



ANNO QUINQUAGESIMO ET QUINQUAGESIMO
PRIMO

VICTORIÆ REGINÆ.

A.D. 1887.

No. 422.

An Act relating to the Valuation of Improvements on
certain Crown Lands.

[*Assented to, December 9th, 1887.*]

WHEREAS it is expedient to more clearly define the meaning of certain portions of "The Waste Lands Amendment Act, 1867," the "Waste Lands Amendment and Procedure Act, 1869-70," and certain Acts repealing or amending the same—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. This Act may be cited for all purposes as "The Crown Lands Interpretation Act, 1887," and, except so far as inconsistent therewith, shall be incorporated with "The Crown Lands Consolidation Act, 1886."

Short title.

2. The provisions of this Act shall apply to the land comprised in all pastoral leases, whether the land comprised therein shall have been resumed or not.

To what leases provisions of this Act to apply.

3. The word "value" as used in the 17th section of "The Waste Lands Amendment Act, 1867" in reference to the wells therein referred to, and as used in the 27th section of the "Waste Lands Amendment and Procedure Act, 1869-70," in reference to the wells, dams, and reservoirs therein referred to, and in all Crown Lands Acts in reference to wells, dams, tanks, or reservoirs, was intended to mean and means in regard to any particular well, dam,

Interpretation of the word "value."

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tank, or reservoir, the actual cost of sinking, making, constructing, enlarging, deepening, and improving the same, but not of repairs and cleaning, less a fair deduction for wear and tear and depreciation since such well, dam, tank, or reservoir was sunk, made or constructed; but the word "value" was not intended to mean, and does not mean or include, any expenditure incurred in prospecting for water, or in sinking wells, which have not been proved to be, or are not of, a permanent character, available for the use of stock, or which do not increase the carrying capabilities of the lands whereon the last-mentioned wells are situated, nor was the said word intended to mean, nor does the same mean or include, any matter or thing which is not specified in this Act.

Valuations, how to be made.

4. The value of any wells, dams, tanks, or reservoirs herein referred to shall, in case of dispute, be ascertained in the mode prescribed by the 192nd section of "The Crown Lands Consolidation Act, 1886."

Water appliances to be deemed part of well.

5. All machinery or appliances which in the opinion of the arbitrators or umpire shall be necessary for the purpose of raising or distributing after raising the water, which may be attached or appurtenant to any well, dam, tank, or reservoir to be valued under this Act, including all under and overground tanks and troughs, shall be deemed part of such well, dam, tank, or reservoir, and the arbitrators or umpire valuing the same shall include such machinery or appliances in their valuation.

Commissioner may require valuation forthwith.

6. Any valuation to be made pursuant to this Act of any well, dam, tank, or reservoir, and any valuation to be made of any other improvements upon the land comprised in any pastoral lease may, at the option of the Commissioner, be made at any time not exceeding two years before the expiration of such lease, notwithstanding that the lease of the lands whereon such well, dam, tank, reservoir, or other improvements are situate may not have expired, and the amount of any valuation so made shall be deemed for all purposes to be the value of such well, dam, tank, reservoir, or improvements at the expiration of the lease, subject to a deduction for any damage or depreciation which may occur between the time of making of such valuation and the time of the Commissioner receiving possession; the amount of such deduction, in case of difference, to be ascertained as mentioned in section 4.

Compensation when payable.

7. Any payment which shall be awarded to any pastoral lessee as compensation for any improvements on the land comprised in any pastoral lease, and any payment which shall become due to him in respect of any well, dam, tank, or reservoir shall be made either within six months after the expiration of the pastoral lease of the land whereon such improvements are situated, or within six months after resumption of such land, if the land shall be resumed: Provided that in the event of the land comprised in any pastoral lease being held after expiration or resumption under annual lease or otherwise, except under new lease, by the person who was the pastoral lessee at the

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the time of such expiration or resumption, the payment aforesaid shall be made within six months after the expiration of the term of the original lease or within six months after such lessee shall, after six calendar months previous written notice to the Commissioner of Crown Lands, have ceased to hold such land under annual lease or otherwise as aforesaid.

8. It shall be lawful for any lessee of pastoral lands under leases granted before the passing of the Acts 321 of 1884 and 393 of 1886 to surrender such leases, and thereupon new leases shall be issued to such lessees or their assigns for the unexpired term of their leases, on a form to be approved by the Commissioner, on the same terms as contained in such surrendered leases, with the addition of any other terms and conditions to which such lessees shall, at the time of such surrender, be lawfully entitled.

Surrender of leases.

Issue of new leases.

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

WM. C. F. ROBINSON, Governor.