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c No. 311 of '84, sc Sod 2.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1868-9.

No. 14.

amended: No 4 of 69-70 and 27 of 70-71

An Act to further amend the "Waste Lands Act."

[Assented to 30th January, 1869.]

Preamble.

WHEREAS it is expedient to make further provision for the future sale of waste lands of the Crown within the Province of 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:

Lands may be alienated by sale as provided in this Act.

1. The waste lands of the Crown in the said Province may be conveyed and alienated by Her Majesty, or by any person or persons acting on Her behalf, or under the authority of Her Majesty, by way of sale in the manner and under the conditions hereinafter provided, and subject to the regulations to be made under the authority of this Act, any law heretofore in force to the contrary notwithstanding.

Lands sold at auction may be sold for four years' credit upon prepayment of interest on purchase money, and upon application in writing.

2. Any waste lands of the Crown which may hereafter be offered for sale at public auction, may be sold upon credit to the extent of not more than six hundred and forty acres to any one person being the highest bidder at such auction, on condition of such person paying, on the fall of the hammer, in ready money, an amount equal to Twenty Pounds per centum of the purchase money, and of making application in writing, at the time of paying such ready money, in the form set out in the First Schedule to this Act, for a credit of four years for the payment of the whole amount of the purchase money; and when such payment in ready money, and application as aforesaid shall have been made, the money so paid

shall be deemed to be and shall be regarded as a payment in advance of all interest upon such purchase money, and a receipt shall be given for such payment in the form set out in the Second Schedule to this Act to the person paying such money; and every such application and receipt shall be entered and registered in a public register, to be kept for that purpose in the Lands Office, and such applicant shall be deemed a purchaser of such lands upon credit in the same manner and upon the same terms as is herein provided respecting purchasers of lands in agricultural areas; and any waste lands of the Crown which may have heretofore been, or which hereafter shall be offered for sale by public auction and not sold, may be sold upon the terms of credit, and upon an application as herein provided: Provided that no township or suburban lands, or special country lots, shall be sold upon terms of credit.

And receipt given for payment of interest, and application and receipt to be entered and registered.

Land passed the hammer may be sold in same manner.

Method of purchasing on credit, land that has been passed at auction.

3. Any person who may be desirous of purchasing on credit, any land which may have been offered at auction and not sold, shall apply in writing at the land office, in the form set out in the First Schedule to this Act, and shall indicate by reference to the public maps or plans, or in the manner required by the regulations under this Act, the section or sections not being in the whole more than six hundred and forty acres, which he may wish to purchase at the price at which such lands may be open to purchase by private contract, and shall pay in advance in ready money at the time of making such application, an amount equal to Twenty Pounds per centum of the purchase money offered by him in his said application, and upon payment of such amount, the money so paid shall be deemed to be and shall be regarded as a payment in advance of all interest upon the amount of the purchase money, and a receipt for such amount shall be given in the form set out in the Second Schedule to this Act, to the person making such application, and all such applications and receipts shall be entered and registered in a public register to be kept for that purpose in the Land Office.

Agricultural areas named in Schedule.

4. The lands described in the Third Schedule to this Act shall be agricultural areas, and shall bear the names and numbers described and set out in such Schedule.

Other areas may be surveyed, and description laid before Parliament.

5. The Governor, with the advice and consent of the Executive Council may, from time to time, by proclamation in the *South Australian Government Gazette*, set apart other agricultural areas of not less than twenty nor more than one hundred square miles in extent, in any part of the Province of South Australia; and such areas shall contain good agricultural land, and shall be surveyed in sections of not more than three hundred and twenty acres; and in every such area there shall be a township and suburban lands and all proper reserves for public purposes, and plans of the land surveyed in such agricultural areas, shall be prepared and kept in the Land Office: Provided that a description of the lands intended to be proclaimed as an agricultural area as aforesaid, shall be laid before Parliament fourteen days at the least prior to the issue of such proclamation: Provided always, that nothing herein contained shall be

Altered: No 74/70-1 Sec. 2.

Townships to be surveyed in each area.

Proviso: Nothing herein shall limit the Governor's existing power.

be taken to limit or restrain the power of the said Governor in Council to cause any township lands, suburban lands, roads, or reserves, to be surveyed and made within the said areas, in the same manner and as fully as might be done upon any part of the waste lands of the Crown before the passing of this Act.

Lands in areas to be open for selection, except township lands.

6. The lands within such agricultural areas, except as is hereinafter otherwise provided as to township lands, suburban lands, and such lands as may remain unsold as herein provided, shall not be offered for sale at auction, but shall be open for selection in the manner herein provided, and on terms of credit only; and all township and suburban lands in such areas shall be sold at auction, and not upon credit.

Notice of lands being open for selection at stated prices and for certain periods to be given.

7. The lands comprised in the agricultural areas in the Third Schedule to this Act shall be forthwith surveyed as herein provided, and within three calendar months from the time when any agricultural area is proclaimed, the lands in such proclaimed area shall be surveyed as herein provided, and public notice shall be given by Proclamation in the *South Australian Government Gazette* that all the lands in the respective areas, except township and suburban lands, and reserves, are open for selection at a certain price per acre, to be named in the Proclamation, which shall be the value of the best land in the said area as determined by the Governor, with the advice of the Executive Council, for a period to be named in such Proclamation, and that at the expiration of such first-named period the lands remaining unsold shall be open for selection at another lower or reduced price for another period to be therein named, and so on until such price has been lowered and reduced to the price of One Pound per acre; and such Proclamation shall state the several periods during which and the several lower or reduced prices at which lands remaining unselected and unsold may be selected: Provided always that such reduction of price from period to period shall never be at the rate of less than Five Shillings nor more than Ten Shillings per acre, and the periods to be named in the said Proclamation, during which such lands shall be left open for selection at each separate price, shall not be less than one month nor more than three months in duration; and no land in any area shall be open for selection until one calendar month at least after the issue of such Proclamation, and no land in any of the areas described in the Third Schedule to this Act shall be open for selection until six calendar months after this Act shall come into operation: Provided also, that if any improvements shall have been effected on any such land, the estimated value of such improvements shall be added to the price of the land.

Proviso: Reduction of price and duration of period of selection to be limited.

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No land to be sold under £1 per acre.

8. No land shall be sold under the authority of this Act for less than One Pound per acre.

Unselected lands may be sold by auction.

9. After the lands in any area have remained open for sale at the price of One Pound per acre for a period of two years, if any such lands

lands remain unsold, the Governor in Council may direct that such lands, or any portion of them, shall be sold by public auction, in the same manner as lands not within agricultural areas.

Term of credit to be four years.

10. Whenever it is mentioned or provided in this Act that any of the said lands shall be sold upon credit, such credit shall be taken to be and be a term of credit of four years' duration, and not of any greater or less duration.

Method of obtaining land in agricultural area.

11. Any person, who may be desirous of purchasing land within an agricultural area, shall apply in writing at the Land Office, in the form set out in the Fourth Schedule to this Act, and shall indicate, by reference to the public map or plan of such area, or in the manner required by the regulations under this Act, the section or contiguous sections, not being in the whole more than six hundred and forty acres, which he may wish to select, and shall pay in advance in ready money at the time of making such application an amount equal to Twenty Pounds per centum of the purchase money offered by him in his said application; and upon payment of such amount the money so paid shall be deemed to be and shall be regarded as a payment in advance of all interest upon the amount of purchase money, and a receipt for such amount shall be given in the form set out in the Second Schedule to this Act to the person making such application, and all such applications and receipts shall be entered and registered in a public register, to be kept for that purpose in the Land Office.

Simultaneous application to be determined by lot.

12. When on any day, within the period of one half-hour, calculated from the time of the opening of the office for the receipt of applications under this Act, two or more persons shall make application for the purchase of the same portion or section of land under this Act, whether such lands shall be in an agricultural area or shall be lands that have been offered at auction and not sold, the priority of the order of application shall be determined by lot, to be conducted in such manner as the regulations made under this Act may direct; and upon such determination the applications shall be received and entered in the order so ascertained, and an unsuccessful applicant shall have the money paid by him with his application returned to him.

Unsuccessful applicant may have his money returned.

Purchasers at auction or on credit, or in area must sign agreement and may go into possession thereunder and pay purchase-money at end of four years, when land grant will be given.

13. When any person, either as a purchaser at public auction, or of lands that have been offered at auction and not sold, or of lands within an agricultural area, shall have obtained a receipt for payment of all interest in advance, as provided in the second and ninth preceding clauses of this Act, and in the form set forth in the Second Schedule to this Act, he shall forthwith execute in duplicate an agreement in writing in the form set forth in the Fifth Schedule to this Act, one part of which said agreement shall be retained in the Land Office, and the other part shall be delivered to the intending purchaser executing the same, who shall thereupon become the purchaser of the lands mentioned in such agreement,

ment, and shall be entitled to go into possession of and occupy the same, subject to the conditions contained in the agreement and to the provisions of this Act and the regulations made under the authority of this Act, but shall not be entitled to receive a Crown grant of the lands held by him under such agreement, before the expiration of four years from the date of such agreement; and in the event of any person neglecting or refusing to execute such agreement within forty-eight hours from the time when such receipt was given, such person shall forfeit all claim to the land and the amount for which such receipt was given.

Purchasers under agreement to have rights of possession, and as proprietors against trespassers and others.

14. Every purchaser of waste lands of the Crown, occupying the same under an agreement as herein provided, shall be entitled to maintain suits at law or in equity against any wrong doer or trespasser, as effectually as he could under a grant from the Crown, provided that such agreement has not become forfeited or void by reason of any fraud under this Act, or any violation of this Act, or of the regulations made under this Act, or of any of the conditions contained in such agreement.

No transfer of agreement except in case of death or insolvency.

15. No transfer or assignment of any agreement under the provisions of this Act shall have any force or effect, or be valid either at law or in equity, and any transfer or assignment, or any attempt to make any such transfer or assignment, shall be deemed a fraud under this Act: Provided, however, that on any application for a transfer of the agreement by an original purchaser from the Crown, on whom continued occupation may inflict a personal hardship, or be the occasion of great loss, or by the executors, administrators, devisee, or assignee or trustee in insolvency of the original purchaser from the Crown, to any person to be named in such application, the Commissioner of Crown Lands may, upon being satisfied that the claim to such transfer has been equitably and justly established, and upon being satisfied that the person so named is a suitable person, grant a transfer of the agreement, and an order to that effect may issue to the party so applying in the form contained in the Sixth Schedule to this Act: Provided no transfer from any such original purchaser from the Crown shall be made until after such application, and the reasons assigned by the applicant for desiring such transfer shall have been published in the *Government Gazette* for at least one calendar month, and the Governor in Council shall have approved of such transfer: Provided that no transfer shall have any effect whatever until the transferee shall have endorsed and agreed to become bound by the terms of such agreement.

At the end of four years purchaser to pay his purchase-money, if he has not forfeited his agreement by committing fraud, or any breach of his agreement.

16. Within seven days from the termination of four years from the date of any agreement under which any person shall have become a purchaser of waste lands under this Act, but not sooner than the termination of four years from the date of any such agreement, such purchaser shall be entitled to pay, and shall pay to the Treasurer the whole amount of the purchase-money mentioned in such agreement, but shall not be permitted at any time to pay any part or instalment thereof;

thereof; and upon making such payment, he shall be entitled to receive a grant from the Crown in fee simple, conveying to him the lands held under such agreement: Provided always, that at the time of making such payment the said agreement shall not have been forfeited or rendered void by reason of any fraud under this Act, or any violation of this Act, or of the regulations made under this Act, or of any of the conditions contained in such agreement.

Extent to which lands may be held on terms of credit.

17. No person shall be entitled to hold upon credit under any agreement or agreements, whether he be a purchaser at auction, or by application for lands that have been offered at auction and not sold, or for lands in any agricultural area, more than six hundred and forty acres of land altogether at any one time, and all lands so held upon credit by any one person shall be in and shall form one block, and no infant or married woman, except a married woman who has obtained a decree for judicial separation, binding according to the laws in force in South Australia, shall be entitled to hold either directly or otherwise, any such land upon credit under any such agreement.

No agent to buy in his own name for another.

18. No person, being an applicant for the purchase of any lands on credit, shall become the purchaser of the same who is in respect of such lands or any part thereof an agent, servant, or trustee, of or for any other person, or who at the time of his application has entered into any agreement to permit any other person to acquire by purchase or otherwise the lands in respect of which such application is made or any part thereof, or the applicant's interest therein: and all the land applied for under this Act shall be so applied for *bona fide* for the use and benefit of the applicant in his own proper person, and not as agent, servant, or trustee for any other person: Provided that nothing herein shall prevent any *bona fide* applicant from employing an agent duly authorized to make application in the name and for the declared use and benefit of such applicant; and all contracts, agreements, and securities which shall be entered into, made, or given with the intent of violating or evading any of the provisions of this Act, shall be and are hereby declared to be a fraud under this Act, and between all the parties thereto, illegal, and absolutely void at law and in equity.

Nothing shall prevent *bona fide* applicant employing agent to buy in applicant's name.

Certain contracts to be void.

And such agreement fraudulent and void.

19. If any person shall become the purchaser of any lands, in violation of any of the provisions of this Act, under an agreement as hereinbefore provided, the same shall be a fraud under this Act, and such agreement shall be forfeited and void; and if at any time, while an agreement is in force, it shall be shown, to the satisfaction of the Governor in Council, that any purchaser who occupies any lands on agreement has been guilty of fraud under this Act, or has violated any of the conditions of his agreement, the said Governor may revoke such agreement, and resume the land therein mentioned, and dispose of it as if such agreement had never been made; and no claim in equity under such agreement shall be pleadable in any Court against such revocation and resumption of such lands, but such purchaser

And in certain cases Governor may annul such agreements.

chaser shall be taken to have forfeited all rights, title, and interest under such agreement, and to be, as against the Governor in Council, or the Commissioner of Crown Lands, or any person claiming under the Crown, a mere trespasser; and the production of a copy of the *South Australian Government Gazette*, containing a notice signed by the Commissioner of Crown Lands, of the revocation or forfeiture of any agreement shall be conclusive evidence that such agreement has been lawfully revoked or forfeited, as the case may be: Provided that no such revocation or forfeiture of any such agreement shall be valid unless one month's notice shall have been first served upon such purchaser or published in the *Government Gazette*, and such purchaser may be heard in his defence before such tribunal as the Governor in Council may appoint.

Any unauthorized occupier under a forfeited agreement may be forcibly dispossessed.

20. When any person shall occupy any waste lands of the Crown under any agreement which has expired or become forfeited or has been revoked under this Act, or in virtue or under color of any void or forfeited or revoked agreement, or shall remain in unauthorized occupation of such lands, and refuse or neglect to deliver up possession of the same, any person authorized by the Commissioner of Crown Lands may apply, upon an information to be laid by him in the form set out in the Seventh Schedule to this Act, to any Justice of the Peace for the said Province for a summons in the form set forth in the Eighth Schedule to this Act, calling upon the occupier of such lands to appear, at a time and place to be therein specified, before a Special Magistrate or any two or more Justices of the Peace, who may hear and determine the matter of such information in a summary way, notwithstanding any question of title that may be raised, and upon proof, to the satisfaction of said Special Magistrate or Justices who may hear the complaint at the time and place so specified, that the lands referred to in such summons are held under an agreement which has become forfeited and void, or has been revoked, and that such lands are in the unauthorized occupation of the person summoned, a warrant shall be issued by the said Special Magistrate or Justices, to be in the form or as near as may be in the form contained in the Ninth Schedule to this Act; and every constable or bailiff to whom such warrant is directed may forthwith execute the same according to the tenor and exigency thereof in the same manner as any warrant of possession, or writ of *habere facias possessionem* may now be executed by virtue of any law existing at the present time in the said Province: Provided always that the jurisdiction of such Special Magistrate or Justices shall not be taken away or deemed to be ousted by any claim of title, question of property, or suggestion of right, whether made *bonâ fide* or otherwise, which may be raised by the occupant at any such hearing as aforesaid, but all matters relevant to and arising out of the information laid as aforesaid shall be heard and finally determined by such Special Magistrate and Justices.

21. Whenever

Forfeited lands may be resold in manner to be declared by Governor in Council.

21. Whenever any purchaser on credit of lands in any area, or of any lands which may have been offered at auction and not sold, or of any lands sold at auction, or held under any agreement, shall have forfeited his rights to such land, and whenever any person holding any land under an agreement, as provided in this Act, shall have forfeited his interest therein by the revocation of such agreement under any of the provisions of this Act, or under the regulations to be made under this Act, or under the conditions of any such agreement, the Governor in Council may order the sale of such forfeited lands at public auction for ready money or upon credit.

Proceedings to be taken to be under the Justices Act, 1850.

22. Every proceeding under this Act for the recovery of the possession of any of the waste lands of the Crown, as aforesaid, where no other method of proceeding is by this Act provided, shall, subject to the provisions of this Act, be had and taken, and all informations and summonses under this Act may be heard and determined in a summary way by a Special Magistrate, or two Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6, of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices with respect to summary orders; and all orders under this Act may be enforced as in the said Ordinance, or in any other Act is, or shall be provided; and no order or proceeding of any Special Magistrate, or Justices, made under the authority of this Act, shall be appealed against, or removed by *certiorari*, or otherwise, into the Supreme Court of the said Province.

Regulations may be made.

23. The manner in which all sales of waste lands shall be conducted and the times when the same shall take place, and all other matters relating to the conduct and management of such sales in accordance with the provisions of this Act, and of every Act in force in the said Province relating to sales of waste lands, may be fixed and determined by the Governor with the advice and consent of the Executive Council; and the Governor, by and with the advice aforesaid, may make and publish such regulations as to him shall seem meet, for carrying out the objects, purposes, and provisions of the said Acts; and may from time to time rescind, alter, and amend the same, and make other regulations in lieu thereof for carrying out more fully such objects, purposes, and provisions; and every regulation, when published in the *South Australian Government Gazette*, shall have the force of law: Provided that a copy of all regulations, made under the authority of this Act shall be laid before Parliament within fourteen days from the publication thereof, if the Parliament shall be then sitting, and if the Parliament shall not be then sitting, then within fourteen days from its next sitting for the dispatch of business.

False declaration a misdemeanour.

24. Solemn declarations, which shall to all intents and for all purposes have the same force and effect as statutory declarations have

have by law at the present time, and the declarations in the First and Fourth Schedules to this Act, may be made and declared under this Act, before the Commissioner of Crown Lands, the Surveyor-General, or such other person as the Governor in Council may appoint under this Act for that purpose, and if any person wilfully make any false statement in any declaration made in pursuance of this Act, he shall be guilty of a misdemeanor, and shall be punishable as if guilty of wilful and corrupt perjury.

Proclamation of provisions with respect to credit.

25. The provisions of this Act, in respect to purchase of land upon credit, shall come into operation on a day to be fixed by the Governor by Proclamation in the *South Australian Government Gazette*, such day not being less than fourteen days nor more than forty-two days after this Act shall have been assented to by the Governor on behalf of Her Majesty.

Title of Act.

26. This Act shall be cited as "The Waste Lands Amendment Act, 1868-9," and except so far as the same shall be inconsistent therewith, shall be read together with, and as part of the "Waste Lands Act."

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

F. G. HAMLEY, Governor.

SCHEDULES

SCHEDULES REFERRED TO.

FIRST SCHEDULE.

Application to Purchase on Credit.

I, the undersigned, being the highest bidder at auction for the following lands, (or applicant for the following lands that have been offered at auction and not sold), namely:—

in the Hundred of and the County of
hereby apply to become the purchaser of such lands under the provisions of "The Waste Lands Amendment Act, 1868-9," upon a four years' credit for the payment of the purchase money or sum of pounds shillings offered and bid by me this day, and I herewith tender and pay the sum of
as and for four years' interest in advance upon such purchase money, and undertake to sign within forty-eight hours an agreement in writing in the terms and in the form provided by the said Act. And I do hereby solemnly and sincerely declare that I am not at the present time a purchaser of Crown lands upon credit to such an extent as will render my present application illegal under the said Act, by making the total amount of acres purchased by me from the Crown, upon credit, exceed the quantity of 640 acres, and that I am above the age of twenty-one years, [and *(if the applicant is a female)* that I am not a married woman, *or* that I am a married woman and have obtained a judicial separation], and that I apply for such land on my own behalf and for my own use, and not as an agent or trustee for any other person whatsoever.

Dated this day of , 186 .

(Signature.)
(Occupation.)
(Address.)

Declared and signed before me,

SECOND SCHEDULE.

Form of Receipt for Payment of Interest in advance upon Purchase Money.

Received this day from the sum of pounds, being four years' interest in advance upon the purchase money offered or bid by him for acres of land situate in

in the Hundred of and the County of
for the purchase whereof an agreement is to be entered into within forty-eight hours from the time when this receipt is given, in accordance with the clause of "The Waste Lands Amendment Act, 1868-9."

Dated this day of , 18 .

(Signature of Commissioner of Crown Lands or officer appointed by him.)

THIRD SCHEDULE.

The following shall be agricultural areas under this Act:—

Area No. 1.—*Mount Muirhead.*

Commencing at the south-western corner of the Hundred of Hindmarsh; thence north, by the western boundary of the said Hundred and its production for a distance of eight miles; thence, true west, for a distance of about ten miles; thence, true south, for a distance of about two miles; thence, in a south-easterly direction, by a straight line to the south-western corner of the Hundred of Hindmarsh, the point of commencement.

Area No. 2.—*Narracoorte.*

Commencing at the intersection of the main line of road from Narracoorte to Penola, with the south boundary of the Hundred of Narracoorte; thence west, by the south boundary of the said Hundred, to the south-east corner of Section 455; thence in a north-easterly, north-westerly, and northerly direction, by the eastern boundaries of Sections 455, 462, 470, 471, 480, and north-eastern boundaries of Sections 480, 149, 148, 147, 145, 144, and by the eastern boundary of Garey's Swamp, to its intersection with the north boundary of the Hundred of Narracoorte; thence in a north-westerly direction, at a tangent to the south-western boundary of Clay Lake, to a point on the north boundary of Hundred No. 32, about three miles west of its north-east corner; thence east, by the north boundaries of Hundreds Nos. 32 and 31, to a point about one mile east of the north-west corner of the latter Hundred; thence in a south-easterly direction, to the south-eastern corner of Section 90; thence at the same bearing in a direct line with the eastern extremity of the township of Narracoorte, for a distance of about six and three-quarter miles; thence true east, to a point north of the north-east corner of Section 8; thence south, to north-east corner of said Section; thence south, to the south-east corner of Section 369; thence southerly, to the eastern corner of Section 375; thence south-westerly, by the southern boundaries of Sections 375, 374, 379, 378, and the production of the south boundary of the latter Section, to the main line of road from Narracoorte to Penola; thence south-easterly, by the said road, to the southern boundary of the Hundred of Narracoorte, the point of commencement.

Area No. 3.—*Gulnare.*

Commencing at the south-eastern corner of Hundred No. 6, in the County of Victoria; and running thence north, by the eastern boundary of the said Hundred, for about three and three-quarter miles; thence west, to Mount Misery; thence, in a northerly direction, to the south-eastern corner of Section 72, in Hundred No. 5; thence, true north, to a point true east of Yangya Hill; thence, true west, passing over said Hill, to the western boundary of the said Hundred; thence, southerly, by the western boundaries of Hundreds Nos. 5 and 6, to the south-western corner of the latter Hundred; thence east, by the south boundary of the said Hundred, to its south-east corner, the point of commencement.

Area No. 4.—*Broughton.*

Commencing at the point of intersection of Runs Nos. 58, 131, and 395, and running thence true west for about ten and a half miles; thence true north, to its intersection with the north boundary of the County of Stanley; thence east, by the said county boundary, for about six and a quarter miles; thence in a south-easterly direction, to the point of commencement.

Area No. 5.—*Troubridge.*

Commencing at a point on the eastern boundary of Hundred No. 1, Yorke's Peninsula, eight miles north of its south-eastern corner; thence true east, to the sea coast; thence southerly, south-westerly, and westerly, by the sea coast, to the south-east corner of Hundred No. 1; thence north, by the eastern boundary of said Hundred, to the point of commencement.

Area No. 6.—*Warrow.*

Bounded on the east by a line (one mile true east of Warrow Head Station), running true south, from the north boundary of Hundred No. 37, for a distance of about six and a half miles; thence true west, for a distance of about two and three quarter miles; thence true north, to the southern shore of Lake Greenly; thence easterly and northerly, by the south-eastern shore of said lake, to its intersection

section with the north boundary of Hundred No. 37; thence east by the north boundary of said Hundred, to the point of commencement.

FOURTH SCHEDULE.

Application for Selection in Agricultural Area.

Sec. 11

I, the undersigned, do hereby apply to become the selector of Section in the agricultural area of , or of the lands situate in and to become the purchaser thereof under the provisions of "The Waste Lands Amendment Act, 1868-9," at the price or sum named in the public notice respecting such lands, dated the day of , for the price or sum of upon a term of four years' credit for the payment of such purchase money, and I herewith tender and pay the sum of as and for four years' interest in advance upon such purchase money, and undertake to sign within forty-eight hours an agreement in writing in the terms and in the form provided by the said Act. And I do solemnly and sincerely declare that I am not at the present time a purchaser of Crown lands upon credit to such an extent as will render my present application illegal under the said Act, by making the total amount of acres purchased by me from the Crown upon credit exceed the quantity of 640 acres, and that I am above the age of twenty-one years, [and *(if the applicant is a female)* that I am not a married woman, *or* that I am a married woman and have obtained a judicial separation], and that I apply for such land on my own behalf and for my own use and benefit, and not as an agent or trustee for any other person whatsoever.

Dated this day of , 18 .

(Signature.)
(Occupation.)
(Address.)

Declared and signed before me,

FIFTH SCHEDULE.

Form of Agreement of Sale and Purchase on Credit.

No.

Sec. 13 altered 027d/70-1 S. 3.

MEMORANDUM of agreement made the day of , between , acting on behalf of His Excellency the Governor-in-Chief of the Province of South Australia, hereinafter called the vendor of the one part, and of hereinafter called the purchaser of the other part, it is hereby agreed between the parties hereto, that the vendor shall sell, and the purchaser shall purchase, all that piece of land, being in fee simple at the price of £ , to be paid on the day of , upon the following terms and conditions:—

1. The purchaser shall not pay any interest upon the amount of such purchase money beyond the amount already paid by him in advance.

2. The purchaser shall pay on the said day of , or within seven days thereafter, the said purchase money in full, and shall then receive a land grant conveying the above-described lands to him in fee simple.

027d/70-1, S. 3.

3. The purchaser shall take possession of the said land within six months from the date hereof, and shall continue to occupy the same during the term of this agreement, and after the first twelve months shall continue to reside on the same.

4. The purchaser shall make substantial and permanent improvements upon the said land during the said term to the satisfaction of the Governor in Council and to the extent of—

F (altered) by 044/69-70, S 2.

During the first year, Five Shillings per acre.

During the second year, Two Shillings and Sixpence per acre.

During the third year, Two Shillings and Sixpence per acre.

During the fourth year, Two Shillings and Sixpence per acre.

5. The

5. The purchaser's improvements in the last preceding condition referred to may consist of a dwelling-house, farm buildings, wells or reservoirs of water, and fences, and no other kind of erection or outlay upon the land shall come within the meaning of the last preceding condition.

6. Any person authorized by the said vendor may, at all reasonable times, enter upon the said lands to view the said lands and any improvements thereon.

7. The purchaser shall not, at any time during the term of four years, assign, transfer, or make over, or attempt so to do, the said lands or his rights under this agreement, nor shall he grant any lease or other tenancy of or over the said land.

8. Upon any breach of the foregoing conditions, the purchaser shall forfeit all benefit under this agreement, and shall deliver up to the said vendor, or whomsoever he may appoint, the said lands with all improvements thereon. And this agreement shall become void, and the purchaser may be dealt with under "The Waste Lands Amendment Act, 1868-9," as a person in unauthorized occupation of such lands so long as he continues to occupy the same.

In witness, &c.

(Signatures) , Vendor.
, Purchaser.

SIXTH SCHEDULE.

Transfer of Agreement.

It having been satisfactorily shown to me that , the original purchaser of Sections , under an agreement dated the day of , 18 , has died [*or* become insolvent], and that are the legal claimants to his interest in such agreement, as his executors [*or* representatives, *or* devisees, *or* assignees, *or* trustees in insolvency, *as the case may be*], and the said legal claimants having named , as a suitable person to become a transferee of the said agreement, I hereby authorize and grant a transfer of the said agreement to the said , and make over to him [ ] all rights and benefits thereunder, on condition that he [ ] endorse the said agreement, and adopt the conditions thereof, and become bound thereby, as aforesaid, as far as may be, and as fully as the said was bound previous to his death [*or* insolvency.]

Dated this day of , 18 .

(Signatures).

SEVENTH SCHEDULE.

Form of information, and complaint against unauthorized occupation of Waste Lands of the Crown.

South Australia } The information and complaint of A. B.,
to wit. }

on behalf of the Commissioner of Crown Lands, taken this day of in the year of our Lord, 18 , before the undersigned, one of Her Majesty's Justices of the Peace, in and for the Province of South Australia, who saith that C. D., of is the unauthorized occupant of certain Waste Lands of the Crown, situate at held by him under an agreement bearing date the day of 18 , which said agreement has been forfeited by the said C. D., under the provisions of the "Waste Lands Amendment Act, 1868-9."

Sworn before me the day and year first above-mentioned, at
J. S.

EIGHTH SCHEDULE.

Form of Summons to Dispossess unauthorized Occupant.

South Australia, }
to wit. }

In the matter of "The Waste Lands Amendment Act, 1868-9," and between the Commissioner of Crown Lands, complainant, and occupant.

You are hereby summoned to appear to the complaint of the Commissioner of Crown Lands on the day of , before us on the day of at

, at o'clock in the forenoon, to answer the complaint that you are in the unauthorized and illegal occupation of certain waste lands of the Crown, to wit—

and that you neglect and refuse to deliver up possession of the same.

Dated the 18

[N.B.—See notice on back.]

In case you fail to attend this summons, upon proof of reasonable notice to you of the same, the complaint will be heard in your absence, and such order made, as to the said Justices shall seem fit.

NINTH SCHEDULE.

[*Form of Warrant to dispossess unauthorized occupant.*]

South Australia, }
to wit. }

In the matter of the "Waste Lands Amendment Act, 1868-9," and between the Commissioner of Crown Lands, complainant, and A. B. occupant.

To , the Bailiff of

and all constables and peace officers. Whereas it has been made to appear to us, and we have adjudged that the said A. B. is in the unauthorized and illegal occupation of *(here state description of lands)*

These are, therefore, to require you, the said and others, to deliver peaceable and quiet possession of the said land and premises to the said complainant, and eject the said A. B., and all other persons, therefrom, and for which this shall be a sufficient warrant.

(Signed by a Special Magistrate, or two Justices) this day of

By authority: W. C. Cox, Government Printer, North-terrace, Adelaide.