

Amended: No. 383 of 186



ANNO VICESIMO SEXTO ET VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1863.

No. 23.

An Act for regulating the Sale or other disposal of Waste Lands of the Crown lately annexed to the Province of South Australia, and for other purposes.

[Assented to, 12th November, 1863.]

WHEREAS, by certain Letters Patent, bearing date the sixth day of July, in the twenty-seventh year of the reign of Her present Majesty, and signed by warrant under the Queen's Sign Manual, so much of the Colony of New South Wales as lies to the northward of the twenty-sixth parallel of south latitude, and between the one hundred and twenty-ninth and one hundred and thirty-eighth degrees of east longitude, together with the bays and gulfs therein, and all and every the islands adjacent to any mainland within such limits as aforesaid, with their rights, members, and appurtenances, were annexed to the Colony of South Australia: And whereas, by "The Waste Lands Act," No. 5 of 21 Viet., and an Act No. 18 of 1858, intituled "An Act to amend the Waste Lands Act," it is provided that waste lands of the Crown within the Province of South Australia shall be disposed of in the manner and according to the regulations therein provided, and not otherwise; and whereas, by "The Waste Lands Appropriation Act, 1862," provision is made for the appropriation of the proceeds of the sale of the said waste lands, and it is expedient that the waste lands of the Crown so annexed to the said Province, as aforesaid, shall be disposed of in the manner and according to the regulations herein provided, and that the said Acts, so far as the same relate to, or affect such annexed lands, shall be amended—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative

Preamble.

1863

Northern Territory Act.—1863.

Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Act No. 17 of 1862
not to apply.

1. The Waste Lands Appropriation Act, 1862, shall not apply to the proceeds to be derived from the sale of any waste lands within the said territory.

500,000 acres of
country land and
1,562 town lots may
be sold, as after men-
tioned.

2. Notwithstanding anything contained in the said Acts No. 5 of 21 Vict., and No. 18 of 1858, five hundred thousand acres of the waste lands of the Crown being country lots, and one thousand five hundred and sixty-two town lots (such town lots to contain half an acre or thereabouts), within the said territory, may be sold by private contract, at the prices, and in manner, hereinafter mentioned.

Governor to appoint
officers in London
and Adelaide to
receive applications
for purchase of land
at 7s. 6d. per acre.

3. The Governor, with the advice and consent of the Executive Council, shall appoint an officer in London, and an officer in Adelaide, who shall, on certain days to be fixed by the Governor, with the advice and consent aforesaid, by Proclamation in the *Government Gazette*, open an office in London and Adelaide, respectively, for the receipt of applications from persons desirous of becoming purchasers of the lands mentioned in the last clause, and such offices respectively, shall remain open for the receipt of such applications as aforesaid for twenty-eight days after the first day named for receiving such applications, subject to the list being closed at an earlier period, in accordance with the regulations hereinafter authorized to be made; and immediately after the expiration of such periods such officers shall, in manner hereinafter provided, proceed to allot to the persons applying, the land so applied for, at the price of Seven Shillings and Sixpence per acre; and on compliance with the said regulations, as to the terms and conditions of payment or otherwise, shall issue to such persons preliminary land orders, which shall state the number of acres and town lots sold, and authorized to be selected.

250,000 acres of
country land and
1,562 town lots only
to be allotted at 7s. 6d
per acre.
Mode of allotment.

4. The mode of allotment of lands so applied for shall be as follows:—

- I. One hundred and twenty-five thousand acres of country and seven hundred and eighty-one town lots shall only be allotted by the officer in London, and the like quantity by the officer in Adelaide, under clause 3.
- II. If a greater quantity of land be applied for, either in London or Adelaide, than mentioned in last subdivision, the allotment shall be made *pro rata*, according to the quantity applied for by each applicant: Provided that no person shall apply for or receive a less quantity than one hundred and sixty acres of country land and one town lot.
- III. Any portion of the two hundred and fifty thousand acres of country land undisposed of under clause 3 shall be sold at the rate of Twelve Shillings per acre, as provided for by the next clause.

Northern Territory Act.—1863.

5. At any time after the expiration of either of the periods mentioned in the third clause, the said offices shall be open for the receipt of further applications from persons desirous of purchasing lands in the said territory, and the same shall remain open for ninety days after the first day named for receiving such applications, subject to the list being closed at an earlier period, in accordance with the regulations before mentioned; and, after the expiration of either of such periods, the said officers shall proceed to allot to the persons applying, the lands so applied for, at the price of Twelve Shillings per acre, who shall be entitled to Land Orders therefor, which shall state the number of acres sold and authorized to be selected: Provided that no greater quantity of land shall be sold, at the rate of Twelve Shillings per acre, than two hundred and fifty thousand acres, in addition to the quantity (if any), undisposed of under clause 3; and the course prescribed in the last clause, in reference to the allotment of lands applied for under clause 3, shall be adopted in reference to the allotment of lands applied for under this clause.

After expiration of period for applications for land under last clause, 250,000 acres more to be offered at 12s. per acre.

6. Every preliminary land order, or land order issued under the preceding clause shall entitle the purchaser, or his transferee, or nominee, within five years from the date thereof, to select from and out of the surveyed country lands in the said territory the particular land whereof he will become the purchaser, and upon such selection being notified to the Government Resident or other officer to be appointed for that purpose, and production of such land order, the said Resident or such officer as aforesaid, shall deliver to such purchaser, transferee, or nominee, a valid grant of the fee simple of the land so selected: Provided that all holders of preliminary land orders, or land orders held over the aforesaid five years shall be entitled to tender the said preliminary land order or land order in lieu of the amount of its original cost, in payment of the purchase money of land within the said territory, under the Crown Lands Regulations for the time being.

Land order to entitle purchaser or nominee to select land within five years.

7. It shall not be lawful for any person to select any town lot by virtue of any such land order as aforesaid, unless he is entitled to become the purchaser of one hundred and sixty acres, of portion of the first two hundred and fifty thousand acres of country land above mentioned, or a nominee or transferee of such purchaser, and every such last-mentioned purchaser shall be entitled to select one town lot for every entire quantity of one hundred and sixty acres of country land authorized to be purchased as aforesaid: Provided that such selection be made at a place within the proposed township on a day to be named by the Government Resident or such other officer as aforesaid.

Person entitled to select one town lot for every 160 acres of first 250,000 purchased.

8. After the sale of five hundred thousand acres of country land and such town lots as aforesaid no further portion of the said waste lands of the Crown shall be sold except in manner provided for by the said Act No. 5 of 21 Vict.: Provided that no such town lots shall be sold unless the sum of One Pound at least for each lot be then and there offered for the same, which sum of One Pound per lot shall

After sale of 500,000 acres, land to be sold as directed in Act No. 5 of 21 Vict. Upset price of town lots to be £1.

Northern Territory Act.—1863.

shall be the lowest upset price of any town lot within the said territory.

Lands not to be sold of less area than one hundred and sixty acres.

9. Until after the sale of such five hundred thousand acres, no person shall be allowed to purchase any land the area of which is less than one hundred and sixty acres.

Appropriation of proceeds.

10. The accounts of all money received from or in respect of the said territory, whether as purchase money, rent, licence fees, custom duties, or otherwise, and all moneys paid or expended upon or in respect of the said territory, shall be entered and kept distinct from the General Revenue and Expenditure of the said Province, and the said money so received as aforesaid shall be applied to the payment of the cost of governing the said territory, and the general improvement thereof: Provided that a sum equal to ten per cent. on the gross amount received shall be charged in the said accounts and be paid to the Treasurer, and by him placed to the credit of the General Revenue of the said Province.

Governor to make rules.

11. The Governor, with the advice and consent of the Executive Council, may, from time to time, make, vary, and alter, such rules as may be necessary for regulating the terms, period, or mode of leasing, or occupation, or the disposal by sale of the said waste lands of the Crown, the person or persons to whom the purchase money may be paid, the mode and order of selecting land by persons holding land orders as aforesaid, the mode of keeping the accounts and when and in what manner such accounts shall be audited, and generally make all and every such regulations as to him may seem necessary and proper to carry out and give effect to the provisions of this Act, and all such regulations, when published in the *Government Gazette*, shall have the force of law.

Appointment of Government Resident.

12. The Governor, with the advice and consent of the Executive Council, may, from time to time, appoint an officer to be resident in the said territory, to be called the Government Resident, and all other necessary and proper officers for securing the order and good government of the said territory, and may remove such Government Resident or other officers at discretion, and may assign and pay to them such salaries and emoluments as he may determine.

Powers of Government Resident.

13. The Government Resident shall perform all and every the duties, and shall have and exercise, within the limits of the said territory, all and every the powers and authorities which the Governor, with the advice and consent of the Executive Council, may, by any Commission to be issued to such Resident under the hand of the Governor and seal of the said Province, impose or confer upon him: Provided that such Commission may, from time to time, be revoked or varied by the Governor, with the advice and consent aforesaid.

Regulations to be laid before Parliament.

14. A copy of all regulations made under the authority of this Act, and also a copy of any direction issued to such Government Resident

Resident

*Referred No 383
4/186, S. 2*

Northern Territory Act.—1863.

Resident as aforesaid, shall be laid before Parliament within fourteen days from the publication or issuing thereof respectively, 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.

15. Save in so far as the same are amended by this Act, "The Waste Lands Act," No. 5 of 21 Vict., and the said Act, No. 18 of 1858, shall be deemed to be incorporated herein, and shall, together with this Act, be read as one Act.

Acts No. 5 of 21 Vict. and 18 of 1858, to be construed herewith.

16. In the construction of this Act, unless inconsistent with the context, the words following shall have and receive the meanings hereby assigned to them respectively—"Territory" shall mean all that portion of Australia annexed to the said Province by the hereinbefore recited Letters Patent: "Waste lands of the Crown," shall comprise all lands within the said territory which now are vested in Her Majesty, Her heirs and successors, and which have not been already granted or lawfully contracted to be granted to any person or persons in fee simple, or for an estate of freehold or for a term of years, and which have not been dedicated and set apart for public use.

Construction.

17. This Act may be cited and referred to as "The Northern Territory Act."

Short title.

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

D. DALY, Governor.