



ANNO SEXAGESIMO PRIMO ET SEXAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1898.

No. 705.

An Act to amend the Crown Lands Acts.

[Assented to, December 23rd, 1898.]

BE it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows :

1. This Act may be cited for all purposes as "The Crown Lands Amendment Act, 1898," and shall be incorporated with "The Crown Lands Act, 1888." Short title and incorporation.

2. In the construction of this Act, except where the contrary clearly appears— Interpretation.

"Lease" includes agreement for sale upon credit:

"Lessee" includes credit selector and all persons entitled to the benefit of any lease or agreement for sale upon credit:

"Commissioner" means the Commissioner of Crown Lands.

3. Any lessee under any Crown lease heretofore granted may, before the thirty-first day of December, one thousand nine hundred and one, apply in writing to the Surveyor-General to surrender his lease for a perpetual lease under the provisions of this Act: Leases may be surrendered for perpetual leases. Provided that nothing in this section shall apply to any lease which is not solely used for pastoral or agricultural purposes, or which, in the opinion of the Commissioner, may be required for sub-division. Exception.

4. The Surveyor-General, subject to the approval of the Commissioner, shall thereupon fix the annual rent at which such Rent and mode of obtaining perpetual lease. perpetual

The Crown Lands Amendment Act.—1898.

perpetual lease may be obtained and notify the same to the applicant, and thereupon such applicant, upon surrendering such lease, may obtain a perpetual lease at the rent so fixed, such rent to take effect from the first day of June, one thousand eight hundred and ninety-four.

Conditions of surrender.

5. No person shall be entitled to surrender a lease for a perpetual lease under this Act except subject to the following conditions:—

- i. The unimproved value of the land to be included in the perpetual lease and the unimproved value of all other lands held by the lessees under any tenure shall not altogether exceed Five Thousand Pounds, except where the land to be included in the perpetual lease is, in the opinion of the Commissioner, suitable only for pastoral purposes :
- ii. When the land to be included in the perpetual lease is, in the opinion of the Commissioner, suitable only for pastoral purposes, the carrying capacity thereof unimproved and of all other lands held by the lessee under any tenure shall not altogether exceed five thousand sheep.

Unimproved value, how determined.

6. For the purpose of section 5 the unimproved value of the land shall be determined by the Surveyor-General, subject to the approval of the Commissioner of Crown Lands, according to the actual value, irrespective of the amount of the right of purchase granted in respect thereof.

Amendment of section 42 of Act No. 502 of 1890.

7. Transfers may be permitted, pursuant to section 42 of "The Crown Lands Amendment Act, 1890," of any lands suitable only for pastoral purposes if the transferee does not already hold land which together with such transferred land would have the unimproved carrying capacity of more than five thousand sheep, and lands held under pastoral lease shall not be included in the computation of lands already held.

Reduction of rents and purchase-money.

8. Any lessee under any lease heretofore granted may, before the thirtieth day of June, one thousand nine hundred and one, apply in writing to the Surveyor-General for a reduction of rent or purchase-money under such lease, and if a reduction shall be recommended by the Surveyor-General and approved by the Commissioner the same shall be made, and shall take effect from the thirtieth day of June, one thousand eight hundred and ninety-four, and a memorandum of the reduction shall be indorsed on the lease.

Validating past reductions.

9. All reductions of rent heretofore made by the Commissioner under the assumed authority of any Act are hereby validated although the time for applying for or making the same may have expired before the making thereof.

10. Working

The Crown Lands Amendment Act.—1898.

- 10.** Working men's blocks may be surveyed, offered, transferred, and held in areas exceeding twenty acres so long as the unimproved value of the fee simple of such areas shall not exceed One Hundred Pounds. Increase of area, working men's blocks.
- 11.** The rate of interest chargeable to blockholders is reduced from Five Pounds per centum per annum to Four Pounds per centum per annum in respect of loans granted since the first day of July, one thousand eight hundred and ninety-four. Reduction of interest on loans to blockholders.
- 12.** Either husband or wife may hold a working man's block, but not both at the same time. Husband and wife.
- 13.** Transfers of leases may hereafter be dealt with by the Central Land Board on the direction of the Commissioner when in his opinion there are special reasons for such transfers being so dealt with. Transfers may be dealt with by Central Land Board.
- 14.** After the first day of June, one thousand eight hundred and ninety-nine, it shall not be necessary to gazette any application for permission to mortgage any Crown agreement. Applications for mortgages need not be advertised.
- 15.** The Registrar-General shall, at the request of the Commissioner, make all entries in all register-books necessary or proper to be made for the purpose of giving effect to this Act. Registrar-General to make necessary entries in registers.
- 16.** The powers of making, altering, rescinding, varying, and amending regulations conferred by the principal Act shall extend to all such regulations as may be necessary and requisite for 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. Regulations may be made.
- 17.** All perpetual leases hereafter granted shall, for simplicity, be made in the form in the First Schedule hereto, with any necessary modifications or additions; and, if so made, shall be effectual to vest the land leased in the lessee in perpetuity at the rent and subject to such reservations, covenants, conditions, modifications, and additions, and as if any reservations, covenants, and conditions in the form in the First Schedule had been expressed in the extended form in the Second Schedule, and such reservations, covenants, and conditions in such extended form, with any modifications or additions, shall bind the lessee and all persons for the time entitled to any benefit of the lease. Form and effect of perpetual lease.
- 18.** Any notice to be given to any lessee under any perpetual lease shall be deemed to have been duly given if the same be sent through the post office enclosed in an envelope addressed to the lessee on the land, or at any address stated in any recent application, letter, or document received from the lessee, or to the lessee's usual or last known place of abode in the said province, or to the care of any

The Crown Lands Amendment Act.—1898.

any solicitor, attorney, or agent acting in the lessee's behalf in the particular matter in respect whereof such notice is given, and such notice shall be deemed to have been given on and time shall run from the day of the posting thereof.

Application of Act.

19. This Act does not apply to pastoral or mining leases, nor to the Northern Territory.

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

S. J. WAY, Lieutenant-Governor.

The Crown Lands Amendment Act.—1898.

THE SCHEDULES REFERRED TO.

THE FIRST SCHEDULE.

South [Royal Arms] Australia.

CROWN LEASE (PERPETUAL).

Her Majesty the Queen doth hereby lease to A.B., of [address and occupation] all that [here describe land leased] to be held in perpetuity at the yearly rent of _____, to be paid in advance on the day of _____, commencing the _____ day of _____ 18 _____, and at a further rent of Five Pounds per centum per annum on any rent in arrear, subject to the reservations, covenants, and conditions shortly stated below, and which are more fully set out in "The Crown Lands Amendment Act, 1898."

Reservations.

1. There are reserved to the Crown all gold, silver, copper, tin, and other metals, ores, minerals, and other substances containing metals, and all gems and precious stones, coal, and mineral oil, with incidental powers of search and mining.

Covenants.

2. The lessee must—

- I. Enclose the land with a cattle-proof fence before the end of the fifth year of the lease, and
- II. Keep in good repair all Crown improvements (if any) on the land.

And the lessee must not—

- III. Transfer, sub-let, encumber, or mortgage without the written consent of the Commissioner of Crown Lands first had in each case.

Conditions.

3. The lease shall be liable to forfeiture in the following cases and no others:—

- I. If default be made in payment of any rent in arrear for six months after written notice requiring its payment; or if
- II. Default be made in the performance of any covenant for three months after notice of its non-performance requiring its performance; or if
- III. The land shall be transferred, sub-let, or mortgaged without the written consent of the Commissioner of Crown Lands first had in such cases.

4. The land may be resumed by the Crown for mining or for any public work or purpose, full compensation being made to the lessee for his loss.

THE SECOND SCHEDULE.

Reference to the Form in the First Schedule.	Extended Meaning.
1. Reservations	Except and reserved out of this lease all gold, silver, copper, tin, and other metals, ores, minerals, and other substances containing metals, and all gems and precious stones, and all coal and mineral oils upon, in, or under the said land to Her Majesty the Queen, Her heirs and successors, and all persons lawfully claiming under or authorised by Her or them. And the Commissioner of Crown Lands, and all persons lawfully claiming under or authorised by them, or either of them, shall have full and free liberty of access, ingress, egress, and regress, with or without horses, cattle, carts, drays, carriages, engines, and all other necessary implements and things, into, upon, and from the said premises for all reasonable purposes, and to cut, dig, sink, try, search, work, remove, and dispose of all or any of the said excepted and reserved things, full compensation being made to the lessee for any loss or damage sustained by him.

*The Crown Lands Amendment Act.—1898.*THE SECOND SCHEDULE—*continued.*

Reference to the Form in the First Schedule.	Extended Meaning.
2. (I.) Covenant to fence	The lessee will during the first five years substantially fence the boundaries of the said land with a fence or wall ordinarily capable of resisting the trespass of cattle.
2. (II.) Covenant to keep Crown improvements in repair	The lessee will at his own cost during the said term keep and maintain in good and tenantable repair and condition all improvements (if any) the property of the Crown on the land hereby leased.
3. Condition of forfeiture	Provided always, and this lease is upon this express condition, that if default shall be made in payment of any rent in arrear for six months after written notice requiring its payment, or if default shall be made in the performance of any covenant on the part of the lessee for three months after written notice of its non-performance and requiring its performance, or if the lessee shall, without the written consent of the Commissioner first had and obtained, transfer, mortgage, encumber, or sublet the premises, or any part thereof, Her Majesty or the Commissioner, after three months' written notice, may re-enter and take possession of the said lands, and it shall be lawful for the Commissioner, before or after re-entry, to cancel and determine this lease, and the said Commissioner may thereupon insert a notice in the <i>Government Gazette</i> declaring this lease to be forfeited, and such notice appearing in the <i>Government Gazette</i> as having been published by the authority of the said Commissioner shall, in all courts and elsewhere, and under all circumstances, be taken to be conclusive evidence that such lease has been legally cancelled and forfeited.
4. Condition of resumption	<p>Provided also, and it is expressly agreed, that the Queen shall and may at any time or from time to time hereafter resume possession of all or any part of the said land hereby demised for roads, railways, tramways, or for mining purposes, or for any public work or purpose upon the Commissioner giving three calendar months' notice to the lessee by publication in the <i>Government Gazette</i> of such intended resumption, and that immediately from and after the expiration of three calendar months after such notice shall have been given as aforesaid the lease and the demise thereby made shall cease, determine, and be void as to all or such parts of the said lands as shall be mentioned and described in any such notice, anything in the lease to the contrary notwithstanding.</p> <p>Provided that on any resumption the lessee shall be paid compensation for the loss the lessee shall sustain thereby; and, in case of dispute, the amount of such compensation shall be determined by the Land Board, or, at the option of the Commissioner or the lessee, in the manner provided by clause 170 of the "Crown Lands Act, 1888."</p>