such land as aforesaid, the holder of such land order shall at any time, when under the law in force regulating the sale of such lands he would be bound to pay any deposit, interest, rent, or purchase money, if such purchase had been made under such law alone, and not under this Act, produce such land order to the person to whom such deposit, interest, rent, or purchase money may be payable; and such person shall

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shall thereupon note by endorsement on such land order, the sum of money which would be payable by such holder as such deposit, interest, rent, or purchase money as aforesaid, and shall also give to the holder of the land order a receipt or certificate in the like form and to the like effect as such holder would be entitled to receive if he had paid in cash the sum so endorsed; and such receipt or certificate shall have the same force and effect as if the holder of such certificate had paid such sum so endorsed as aforesaid: Provided, however, that when the land order has been fully exercised it shall be given up to the Treasurer.

8. No land once planted shall entitle the planter to more than one land order in respect of such land. One order only to issue.

9. Any person holding a lease from the Crown for pastoral purposes may give written notice to the Commissioner of Crown Lands that he wishes to plant a tract of land, not being less than twenty acres, on the land held by him on lease, and in such notice he shall also define the number of trees on each acre, and the description of trees which he intends to plant, and shall state the amount of compensation which he expects in case of resumption; and if no objection is raised by the Commissioner within six months after the giving of such notice, the planting of such trees, if in a vigorous and healthy state at the time of resumption, at least ten feet high and securely fenced against both sheep and cattle, shall be an improvement for which compensation shall be given if such land is resumed: Provided that in no case more than Two Pounds for every acre so planted shall be paid. Planting of forest trees by pastoral lessees to be held an improvement.

10. Whoever shall steal, or wantonly destroy or damage the whole or any part of any tree, or shall wilfully cut, break, or root up any tree, sapling, or seedling so planted, may be ordered to forfeit or pay a sum not less than Five Shillings and not exceeding Five Pounds, or may be imprisoned with or without hard labor for any term not exceeding three months; and proceedings for any offence under this Act may be had and taken before any two Justices of the Peace, in manner by law provided for regulating summary proceedings before Justices of the Peace, and any person aggrieved may appeal in manner provided for appeals in case of summary proceedings. Penalty.  
Proceedings before Justices.

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

A. MUSGRAVE, Governor.

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SCHEDULE.

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*South*      [Royal Arms.]      *Australia.*  
 £ : :                      *Land Order.*                      £ : :  
 No.

It having been duly certified that                      acre have been planted with forest trees in accordance with Act No.                      of 1873, it is hereby directed that this land order shall be available as cash at any Government sale of lands at auction or otherwise, or in payment of the interest of purchase money for Crown land selected on credit, or of any rent due by the holder hereof for the time being, upon condition that this land order be exercised within five years from the date hereof.

Given under my hand, at Adelaide, this                      day of                      18 .  
 By His Excellency's command,

Commissioner of Crown Lands.