



ANNO QUINTO

GEORGII V REGIS.

A.D. 1914.

No. 1178.

An Act to consolidate certain Acts providing for Irrigation and the creation of Boards for Reclaimed Swamp and other Lands, and for other purposes.

[Assented to, November 26th, 1914.]

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

PART I. PRELIMINARY.

PART I.

1. This Act may be cited as "The Irrigation and Reclaimed Lands Act, 1914." Short title.

2. This Act is incorporated and shall be read with "The Crown Lands Act, 1903," and all Acts amending that Act. Incorporation with Crown Lands Acts.

3. The provisions of this Act are arranged as follows:— Arrangement of Act.

PART I.—Preliminary.

Act 953, 1908, s. 2.

PART II.—Reclamation of Swamp Lands and Proclamation of Irrigation Areas.

PART III.—Management of an Irrigation Area before Constitution of Board—

DIVISION I.—Improvements:

DIVISION II.—Acquisition, Tenure, and Transfer of Land:

DIVISION III.—Water Supply:

DIVISION IV.—Financial.

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PART I.

PART IV.—Constitution of Board and Management thereafter,
and Advances—

DIVISION I.—Constitution of Board and Advances thereto:

DIVISION II.—Incorporation, Members of Board, etc.:

DIVISION III.—Officers of Board:

DIVISION IV.—Meetings and Business of Board:

DIVISION V.—General Powers and Duties of Board.

PART V.—Lessees of Reclaimed Lands Loan Fund, and
purposes for which it may be used.

PART VI.—Regulations and By-laws.

PART VII.—Miscellaneous.

PART VIII.—Legal Procedure, etc.

Acts consolidated
and repealed.4. (1) This Act is a consolidation of the Acts mentioned in the
First Schedule, and the said Acts are hereby repealed.

Saving provisions.

(2) Such repeal shall not—

- I. affect the operation prior to the passing of this Act of any
of the repealed Acts:
- II. alter the past or future effect of the doing, suffering, or
omission of anything prior to the passing of this Act:
- III. affect any lease, licence, loan, advance, mortgage, or agree-
ment heretofore granted or made under any of the
repealed Acts:
- IV. affect any estate, right, title, interest, privilege, power, duty,
obligation, liability, charge, or penalty created, acquired,
accrued, exercisable, incurred, or imposed by or under,
or liable to be imposed under, any of the repealed Acts:
- V. affect any proclamation, notice, order, by-law, or regulation,
any rate, assessment, or valuation, or any proceeding,
matter, or thing made, given, published, held, declared,
or done under or in pursuance of any of the repealed
Acts:
- VI. affect any legal or other proceeding heretofore commenced,
or hereafter to be commenced, in respect of any of the
matters or things in this section before mentioned.

(3) All matters and things mentioned in subsection (2) of this
section are, to the extent that they were respectively in force
immediately before the passing of this Act, hereby preserved and
continued, and declared to be of the same force and effect as if this
Act had been in force when respectively they were done, suffered,
omitted, created, granted, acquired, incurred, imposed, declared, or
made,

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made, or they accrued, or became exercisable, or liable to be imposed, and they respectively had been done, suffered, omitted, created, acquired, incurred, imposed, declared, or made or had accrued, or had become exercisable, or liable to be imposed, under this Act.

(4) All Irrigation Areas and all Boards which were in existence under any of the repealed Acts at the time of the passing of this Act, and the members and chairmen of such Boards, and all officers, and any other persons appointed under any of the repealed Acts are hereby continued as if this Act had been in force when they were respectively proclaimed, constituted, elected, or appointed, and they had been respectively proclaimed, constituted, elected, or appointed under this Act.

(5) Any proceeding which, at the passing of this Act, is depending in any Court, or before any arbitrator or other authority, may be proceeded with, heard, and determined, and the decision or award, or any order made therein, may be enforced under this Act.

(6) All offences committed, and all liabilities, forfeitures, and penalties incurred or imposed, or liable to be imposed, before the passing of this Act, may be tried, punished, inquired into, and enforced under this Act.

(7) Whenever in any Act, or in any regulation, by-law, or rule, or any deed, lease, transfer, mortgage, or other document or instrument of any kind, any reference is made to any of the repealed Acts, or to any provision of any of the repealed Acts, such reference shall be read and construed as a reference to this Act, or to the corresponding provision of this Act.

5. In this Act, and in leases granted under or continued by, and proceedings taken or continued under this Act, except where the context or subject matter requires a different construction,—

Interpretation.
953, 1908, s. 3.

“Board” means a Board continued by or constituted under this Act :

“By-law” means by-law continued by this Act or made by a Board under this Act :

“Chairman” means Chairman of the Board :

“Embankment” means any bank or dyke constructed by the Commissioner of Crown Lands or the Minister of Agriculture and Irrigation under any of the repealed Acts, or by the Minister under this Act, to protect land from inundation by water from any river or the sea, or any inlet or arm of the sea :

“Factory” includes buildings, machinery, and appliances for the purpose of wine-making, fruit-preserving, or dairying, or any other purpose approved by the Minister :

“Gazette” means *The South Australian Government Gazette* :

“Government officer” means the member of a Board who is appointed by the Governor :

“Irrigation

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“Irrigation area” means an irrigation area continued by or proclaimed under this Act:

“Justice” means Justice of the Peace for the State:

“Land Board” means (subject to section 96) the Land Board under Part IV. of “The Crown Lands Act, 1903”:

“Lessee” includes, as well as the original lessee of the land held under a lease issued pursuant to this Act, or any of the repealed Acts, the transferee of such lease, and the executors or administrators of such lessee or transferee:

“Member” means member of the Board:

“Minister” means the Minister of the Crown to whom the administration of this Act is, for the time being, committed by the Governor:

“Prescribed” means prescribed by this Act or any Act incorporated herewith:

“Proclamation” means proclamation by the Governor published in the *Gazette*:

“Ratable property” means any land situate within an irrigation area other than unleased Crown lands:

“Ratepayer” means the occupier or lessee of ratable property:

“Reclaimed lands” means lands reclaimed from being swamp lands:

“Regulation” means regulation continued by or made under this Act:

“Repealed Acts” means the Acts repealed by this Act:

“Secretary” means Secretary of the Board:

“State” means the State of South Australia:

“Surveyor-General” means the Surveyor-General for the State, or the person for the time being discharging the duties of the office of such Surveyor-General:

“The Treasurer” means the Treasurer of the State, or the Minister of the Crown for the time being discharging the duties of such Treasurer:

“This Act” includes regulations and by-laws continued by or made under this Act.

6. All powers conferred by this Act upon the Minister shall be exercised when, where, and in such manner as the Minister thinks fit, unless otherwise expressly provided.

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RECLAMATION OF SWAMP LANDS AND PROCLAMATION OF IRRIGATION AREAS.

7. The Minister may reclaim and improve any swamp lands, whether such lands are or are not at the time included or intended to be included in any irrigation area, and may construct all such embankments and other works and do all such other things as he deems necessary for such reclamation and improvement.

Reclamation and improvement of swamp lands.
Ibid., s. 6.

8. (1) The public moneys to be expended by the Minister in reclaiming and improving swamp lands and lands in irrigation areas proclaimed as in this Act provided, in constructing, improving, and maintaining embankments, and in carrying out the objects of this Act with regard to lands in such irrigation areas, shall not exceed the amount provided by Parliament for that purpose.

Provision of moneys for reclamation and improvement of lands.
Ibid., s. 7.
1022, 1910, s. 3.

(2) Such moneys, and all moneys advanced to Boards as provided by section 40, which have been voted by Parliament, shall be paid out of loan moneys, and shall be repaid to loan fund.

9. No money shall be advanced to a Board, or be spent by the Minister under this Act, otherwise than as provided by section 7, in any irrigation area other than the Beri Beri, Waikerie, and Ramco schemes, unless a resolution approving of such irrigation area has heretofore or hereafter been carried by both Houses of Parliament:

Future advance to Boards to be approved by Parliament.
953, 1908, s. 8.

Provided that notwithstanding anything contained in this section, the Minister may, without any such resolution, from time to time, make advances under section 40 to any Board of money not exceeding in the aggregate such amount as could, with interest, be repaid in accordance with section 41 by an annual rate not exceeding One Pound on every acre of such land within the irrigation area as is either reclaimed land or land considered by the Minister to be irrigable land.

Proviso.
979, 1909, s. 3 (1).

10. (1) The Governor may by proclamation set apart any Crown lands as an irrigation area.

Proclamation of irrigation areas.
953, 1908, s. 9.

(2) Any such irrigation area may consist wholly of reclaimed or wholly of other lands, or partly of reclaimed and partly of other lands, but shall not include any embankment as defined in section 5.

11. The Governor may by proclamation—

(a) withdraw any land included in an irrigation area from such area; and may as to the whole or any part of the land so withdrawn—

Power to alter boundaries of irrigation areas.
Ibid., s. 10.

- I. proclaim it to be an irrigation area; or
 - II. include it as part of a new irrigation area; or
 - III. include it in an irrigation area then already proclaimed.
- (b) set

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(b) set apart any Crown lands and include the same in any irrigation area then already proclaimed.

Survey and subdivision into blocks.

Ibid., s. 11.

12. (1) The Minister shall cause the land included in any irrigation area, and the lands (if any) adjoining such irrigation area which are to be leased in connection therewith, to be surveyed and, subject to subsection (3) of this section, to be subdivided into blocks.

Size and classes of land in blocks.

(2) Such blocks shall be of such size as the Minister determines on the recommendation of the Land Board, and, subject as in this subsection provided, shall contain such class or classes of land as he thinks advisable. Any block may contain not more than fifty acres of reclaimed land, and may also contain not more than fifty acres of land considered by the Minister to be irrigable land, and may also contain any area of other land.

Reserves.

(3) The Minister shall set apart such parts of the land included in any irrigation area as he deems proper as Government reserves, reserves for roads, water channels, wharves, docks, commonage, and park lands, sites for towns, pumping stations, machinery and factories, and for any other purposes approved by him; and may from time to time set apart such other parts of the said land as he deems proper for any of the said purposes.

Subdivision of town sites.

(4) The Minister may cause sites for towns to be subdivided into allotments.

Plan.

Ibid., s. 12.

13. A plan, signed by the Surveyor-General, of the land in any irrigation area as so surveyed, subdivided, and reserved as aforesaid, showing the subdivisions thereof, and distinguishing the several blocks by separate numbers, and the parts so reserved, shall be kept at the office of the Surveyor-General.

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MANAGEMENT OF AN IRRIGATION AREA BEFORE CONSTITUTION OF BOARD.

DIVISION I.

DIVISION I.—IMPROVEMENTS.

Management by Commissioner.

Ibid., s. 13.

14. Until the constitution of a Board for an irrigation area, such area shall be managed and controlled by the Minister, subject always to the control of Parliament respecting the moneys to be expended on such area.

Erection of appliances for storage and distribution of water.

Ibid., s. 14.

1108, 1912, s. 4.

15. The Minister, upon an irrigation area being proclaimed, may from time to time purchase pumping machinery and erect the same thereon, construct irrigation works and channels, tanks, and catchment and storage dams and reservoirs, and acquire, provide, and maintain

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maintain appliances and facilities for supplying and distributing water to the lessees, owners, or occupiers of blocks, township allotments, factory sites and other lands within, adjacent, or near to the irrigation area, for irrigation, domestic, factory, and other purposes.

16. The Minister may construct roads, streets, bridges, wharves, docks, and jetties upon any irrigation area, and erect factories on any land reserved therefor.

Construction of roads.
953, 1908, s. 15.

DIVISION II.—ACQUISITION, TENURE, AND TRANSFER OF LAND.

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17. The Land Board shall, subject to the approval of the Minister, fix the annual rent to be paid for each block in an irrigation area.

Board to fix rent.
Ibid., s. 16.

18. Each block shall be offered on perpetual lease at a rental as hereinafter mentioned.

Terms of ease.
Ibid., s. 17.

19. Persons under eighteen years of age, and Asiatics, are disqualified from being lessees.

Disqualifications as leaseholder.
Ibid., s. 18.

20. For the purposes of this Act all the provisions of "The Crown Lands Act, 1903," which relate to the fixing of rents, to invitations for and the consideration, acceptance, or rejection of application for leases, to the allotment of lands, and to the interpretation, preparation, execution, registration, transfer, transmission, and forfeiture of leases, in so far as such provisions are not repugnant to this Act, shall apply, *mutatis mutandis*, to leases of blocks under this Act.

Incorporation of certain provisions of Crown Lands Act, 1903 of 1903.
Ibid., s. 19.

21. The rent for each block shall not be less than Four Pounds per centum per annum on the unimproved value of the land comprised therein, and the cost of reclaiming such land.

How rent determined.
Ibid., s. 20.
1022, 1910, s. 4.

22. (1) The said rent shall be payable as follows:—

Payment of rent.
953, 1908, s. 21.

(a) for the first year one-quarter of the annual rent fixed under sections 17 and 21:

(b) for the second year, one-half of such rent:

(c) for the third year, three-quarters of such rent:

(d) for the fourth and each succeeding year thereafter, the full amount of such rent.

(2) All rents shall be due and payable in advance.

Rent to be paid in advance.

23. (1) There shall be no limit to the area of land or the number of blocks which may be held under this Act by any person: Provided that of the land in any irrigation area so held by any person, whether held in his own name or in the name of any other person, not more than fifty acres in the aggregate shall be reclaimed or irrigable land. Of such fifty acres or any smaller area of reclaimed or irrigable land held as aforesaid by any person, the whole may be reclaimed land, or the whole may be irrigable land, or part may be reclaimed and part irrigable land.

Area of holdings.
Ibid., s. 22, as substituted by 1022, 1910, s. 5.

(2) In

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(2) In this section "irrigable land" means land considered by the Minister to be irrigable land.

Area of holdings by partners.
1108, 1912, s. 16.

24. (1) Notwithstanding the provisions of section 23, persons who, in the opinion of the Minister, are *bona fide* carrying on business in partnership as agriculturists, dairymen, or gardeners on land within an irrigation area, may together hold more than fifty acres, but not more than one hundred and fifty acres, of irrigable or reclaimed land in such irrigation area: Provided that the area of such land shall in no case exceed the equivalent of fifty acres to each person in such partnership.

(2) In any such case as mentioned in subsection (1) of this section, if the number of partners is not more than three, only one of such partners may be required to personally reside on the land held by the partners, and if the number is more than three, only two of such partners may be required so to reside.

Form of lease.
953, 1908, s. 23.

25. Every lease shall be granted by and in the name of the Minister, and shall be in the form in the Second Schedule, subject to any modifications or additions which the Minister thinks necessary for giving effect to this Act.

Dealing with unallotted lands.
Ibid., s. 24.

26. Any land in an irrigation area remaining unallotted for one year after being open to application at the rent fixed under sections 17 and 21 may be let at such reduced rental as is fixed by the Land Board and approved by the Minister, or on miscellaneous lease, as provided in section 159 of "The Crown Lands Act, 1903."

Repurchased lands may be leased.
Ibid., s. 25.

27. Any land purchased under Part X. of "The Crown Lands Act, 1903," which is included in an irrigation area may, notwithstanding the provisions of such Part, and whether wholly or partially reclaimed or not, be leased under the provisions of this Act with other adjoining land.

Crown lessee may surrender for lease under this Act.
979, 1909, s. 4.

28. (1) The lessee of any Crown lands included in any irrigation area proclaimed after the first day of December, nineteen hundred and nine, may tender a surrender of his lease for the purpose of obtaining a perpetual lease under this Act, and the Governor may, if he deems proper, accept such surrender in the name and on behalf of His Majesty the King.

(2) The surrender shall be in such form, and be made and executed in such manner, as prescribed by regulation, provided that until such form and manner are so prescribed the surrender shall be in the form, and be made and executed in the manner, prescribed for surrenders under "The Crown Lands Act, 1903," with such variations as the case may require.

(3) The surrender shall be of no effect unless and until accepted in writing by the Governor.

29. (1) Notwithstanding

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29. (1) Notwithstanding anything contained in this Act, upon the acceptance of a surrender, as provided by section 28, the lessee shall be entitled to the grant of a perpetual lease under this Act, of the land comprised in the surrendered lease, at an annual rent to be fixed under this Act by the Land Board, subject to the approval of the Minister.

Grant of lease and fixing of rent.
Ibid., s. 5.

(2) In fixing such rent, any improvements made in or upon the land by the surrendering lessee shall be disregarded, and the rent shall be fixed on the basis of the value of such land without such improvements.

30. Lessees of blocks in an irrigation area may, before the constitution of the Board therefor, plant and cultivate their respective blocks and make improvements thereon; but it shall be lawful for the Minister to control such planting, cultivation, and improvements in any case where it is deemed necessary by him, or any inspector or other officer he appoints for the purpose.

Cultivation of blocks.
953, 1908, s. 27.

DIVISION III.—WATER SUPPLY.**DIVISION III.**

31. Upon the construction, wholly or in part, of the works upon an irrigation area and until the constitution of a Board therefor, the Minister may supply water—

Minister may distribute water.
Ibid., s. 26.
1108, 1912, s. 5.

(a) to the owners, lessees, and occupiers of blocks, township allotments, factory sites, and other lands within the irrigation area, at such rates, in such quantities, for such periods, and upon and subject to such terms and conditions as are prescribed:

(b) to owners, lessees, and occupiers of lands adjacent to the irrigation area, at such rates, in such quantities, for such periods, and upon and subject to such terms and conditions as are agreed upon.

32. (1) The Minister may, as soon as a water supply is available for the whole or any portion of an irrigation area, declare on all or any lands within such irrigation area to which, or to any portion of which, water can in his opinion be supplied by him, a general water rate for the supply of water.

Minimum water rate.
1108, 1912, s. 6.

(2) Such rate may be an annual rate, and shall be of such amount in the Pound of the unimproved value of the land (as defined by the Taxation Acts of the State for the time being in force) as may be necessary to recoup the proportion of interest on cost of works and of the maintenance and management thereof as the Minister determines to be properly debitable in respect of the service rendered by the works: Provided that the minimum annual rate in respect of any one piece of land shall not be less than One Pound.

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(3) Notice of every water rate declared by the Minister shall be published in the *Gazette*, and shall state the name of the irrigation area in respect of the lands in which such rate is declared, the amount in the Pound of such rate, the period for which such rate is declared, and the time and place where the rate is payable.

(4) All water rates shall be due and payable by and recoverable from the owners and occupiers of the lands upon which the same are respectively declared, and shall, until payment, be a continual charge upon such lands, and no statute of limitations shall affect any action or other proceedings which may be brought for the recovery or enforcement of such rates. And the Minister shall have the like powers of distress and sale in cases where rates are unpaid as are conferred upon the Commissioner of Waterworks by "The Waterworks Act, 1882."

No. 269 of 1882.

Water Rate Assessment Book to be kept.
1108, 1912, s. 7.

33. (1) The Minister shall cause a book to be kept by the officer in charge of an irrigation area to be called the Water Rate Assessment Book which shall contain the following particulars as to such area:—

- (a) the names of the several owners and occupiers of the ratable land assessed, so far as known:
- (b) short descriptions of, or references to the ratable lands:
- (c) the unimproved value of such lands, adopting the assessment for land tax purposes for the time being in force, with such adjustments as may be necessary where the ratable land does not include the whole of the land included in the land tax assessment.

(2) No person shall be entitled to appeal against the valuation of his land appearing in the assessment book, but if the valuation is reduced for any reason by the Commissioner of Taxes the assessment book shall be amended accordingly.

Power of Minister to supply water by measure.

Ibid., s. 8.

34. (1) The Minister may supply water by measure to any person for such period, upon such conditions, and at such charges, as the Minister from time to time determines.

(2) When the Minister supplies water to any person outside an irrigation area, the person so supplied shall pay therefor such charges as are agreed upon, and such charges may be recovered by the Minister, or by any person authorised by him in writing, by action of debt in any Court of competent jurisdiction.

Minister may proportionately reduce supply of water.

Ibid., s. 9.

35. (1) If at any time the supply of water at the disposal of the Minister is insufficient, in the opinion of the Minister, to afford the quantities to which all persons having claims thereto would if the supply were sufficient be respectively entitled, it shall be competent for the Minister to deliver to such persons such quantities of water as are then at his disposal in reduced proportions, according to the quantities which such persons would have respectively been entitled to receive if there had been sufficient water available; and the charges to such persons may be reduced accordingly. (2) In

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Preference to orchards and vineyards.

(2) In the arrangement of the reduced proportions, the Minister may, if he thinks fit, assign greater proportionate quantities to the occupiers or owners of lands planted with fruit trees, vines, or other like plants than to the occupiers or owners of lands planted or sown with plants cultivated for a single year's crop only.

36. In the event of the supply of water available for any irrigation area falling short at any time of the quantity necessary to supply all the claims upon the Minister for water, in sufficient quantity to be of practical service, it shall be lawful for the Minister, whenever and as often as he is satisfied of the actual or approaching insufficiency of such supply, from time to time to make, alter, and repeal orders which shall regulate the order of priority in which the various irrigation areas, bodies, and persons so entitled to water shall be entitled to be supplied.

Minister may regulate supply of water in event of drought, &c. Ibid., s. 10.

DIVISION IV.—FINANCIAL.

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37. The Minister shall cause to be kept in respect of the Board of each irrigation area a separate account, to be called the “[*Name of Board*] Irrigation Account,” to which shall be debited—

Accounts to be kept. 953, 1908, s. 28. 1022, 1910, s. 6.

- (a) all moneys expended by the Minister in carrying out the objects and purposes of this Act on the land in such area, both before and after the proclamation of such area, including all moneys advanced as provided by section 40 to the Board constituted for such area which have been voted by Parliament:
- (b) interest on all the said moneys at the rate of Four Pounds per centum per annum:
- (c) interest at the same rate on all moneys expended by the Minister in improving and maintaining any embankments constructed for the protection of land included in such area.

And to which shall be credited —

- (a) rents received from lessees of land within such area.
- (b) all moneys received by the Minister on account of water supplied from the irrigation works on such area:
- (c) all moneys paid by the Board, as hereafter in this Act provided:
- (d) all moneys received from the lessees of town allotments within such area.

38. An abstract of the accounts provided for in section 37, showing the sums respectively debited and credited therein under convenient headings, shall be annually laid before Parliament.

Annual statements for Parliament. 953, 1908, s. 29.

PART IV.

PART IV.

CONSTITUTION OF BOARD AND MANAGEMENT
THEREAFTER, AND ADVANCES.

DIVISION I.

DIVISION I.—CONSTITUTION OF BOARD AND ADVANCES THERETO.

Constitution of the Board.

Ibid., s. 30.

39. (1) Subject to subsection (2) hereof, when leases have been granted, pursuant to this Act, or any of the repealed Acts, of not less than two-thirds of the blocks in any irrigation area, the Governor may, by proclamation, constitute a Board, which shall thereafter have the control and management of such irrigation area.

Board not to be constituted where irrigation plant erected by Minister.

1022, 1910, s. 11.

(2) A Board shall not be constituted for any irrigation area in which the water for the purposes of irrigation is supplied by means of pumping or other plant erected by the Minister.

Advances by Minister.

953, 1908, s. 31 (1).

40. (1) The Minister may, upon and after the constitution of the Board, from time to time advance to such Board such moneys as are at his disposal for the purposes of such Board, or as are provided by Parliament therefor, or for carrying out the objects and purposes of this Act.

Liability of Board for advances and moneys expended.

Ibid., (2), as enacted by 1022, 1910, s. 7.

(2) Such Board shall be liable to the Minister for the repayment of all moneys so advanced, and for the payment of all moneys expended by the Minister in carrying out the objects and purposes of this Act in the irrigation area, whether before or after the proclamation of such area (except moneys expended before the fixing of the rents, as provided by section 17), with interest on all moneys so expended (except as aforesaid) at the rate of Four Pounds per centum per annum up to the day of the constitution of such Board. The moneys so advanced and expended and the said interest are hereafter in this Division of this Act referred to as "the said advances."

Evidence of amount of advances.

953, 1908, s. 31 (3).

(3) A certificate in writing, signed by the Minister, or by the Commissioner of Audit, stating the amount of the said advances, shall be accepted by the Board as conclusive evidence of such amount.

Repayment of advances.

Ibid., s. 32, as enacted by 1022, 1910, s. 8.

41. (1) In so far as the said advances consist of moneys expended as mentioned in subsection (2) of section 40 and interest thereon, interest on the said advances at the rate of Four Pounds per centum per annum shall be paid by the Board to the Minister at the expiration of each of the first four years from the date of the publication in the *Gazette* of the proclamation constituting the Board; and thereafter the said advances, together with interest at the rate aforesaid on the amount thereof for the time being unpaid, shall be repaid by the Board to the Minister by twenty equal yearly instalments, the first of which shall be paid at the expiration of the fifth year from the said date.

(2) Interest

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(2) Interest at the rate of Four Pounds per centum per annum shall be paid by the Board to the Minister on the amount of any advance made to the Board under subsection (1) of section 40, at the expiration of each of the first four years from the date of such advance, and thereafter such advance, together with interest at the rate aforesaid on the amount thereof for the time being unpaid, shall be paid by the Board to the Minister by twenty equal yearly instalments, the first of which shall be paid at the expiration of the fifth year from the said date.

(3) Notwithstanding anything in this section, the Board may at any time pay off the whole or any part of the amount of the said advances then unpaid, together with interest computed to the date of payment.

42. The said advances, together with the said interest thereon, or so much of the said advances and interest as for the time being remains unpaid, shall be a first charge upon all rates from time to time declared or leviable by, and on all property for the time being vested in or belonging to, the Board, and on all land in the irrigation area.

Annual instalments
charged on rates.
953, 1908, s. 33.

43. (1) If default is made by the Board in making payment of any such yearly instalment or interest, or any part thereof, the Minister may give notice to the Board, or to any member or officer thereof, of his intention to exercise the powers conferred upon him or his nominee by this Act if such default is allowed to continue.

Procedure in case of
default for three
months.
Ibid., s. 34.

(2) If the amount then due in respect of the said advances or interest is not paid within three months from the giving, posting, or delivering to the Board or any member or officer thereof of such notice, all powers of the Board in relation to receiving and recovering outstanding rates, making of assessments, and declaring, levying, and recovering of rates, shall, upon the Minister giving notice in the *Gazette* that such powers have become vested in him or his nominee (as the case may be) vest in the Minister, or in such person as he nominates, and may at the option of the Minister, continue so vested until the whole amount of the said advances and interest is repaid; and in such case no consent of a ratepayer to a special rate shall be required.

44. The moneys received by the Minister or his nominee shall be applied in paying all moneys due or owing in respect of the said advances and interest thereon, and the costs incurred in carrying out the powers vested in the Minister by this Act, and any surplus shall be paid to the Board.

Application of money
collected by
Minister.
Ibid., s. 35.

45. (1) If the Board makes default in payment of any of the said yearly instalments or interest on the said advances, or any portion or portions thereof, for one year, it shall be lawful for the Governor by proclamation to determine the existence of the Board.

Procedure in case of
default for one year.
Ibid., s. 36.

(2) Thereupon

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DIVISION I.

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(2) Thereupon the Minister may resume possession and absolute control and management of the irrigation area, together with all machinery, plant, chattels, and appliances thereon or appurtenant thereto and belonging to the Board, and the same as well as any land vested in the Board, and any other property of the Board, shall thereupon vest absolutely in the Minister.

(3) The Governor may at any time thereafter, by proclamation, constitute a Board, which shall have the control and management of such irrigation area, and the same results shall follow therefrom as from the constitution of the original Board.

Effect of abolition and suspension.
Ibid., s. 45.

46. (1) When the powers and functions of a Board are for any reason suspended, or the Board is abolished, the Governor may, by proclamation, authorise the Minister to exercise all the powers, authorities, functions, and duties of the Board, whose functions are suspended, or which is abolished, until such suspension ceases or a new Board is constituted (as the case may be).

Property to vest in Minister.

(2) Thereupon all property, real and personal, and all obligations, authorities, immunities, rights, powers, privileges, functions, and duties vested in or imposed upon the Board, by any means whatsoever, shall be transferred to and vested in the Minister, while the powers and functions of the Board are suspended, or until a new Board is constituted (as the case may be).

DIVISION II.

DIVISION II.—INCORPORATION, MEMBERS OF BOARD, ETC.

Constitution of Board.
Ibid., s. 37.

47. The Board shall consist of five members and shall be a body corporate under the name of "The Irrigation Board," and shall have perpetual succession and a common seal, and by such name shall be capable of suing and being sued, and of purchasing, holding, and leasing land, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

Appointment of Board.
Ibid., s. 38.

48. (1) The Governor shall appoint the members of the Board to hold office for the first twelve months after the constitution of the Board.

(2) The members to hold office after the expiration of such twelve months shall be appointed and elected as follows:—

(a) the Governor shall appoint one member, who shall be a Government officer and shall be Chairman of the Board, and shall hold office during the pleasure of the Governor, and shall not be subject to retirement by effluxion of time:

(b) all other members of the Board shall be ratepayers within the area, and shall be elected by the ratepayers from time to time, as hereinafter provided:

(c) the elected members shall retain office until the election of their successors, as hereinafter provided. (3) The

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(3) The Governor may appoint one of the members to be Chairman of the Board for the first twelve months after the constitution of the Board.

49. The Governor may appoint two auditors to the Board, who shall retain office until the election of their successors, as hereinafter provided. Auditors. Ibid., s. 39.

50. Every ratepayer in the irrigation area, having attained the age of eighteen years, shall be qualified to be a member of the Board, but shall be disqualified if he— Who may be members of Board. Ibid., s. 40.

(a) is an uncertificated insolvent, or executes a statutory deed of assignment for the benefit of his creditors, or compounds with his creditors for less than Twenty Shillings in the Pound :

(b) holds the office of treasurer or auditor, or a place of profit in the gift of the Board :

(c) is pecuniarily interested in a contract with the Board :

(d) is in arrear for six months or more in payment of any rent or rates in respect of the land leased by him.

51. (1) The following acts and events shall cause a vacancy in the office of a member of the Board.— How vacancy occasioned. Ibid., s. 41.

(a) Death or lunacy of the member :

(b) Conviction of the member of felony :

(c) Absence of the member from the State, without leave of the Board, during the holding of three consecutive ordinary meetings, or failure of the member to attend the meetings of the Board for three consecutive ordinary meetings without sufficient cause, followed, in either case, by a resolution passed by the Board within three weeks after the last of such three meetings declaring the office vacant, which resolution the Board may pass, but is not bound to pass :

(d) Any disqualification of the member as indicated by section 50 :

(e) Resignation of the member, by notice posted or delivered to the Chairman, or, if there is no Chairman, to the Minister :

(f) Retirement of the member by rotation, as provided by this Act :

(g) The judgment or order of any Court of competent jurisdiction declaring the office vacant.

(2) The above-mentioned acts and events (except those in subdivision (c), and those in subdivision (d) so far as they include the holding of the office of auditor) shall cause a vacancy in the office of an auditor.

52. (1) At

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Time of elections.
Ibid., s. 42.

52. (1) At the expiration of the first twelve months from the constitution of the Board, and at the expiration of each twelve months thereafter, and subject to the provisions of subdivision (a) of section 48, an election of members and auditors shall be held.

(2) At the expiration of such first twelve months, and at the expiration of each twelve months thereafter, one-half of the members of the Board (other than the Government officer) shall retire.

(3) The members to retire at the expiration of such first twelve months shall be decided by lot. The members to retire at the expiration of every subsequent twelve months shall be those who have been longest in office without re-election, and, when the number so ascertained does not equal one-half, lots shall be drawn between those who have been an equal time in office without re-election to decide which of them shall retire, and the retirement shall take place accordingly.

(4) At the expiration of such first twelve months, and at the expiration of each twelve months thereafter, one auditor shall retire from office. The auditor to retire shall be the one who has held office the longest without re-election, and if both have held office for the same length of time the auditor to retire shall be decided by lots to be drawn by the Chairman.

(5) Every drawing of lots to decide retirements shall be made fourteen days at least before the day of election.

Lists of lessees in arrear, with rents and rates, to be posted at polling-places.
Ibid., s. 43.

53. Within three months before any election of members of the Board or of an auditor—

(a) the Minister shall send to the Government officer a list of all lessees of land in the irrigation area who are six months or more in arrear in payment of any rent, and stating the amounts of such arrears, a copy of which list the Government officer shall cause to be posted in a conspicuous place at every polling-place in the area :

(b) the Board shall cause a list of all lessees who are in arrear in payment of any rates declared six months or more before the date of such election, and stating the amounts of such rates, to be posted in a conspicuous place at every polling-place in the area.

Elections.
Ibid., s. 44.

54. (1) The first members of the Board shall, by regulation, prescribe the manner in which elections of members of the Board (other than the Government officer), and auditors, shall be held.

(2) Every ratepayer of the full age of eighteen years whose name, at the time of an election of members or of an auditor, appears on the roll of lessees, as provided by section 70, may, subject to subsection 4 hereof, vote at such election.

(3) In

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(3) In case of joint tenancy or tenancy in common in respect of any ratable property, only the first of the joint tenants or tenants in common of such property who tenders his vote shall be entitled to vote.

(4) No lessee whose name appears in either of the lists provided for by section 53, shall be qualified to vote, or shall vote, at such election, unless he produces to the presiding officer a proper receipt for the amount of rent or rates, as the case may be, appearing on such list.

(5) Any lessee may object to any person disqualified as mentioned in subsection (4) hereof being allowed to vote.

(6) The election shall not be invalid by reason of—

(a) the non-posting of either or both of the said lists:

(b) the accuracy of either or both of such lists:

(c) the fact that any lessee whose name appears on either or both of such lists is improperly allowed to vote.

55. Upon failure by the first members of the Board to prescribe regulations, as required by section 54, or when an election wholly or in part fails to be made as provided by this Act, or such election, being made, afterwards becomes wholly or in part void, the Governor may appoint the members and auditors of the Board required to be elected.

Failure of elections.
Ibid., s. 46.

56. The Board shall, within forty-eight hours after the election of any member or auditor, cause to be delivered or posted to the person elected a notice informing him of such election, and within fourteen days of such election shall insert a notice thereof in the *Gazette*.

Notice of election to be given to each person elected, and to be inserted in *Gazette*.
Ibid., s. 47.

57. If the Board fails to proceed to an election for the space of twenty-one days from the day on which such election is required by this Act to be held, a Justice or Special Magistrate may, upon the request in writing of three lessees of land in the irrigation area, do every act required to be done for holding such election.

Where Board fails to hold election, Justice or Special Magistrate to hold the election.
Ibid., s. 48.

58. The Governor may appoint any new member to the Board in place of any member theretofore appointed by him.

Governor may appoint member at any time.
Ibid., s. 49.

59. The members of the Board shall do all necessary acts, matters, and things prior to the date when their term of office will expire to obtain nominations for members and auditors, and if the nominations exceed the number of members or auditors required, shall cause, on the date when they retire from office, an election to be held to determine which of the persons nominated shall be the members and auditors for the next ensuing year.

Board to arrange elections.
Ibid., s. 50.

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Determination of
office of elected
member.

Ibid., s. 51.

60. In the event of any vacancy occurring in the office of any elected member or auditor, a new member or auditor may be appointed to fill such vacancy by a majority of the members present at any meeting.

Governor may declare
offices vacant.

Ibid., s. 52.

61. When from any reason the business of a Board is not carried on, or the business and works connected with the irrigation area are neglected, the Governor may declare the offices of all the members vacant, and thereupon, by Proclamation, appoint new members of such Board, but such new members shall hold office only during such time as the members whose offices are so declared vacant would have held office.

DIVISION III.

DIVISION III.—OFFICERS OF AN IRRIGATION BOARD.

Board may appoint
officers.

Ibid., s. 53.

62. A Board may appoint all such officers to carry out the purposes of this Act as they think proper and necessary, and may pay to any officers so appointed such salaries and allowances as they deem reasonable.

Member not to be
officer under Board.

Ibid., s. 54.

63. No member of the Board shall hold any office to which the Board has the power of appointment.

Member or officer not
to be interested in
contract.

Ibid., s. 55.

64. No member of the Board or officer shall be concerned or interested in any contract made by the Board.

Officer to render
accounts.

Ibid., s. 56.

65. Every person employed by the Board shall render to the Board, within such time and manner as they direct, true and faithful accounts, in writing, of all moneys received or expended by him on account of the Board, and of all moneys due by any person to the Board, and on what account the same are due.

DIVISION IV.

DIVISION IV.—MEETINGS AND BUSINESS OF AN IRRIGATION BOARD.

Vote of Chairman.

Ibid., s. 57.

66. The Chairman shall have a casting as well as a deliberative vote.

Acting chairman may
be appointed.

Ibid., s. 58.

67. In the absence of the Chairman from any meeting or part of a meeting from any cause, one of the members shall be elected by those present to be acting chairman during the absence of the Chairman.

Ordinary meetings.

Ibid., s. 59.

68. (1) Ordinary meetings of the Board may be held after three days' written notice thereof given to the members by the Secretary, or if there is for the time no Secretary, then by the person performing the duties of Secretary.

Extraordinary
meetings.

(2) Any special or extraordinary meeting may be called by the Chairman, or any two members, giving the like notice thereof in writing to the other members.

69. Any

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69. Any three members of the Board shall form a quorum for the transaction of business.

Quorum.
Ibid., s. 60.

70. (1) The Board shall cause a roll to be kept of all lessees holding lands within the irrigation area, setting forth the areas and positions of such lands.

Roll of lessees.
Ibid., s. 61.

(2) Subject to the provisions of section 54 such roll shall be the electors' roll for the purpose of all elections of members of the Board and of auditors.

(3) Such roll may be altered or added to at any meeting of the Board, and a revised roll shall be compiled once at least in every year.

Alteration of roll.

DIVISION V.—GENERAL POWERS AND DUTIES OF A BOARD.

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71. Upon a Board being constituted for any irrigation area, all roads, streets, commonage lands, and other reserves within the area, and all irrigation and public works and factories, with the plant appertaining thereto, and all improvements made or constructed by the Minister under the authority of this Act or the repealed Acts, shall, subject to the provisions of this Act, vest in and be under the control of the Board, with the exception of embankments and Government reserves and any works, buildings, or improvements on such reserves: Provided that this section shall not apply to any main or district road or street within such area, so far as such road or street is situated within a District Council District or Municipality.

Works and lands to be vested in the Board.
Ibid., s. 62.
979, 1909, s. 6.

Roads and streets to remain vested in local government authority.

72. The Board, in addition to all other powers, shall have and may exercise the following powers and authorities within the irrigation area:—

General powers of Board.
953, 1908, s. 63.

- i. to do all necessary acts, matters, and things for the making, construction, improving, altering, cleansing, repairing, widening, deepening, diverting, or extending of any channel, drain, or watercourse, or any bank or defence (except an embankment) against waters:
- ii. to erect all necessary buildings, factories, bridges, irrigation works, and machinery, roads, ways, wharves, docks, and jetties, and to maintain, alter, or discontinue the same: Subject as regards wharves, docks, and jetties to the approval of any Marine Board or Harbor Trust or other similar body having authority over the same under any Act for the time being in force:
- iii. to break up and, if necessary, remove the soil of any road, way, bank, dam, or footpath:
- iv. to excavate and sink trenches for the purpose of laying down, making, and constructing channels and drains:

To make drains, &c.

To erect buildings, &c.

To break up soil, &c.

To excavate trenches.

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DIVISION V.*The Irrigation and Reclaimed Lands Act.—1914.*

To connect drains.

v. to cause channels and drains to communicate with any stream or watercourse within or without the limits of the irrigation area: Provided that no opening through or under any embankment may be made without the consent in writing of the Minister:

To remove earth, stone, and clay.

vi. to enter themselves, or by their officers or agents, upon any lands within the irrigation area for the purpose of inspecting or removing any earth, stone, or clay therefrom, and of making, constructing, and diverting drains, channels, and watercourses, and of regulating the supply of water to any block, or to any person, or by any drain, channel, or watercourse, or for any of the purposes of this Act:

To dig or bore.

vii. to enter themselves, or by their officers or agents, upon any lands or premises whereon or wherein it is proposed to execute any works, and on land adjacent thereto, and, if necessary, to dig or bore therein:

To examine and open sluices and floodgates.

viii. to examine any weir, sluice, or floodgate within or without the area erected in or upon or adjacent to any river, stream, sea, inlet, or arm of the sea, lake, channel, watercourse, or other water; and, subject to the proviso to subdivision v. of this section, to open or raise any floodgate or sluice within or without the area for any purpose whatever:

To use adjacent land.

ix. to use adjacent lands for making temporary roads or approaches to any work:

To execute all works for the betterment of the area.

x. to do all acts, matters, and things, and execute and carry out works of any kind having for their object the betterment of the irrigation area, or to secure the health, comfort, or convenience of the lessees occupying lands therein:

To levy rates.

xi. to levy rates on all ratable property in the irrigation area:

To raise a loan by special rate.

xii. to raise special loans for irrigation works, and levy a special rate for making necessary tanks, channels, or watercourses, or repairs thereto, or any other incidental work:

To borrow money from a bank.

xiii. with the consent of the Minister, to borrow moneys in anticipation of its current revenue from any bank, by way of overdraft, provided that such overdraft shall not exceed in amount the income of the preceding year:

To borrow money from the Minister.

xiv. to borrow money from the Minister for the general purposes of the Board out of funds at his disposal for advances:

To enter into contracts.

xv. to enter into contracts for effecting the purposes of this Act:

xvi. to

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- xvi. to regulate and control all drainage waters in the main channels and drains: To regulate waters.
- xvii. to equip, manage, and conduct factories, and buy and sell the produce of the irrigation area: To equip factories.
- xviii. to regulate the height at which water may or shall be maintained in any channel or drain. To regulate height of water.
- 73.** (1) The Board shall have and exercise within the irrigation area all such duties, jurisdiction, powers, and authorities, not inconsistent with this Act, as are declared by proclamation. Board to have powers declared by proclamation.
953, 1908, s. 61.
979, 1909, s. 7.
- (2) Ratepayers within the meaning of this Act shall have all the powers and privileges conferred upon ratepayers under "The District Councils Act, 1887," and any other Act for the time being in force in the State. No. 419 of 1887.
- 74.** (1) For the purposes of this Act, all the provisions of "The District Councils Act, 1887," and any Acts amending or substituted therefor, which relate to— Incorporation of certain provisions of Act No. 419 of 1887
Ibid., s. 65.
979, 1909, s. 8.
- (a) assessments, and appeals therefrom:
- (b) rates and ratepayers:
- (c) meetings and elections:
- (d) income and expenditure:
- (e) evidence, procedure, and forms;
- but in so far only as such provisions are applicable to the purposes of this Act, and are not inconsistent with or repugnant to this Act, are incorporated *mutatis mutandis* in this Act.
- (2) In particular the following words occurring in such incorporated provisions shall, for the purposes of this Act, have the meanings hereby assigned to them, namely— Interpretation of certain words in incorporated provisions.
- "District" means Irrigation Area:
- "District Council" means Board:
- "Councillor" or "member of the Council" means member of the Board:
- "Owner" means lessee.
- 75.** (1) The Board of any irrigation area may, for the purposes of this Act,— Board may construct drains across roads, but shall reinstate the roads.
Ibid., s. 11.
- I. cut and construct channels, drains, and watercourses on or across roads or streets within such area, though such roads or streets are vested in or under the control of a District Council or Municipal Corporation;
- II. from time to time improve, alter, cleanse, repair, widen, deepen, divert, or extend any such channel, drain, or watercourse;
- III. erect

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- iii. erect fences on or across such roads or streets for the protection of such channels, drains, and watercourses ; and
- iv. do all such acts, matters, and things as are necessary for carrying out the works authorised by this section.

(2) After such works are carried out the Board shall erect and keep in repair such bridges and culverts, and do such other things for reinstating such roads or streets as are rendered necessary by the carrying out of such works.

(3) If the Council or Corporation and the Board cannot agree as to whether any particular works are for the purposes of this Act, or as to what are the obligations of the Board under subsection (2) of this section, the matter shall be decided by arbitration by two arbitrators, one to be appointed by the Council or Corporation and the other by the Board, and an umpire, to be chosen by such two arbitrators before they enter upon the reference, and the award shall be final.

Lessees' roll to be
ratepayers' roll.
953, 1908, s. 68.

76. (1) The roll to be kept under section 70 shall be deemed to be the ratepayers' roll for any purpose of rating, or any matter connected therewith.

(2) If there is no revised roll, the then existing roll shall for all purposes be deemed to be the ratepayers' roll.

Board to supply and
distribute water.
Ibid., s. 69.

77. (1) The Board—

(a) shall supply and distribute water for the irrigation of the irrigation area and the use of the inhabitants thereof, at such rates and charges as are approved by the Minister ; and

(b) may supply and distribute water to other persons who own or occupy land adjacent to the irrigation area in such quantities and at such rates as are agreed upon by the Board and such persons.

(2) The Board shall not be liable to any penalty or damage for not supplying or distributing water if the want of supply arises from drought, low river, scarcity of water, or from any unavoidable cause or accident.

Rates to be declared
on the basis of area.
Ibid., s. 70.

78. All such rates for water declared by the Board shall be declared upon the basis of area, irrespective of improvements upon the land, and so that the total rates in any one year shall be at least equal to a sum sufficient to cover the annual expenses of the Board, and also all moneys for the time being payable to the Minister in pursuance of the provisions of section 41.

Assessment of
fractional parts of
roods.
Ibid., s. 71.

79. Except in respect of town lands, for the purpose of computing the rates, a fractional part of a rood, if equal to or exceeding twenty perches, shall be deemed to be a rood ; but if less than twenty perches, shall not be taken into account.

80. If

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80. If any land within the irrigation area is not, as to the drainage of surface and storm water, drained by some efficient drain communicating with some watercourse or drain used under the authority of this Act, the Board may construct through any land lying between the first-mentioned lands and the nearest such watercourse or drain an efficient drain suited for draining therefrom and from the intermediate lands such surface and storm water as aforesaid, but so that such drain shall not pass through or under any house, building, or other like structure.

Board may drain surface and storm water.

Ibid., s. 72.

81. (1) All costs and expenses incurred in constructing such drain shall be apportioned by the Board among the ratepayers deriving any benefit therefrom, so far as possible in proportion to such benefit, and shall be repaid by such ratepayers after notice in that behalf by the Board; and the same, if not paid, may be sued for and recovered as a debt due to the Board.

Owners benefited thereby to paycosts.

Ibid., s. 73.

(2) If any dispute arises between the Board and ratepayers, or between ratepayers, as to the correctness of such apportionment, the matter shall be decided by the Minister, whose decision shall be final.

82. The Board may, by pumping or otherwise, reduce the water in any low-lying land within the irrigation area to such level as they deem proper, and shall apportion the costs and expenses of so doing among the ratepayers of all reclaimed land within the area in such proportions as the Board deem fair and reasonable.

Power to reduce water in low-lying land and apportion cost.

Ibid., s. 74.

PART V.

PART V.

LESSEES OF RECLAIMED LANDS LOAN FUND, AND PURPOSES FOR WHICH IT MAY BE USED.

83. (1) The Fund constituted by "The Irrigation and Reclaimed Lands Act, 1908," and called the "Lessees of Reclaimed Lands Loan Fund," is hereby continued, and shall consist of such moneys as have, under the said Act, been provided by Parliament for the purposes of loans to lessees under that Act, or have been under any of the repealed Acts, or are under this Act, provided by Parliament for the purposes mentioned in sections 85 and 86 of this Act.

Continuation of Lessees of Reclaimed Lands Loan Fund.

Ibid., s. 75.

1108, 1912, s. 12 (2).

(2) Such moneys may be used for the purposes mentioned in sections 85 and 86 of this Act, and shall be under the control of the Minister.

For what purposes to be used.

1108, 1912, s. 12 (1).

(3) The Minister shall keep accounts showing all operations on the said fund, as well as all moneys paid to and received from each lessee to whom any advances were made under "The Irrigation and Reclaimed Lands Act, 1908."

Minister to keep accounts.

953, 1908, s. 77.

84. (1) All moneys received by the Minister in repayment of any advances to lessees made under Part V. of "The Irrigation and Reclaimed Lands Act, 1908," and all moneys received by him as deposits

Principal moneys repaid to form part of Fund.

Ibid., s. 76.

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1108, 1912, s. 15.

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deposits or premiums in respect of, or in repayment (wholly or in part) of, moneys advanced or expended by him pursuant to sections 13 and 14 of "The Irrigation and Reclaimed Lands Act Further Amendment Act, 1912," or to sections 85 and 86 of this Act, shall be paid to the credit of the said Fund and shall form part thereof.

Interest to be paid into revenue.

(2) Moneys received as interest shall be paid to the Treasurer in aid of the general revenue of the State.

Minister may expend moneys in certain improvements.
1103, 1912, s. 13.

85. (1) The Minister, upon the application, in the prescribed form, of any lessee of land in an irrigation area, and upon the recommendation of the Director of Irrigation and Reclamation Works, may expend a sum not exceeding Fifteen Pounds per acre of the irrigable land in such lessee's block in making the following improvements or any of them, namely:—Fencing, clearing, and grading such lessee's block, and constructing channels thereon and connecting such channels with the nearest main channel.

Deposit to be paid by lessees.

(2) The Minister shall not commence work on any block until the lessee has paid a deposit equal to not less than fifteen per centum of the Minister's estimate of the cost of carrying out such improvements, and has entered into an agreement with the Minister, in the prescribed form, agreeing to repay in manner prescribed all moneys expended by the Minister in making and carrying out such improvements, and to secure the repayment thereof by executing a first mortgage to the Minister or his nominee over such block.

Minister may effect improvements before leases.
Ibid., s. 14.

86. (1) The Minister may, upon an irrigation area being proclaimed, improve such area or any portion or portions thereof by fencing, clearing, grading, and channelling, and by effecting such other improvements as he thinks fit.

(2) No lease shall be granted of any portion so improved unless the proposed lessee has paid, by way of premium for such lease, a sum equal to not less than fifteen per centum of such proportion of the amount expended by the Minister in improving such area as, in the opinion of the Minister, is attributable to the land to be comprised in such lease, and has executed a mortgage to the Minister in the prescribed form to secure the payment of the balance of the said proportion of the amount so expended.

Repayment of advances to lessees under repealed Act.
953, 1908, s. 83.

87. All moneys advanced under Part V. of "The Irrigation and Reclaimed Lands Act, 1908," to any lessee shall be repaid to the Minister by twenty equal annual instalments, together with interest on the amount for the time being unpaid at the rate of Four Pounds per centum per annum, the first instalment of principal to be paid at the expiration of five years from the date of such advance: Provided that the lessee may pay the whole or any portion of the amount advanced at any time prior to the expiration of the time agreed or prescribed for payment.

88. Any

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88. Any breach by the lessee of any of the terms or conditions of such agreement shall be deemed a breach of the conditions of his lease, and shall render such lease liable to be cancelled and forfeited, or, at the Minister's option, to be sold and transferred, in the same manner as Crown leases when rent is in arrear.

Breach of agreement to render holding liable to forfeiture.
Ibid., s. 84.

89. In cases of hardship the Minister may extend the time for making any payment on account of any such advance: Provided that the deferred payments shall bear interest at the rate of Five Pounds per centum per annum.

Extension of time for repayment.
Ibid., s. 85.

90. While any principal or interest moneys remain owing by any lessee in respect of such advances the lessee shall not pull down or remove, or suffer to be pulled down or removed, or alter, or destroy, damage, or injure, or suffer to be altered, destroyed, damaged, or injured, any permanent building, erection, or fence, or any drain, dam, embankment, windmill, or other water improvement erected or made upon the land comprised in his lease, without the consent in writing of the Minister thereto.

Lessee not to remove, destroy, or injure improvements.
Ibid., s. 86.

91. No sublease, mortgage, or other encumbrance executed by a lessee after he has obtained such an advance, shall have any validity until such advance, and all interest in respect thereof, are fully repaid and satisfied.

Mortgages, &c., subsequent to advance to be void.
Ibid., s. 87.

PART VI.

PART VI.

REGULATIONS AND BY-LAWS.

92. The Governor may, as to any or all irrigation areas continued by or proclaimed under this Act, from time to time, make, alter, and rescind all such regulations as appear necessary or advisable for regulating—

Regulations.
Ibid., s. 88.

- (a) the duties, powers, authorities, and privileges of all persons employed in the administration of this Act:
- (b) the meetings and proceedings of Boards and of ratepayers:
- (c) the supply and distribution of water upon irrigation areas, and the charges therefor:
- (d) the management of irrigation areas, and all improvements thereon, and the employment, duties, and privileges of lessees and occupiers of the land until the constitution of Boards:
- (e) the making and dealing with applications, fixing of boundaries, areas, rents, and purchase-money, and the making of surveys:
- (f) the form and contents of notices, applications, leases, licences, and all other instruments and documents, and the mode of executing, serving, or delivering the same:
- (g) elections:

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- (g) elections :
- (h) the making of assessments, and the declaring and recovery of rates :
- (i) transfers, transmissions, and forfeitures :
- (j) the imposing of penalties :
- (k) the time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which no time or procedure is provided, is to be done or performed :
- (l) the subjects upon which the Boards may make by-laws, and their confirmation by the Governor, and publication :
- (m) fees to be paid and charges to be made :
- (n) the income and expenditure of Boards :
- (o) all other matters and things arising under and consistent with this Act not herein expressly provided for, and for otherwise fully and effectively 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 :
- (p) penalties for breaches of any such regulations, and additional penalties for a repetition or continuance of such breach :
Provided that the penalty for any single breach shall not exceed in any case Twenty Pounds, nor for any continuance Two Pounds for each day of such continuance.

Regulations to have force of law, and to be laid before Parliament.

Ibid., s. 89.

93. (1) All such regulations shall be published in the *Gazette*, and shall thereupon have the force of law.

(2) All such regulations shall be laid before both Houses of Parliament within fourteen days after the publication thereof, if Parliament is in Session at the expiration of such fourteen days, and if not, then within fourteen days after the next Session of Parliament begins ; and if, within thirty days after the laying before Parliament of any such regulation, either House of Parliament passes a resolution objecting thereto, the same shall (so far as so objected to) thenceforth cease to have the force of law.

(3) Notice of such resolution shall forthwith be published in the *Gazette*.

(4) The *Gazette* containing any such regulation purporting to be made by the Governor by virtue of this Act shall be conclusive evidence of the valid making and of the contents thereof ; and the *Gazette* containing a notice of a resolution being passed by either House of Parliament objecting to any such regulation shall be conclusive evidence of the passing of such resolution and of the contents thereof.

Gazette evidence of regulations.

94. Any

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94. Any Board may make, alter, and rescind such by-laws as are necessary or convenient for carrying out any of the provisions of this Act in its irrigation area, and for the following purposes:—

By-laws made by
Boards.
Ibid., s. 90.

- I. to regulate the manner of calling and holding meetings of the Board and committees thereof, and the quorum of such committees :
- II. to regulate the forms and places of posting or manner of publication of public notices to be published by the Board :
- III. to regulate elections and the appointment of officers or other persons to carry out the provisions of this Act in relation to elections :
- IV. to regulate the appointment, duties, and control of all or any officers or servants of the Board, and the times and modes of payment of their salaries, fees, and wages :
- V. to fix or regulate the securities to be taken from, or on behalf of, or to secure the fidelity of, any officer or servant :
- VI. to regulate the making of assessments and the making or declaring of rates :
- VII. for the appropriation and expenditure of the revenue of the Board :
- VIII. for the punishment of persons falsely representing themselves to be officers of or appointed by the Board :
- IX. for the more effectual exercise of the powers and discharge of the duties and liabilities hereby conferred and imposed on the Board :
- X. to require owners and occupiers to fence supplies of water :
- XI. to regulate the irrigation water supply and the flow of irrigation and drainage waters into, in, or through any channel, flume, or pipe, and the disposal of such waters :
- XII. to fix fees and charges :
- XIII. to fix pecuniary penalties for offences against or breaches of such by-laws, or any of them, and to fix additional penalties for a repetition or continuance of any offence or breach : Provided that no penalty for any single offence or breach shall exceed Twenty Pounds, nor for any continuance Two Pounds for each day of such continuance :
- XIV. for any other purpose arising under and consistent with this Act not herein expressly provided for, and for otherwise fully and effectually carrying out and giving effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof.

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By-laws to be passed by three-fifths of members in office.

Ibid., s. 91.

95. (1) At least three-fifths of the members then in office shall be present at the meeting of the Board to pass any by-law.

(2) No by-law shall be of any force until signed by the Chairman and Secretary, and confirmed by the Governor, and published in the *Gazette*.

(3) After the expiration of one month from such publication, a by-law shall have the force of law, and shall, until altered or repealed, have effect within the irrigation area as if such by-law were part of this Act: Provided that in case of any conflict between any by-law made by any Board and any regulation made by the Governor the regulation shall be held to prevail.

PART VII.

Director of Irrigation and Reclamation Works to be a member of the Land Board for the purposes of this Act. 1108, 1912, s. 18.

General powers of Minister for the purposes of the Act. 1022, 1910, s. 10, as enacted by 1108, 1912, s. 17.

Minister to have powers of District Council.

419 of 1887.

Certain powers not exercisable where Board is in existence.

Water may be taken from River Murray or other water. 953, 1908, s. 92.

PART VII.**MISCELLANEOUS.**

96. For the purposes of this Act, the Director of Irrigation and Reclamation Works shall be an additional member of the Land Board and, for those purposes, shall have all the powers and duties of a member of the said Board.

97. (1) The Minister may, from time to time and at all times, do such acts and things as may be necessary or convenient for the exercise of any power or authority vested in or conferred upon him by, or for the purposes of carrying out the objects and purposes of, this Act.

(2) Without limiting the operation of subsection (1) of this section, it is hereby declared that, after an irrigation area has been proclaimed, the Minister shall have and may exercise within such area, *mutatis mutandis*, all the powers and authorities of a District Council under "The District Councils Act, 1887," and the Acts incorporated therewith or repealing or amending the same, and also all the powers and authorities which a Board might exercise.

(3) The powers and authorities conferred upon the Minister by subsection (2) of this section shall not be exercisable by the Minister within an irrigation area in respect of which a Board is constituted and in existence, and if an irrigation area is situated within the boundaries of any District Council District, the Minister shall not, in respect of such area, have the powers and authorities of a District Council.

98. All water required by the Minister for the purposes of this Act may be taken from the River Murray, or any other river, or from any creek, stream, lagoon, or other water within any irrigation area; and all water required by any Board for such purposes may be taken from the River Murray, or any other river, or from any creek, stream, lagoon, or other water within the irrigation area of such Board.

99. Every

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99. Every Board shall cause all watercourses, channels, or drains within its irrigation area to be kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and maintained in proper order; and any Board making default in any of such matters shall be liable to the occupiers of land for any damage thereto in consequence of or through the disrepair of any such watercourse, channel, or drain.

Board to clean watercourses, &c.
Ibid., s. 93.

100. Notwithstanding anything contained in this Act or in any lease or agreement, neither the Minister nor any Board shall be liable to any penalty or damages for not supplying water to any person if the want of such supply arises from drought, low river, influx of salt water, or the pollution of water, or from any other unavoidable cause or accident.

No damages recoverable by lessees on shortage of supply of water.
1108, 1912, s. 11.

101. (1) Nothing in this Act shall render any Board, or the Minister, or the Government of the State, liable for damages consequent upon the insufficiency of water, or for injury to any land or other property which happens through or by such insufficiency, or through or by floodwaters or the overflowing of any river.

No liability for damage through insufficiency of water or floods.
953, 1908, s. 94 (1).

(2) Nothing in this Act shall render any Board liable for injury happening through or by the breaking of any dam, bank, watercourse, channel, drain, or sluice, unless such injury arises through neglect to keep such dam, bank, watercourse, channel, drain, or sluice in repair, and unless the occupier of the land or property injured had given written notice to the Board warning them of the probability of such injury, and the Board has neglected within a reasonable time thereafter to make any reasonable repair of such dam, bank, watercourse, channel, drain, or sluice; and in such case the remedy shall be only against the Board and the funds thereof, and not against the individual members.

No liability for damage through breaking of dams except for neglect to repair.
953, 1908, s. 94 (2).

102. (1) Whenever any irrigation area is subdivided into other irrigation areas, or is enlarged, or curtailed, as mentioned in section 11, or is abolished, the Governor may appoint some person to hold an inquiry and make an award apportioning the real and personal property, and the debts, liabilities, and engagements of the Board of such irrigation area as may be deemed advisable by such person.

Apportionment on abolition or alteration of area.
Ibid., s. 95.

(2) Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested, and by whom any moneys shall be paid, or other acts or things shall be done, including the payment of any costs of the inquiry, and may give such directions as may be necessary to give effect to the inquiry.

Award.

(3) Every such award shall be final, and shall, from the date thereof, have the operation of and be enforceable as if it were a judgment of the Supreme Court.

To be final.
Ibid., s. 96.

103. Nothing

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Creditors' rights preserved.

Ibid., s. 97.

103. Nothing in section 102 shall in any way affect the rights or interests of any creditor of any Board, or shall relieve the ratepayers for the time being in any irrigation area from their liability to pay any special rate made under the provisions of this Act, or of any of the repealed Acts, for a security for any advance.

PART VIII.**PART VIII.****LEGAL PROCEDURE, ETC.**

Gazette to be evidence.

Ibid., s. 98.

104. The production of the *Gazette* in which is published any proclamation, regulation, by-law, notice, appointment, or other notification, made or given, or purporting to be made or given, pursuant to this Act or any of the repealed Acts, shall be conclusive evidence in all Courts and before all tribunals that such proclamation, regulation, by-law, notice, appointment, or notification was duly made or given and is of full force and effect, and of the contents thereof, and of the matters stated, recited, or assumed therein.

Proclamation not invalid for preliminary defect.

Ibid., s. 99.

105. No proclamation shall be invalid by reason of anything required as preliminary thereto not having been done, or not having been duly done.

Documents of Board, how verified.

Ibid., s. 100.

106. Every notice, document, or other writing requiring to be authenticated by any Board may be sufficiently authenticated without the common seal of the Board, if signed by the Chairman, by two members, or by the Secretary.

Service of notices.

Ibid., s. 101.

107. Service of any document may be effected by giving the same personally to the Chairman or Secretary, or leaving it at the office of the Board with any person employed therein.

Provisions as to seal of Board.

Ibid., s. 102.

108. The corporate name of every Board shall be part of the seal of such Board, and judicial notice shall be taken of such seal by every Court and tribunal, and such seal shall be kept at the office of the Board.

Offences.

Ibid., s. 103.

109. The failure of any person to do any act, matter, or thing, when required so to do by any Board under the powers vested in the Board by this Act, shall be an offence against the provisions of this Act.

Penalty where none specified.

Ibid., s. 104.

110. Any offence against this Act for which no punishment is specified shall be punishable by a penalty not exceeding Twenty Pounds.

Who may lay informations, and hearing of same.

Ibid., s. 105.

111. (1) All proceedings may be had and taken, and all complaints and informations may be laid, for any offence against this Act, at the instance of any person; and all complaints and informations shall be heard and determined, and all moneys, costs, and expenses shall be recovered, in a summary way before a Special Magistrate

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Magistrate or any two Justices; and all such proceedings shall be in manner provided by the Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4, or any Act for the time being in force as to procedure before Justices.

(2) The Special Magistrate or Justices may also, in case any penalty is imposed, order the defendant, in default of payment thereof, to be imprisoned, with or without hard labor, for any period not exceeding six months.

112. All penalties shall, except where otherwise provided, when recovered, be paid to the Treasurer.

Penalties to be paid to the Treasurer.

Ibid., s. 106.

113. (1) There shall be an appeal from any decision of any Special Magistrate or Justices to the Local Court of Adelaide in its Full Jurisdiction.

Appeal to Local Court.

Ibid., s. 107.

(2) Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and the said Act No. 298 of 1883-4, or any other Act for the time being regulating appeals to such Local Court; and such Local Court may make such order as to costs as it thinks fit.

Procedure on appeal.

Ibid., s. 108.

114. (1) Such Local Court may state a special case for the opinion of the Supreme Court.

Special case.

Ibid., s. 109.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make any order as to the costs of the proceedings in that Court and in the Courts below.

Procedure on special case.

Ibid., s. 110.

115. (1) All actions for anything done under this Act shall be commenced within six months after the cause of action arises, and not afterwards.

Protection to persons acting in execution of this Act.

Ibid. s. 111.

(2) Notice in writing of such action, and the cause thereof, shall be given to the defendant one month at least before the commencement of the action.

(3) In every such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon.

(4) No plaintiff shall recover in any such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after action brought, together with the costs incurred up to that time.

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

H. L. GALWAY, Governor.

SCHEDULES.

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SCHEDULES.

THE FIRST SCHEDULE.

Sec. 4.

ACTS CONSOLIDATED AND REPEALED.

| Reference to Acts. | Title of Acts. |
|--------------------|---|
| No. 953 of 1908 | "The Irrigation and Reclaimed Lands Act, 1908." |
| No. 979 of 1909 | "The Irrigation and Reclaimed Lands Act Amendment Act, 1909." |
| No. 1022 of 1910 | "The Irrigation and Reclaimed Lands Act Further Amendment Act, 1910." |
| No. 1108 of 1912 | "The Irrigation and Reclaimed Lands Act Further Amendment Act, 1912." |

THE SECOND SCHEDULE.

Sec. 25.

Schedule 953, 1908.

SOUTH [Royal Arms] AUSTRALIA.

Crown Lease (Perpetual No.) under "The Irrigation and Reclaimed Lands Act 1914."

I the Honorable Minister of Agriculture and Irrigation [*or as the case may be*] of the State of South Australia being the Minister of the Crown to whom the administration of "The Irrigation and Reclaimed Lands Act 1914" is committed by His Excellency the Governor of the said State in Executive Council (hereinafter called "the Minister") in exercise of the powers conferred upon me by the above-mentioned Act (hereinafter called "the said Act") do hereby lease to [*name of lessee*] of [*address and occupation*] his executors administrators and assigns (all of whom are hereinafter included in the term "lessee") all that land containing acres or thereabouts and being Block No. in The Irrigation Area in the County of as the same is delineated in the plan of the said irrigation area deposited in the office of the Surveyor-General in the City of Adelaide to be held in perpetuity at the following rental namely:—For the first year the sum of for the second year the sum of for the third year the sum of and for the fourth and every succeeding year the sum of such sums to be paid in advance on the day of in each year and the first of such sums to be paid on the day of one thousand nine hundred and 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 some of which are more fully set out in "The Crown Lands Act 1903."

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.
2. There is reserved to the Minister and to the Board constituted or to be constituted for the said irrigation area (hereinafter called "the Board") the right at all times by himself or themselves or by his or their officers or agents to enter into and upon the land hereby leased and therein to construct alter divert cleanse repair

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repair and inspect water channels drains embankments and all other reclamation irrigation and sanitary works and to conserve water for the public use where required and to exercise all powers conferred upon him or them respectively by the said Act without any payment to the lessee by way of compensation.

Covenants.

3. The lessee must—

1. Pay the rent at the times and in manner aforesaid :
- II. Pay all rates and charges imposed upon or payable in respect of the land and in particular all rates and charges imposed or charged by the Minister or the Board in exercise of the powers conferred by the said Act or by any Act amending or extending the same :
- III. Pay for all water supplied to him by the Minister or the Board at the rates or charges levied or prescribed by the Minister or the Board :
- IV. Enclose the land with cattle-proof fence before the end of the fifth year of the lease :
- V. During the first two years of the lease plant or bring under cultivation to the satisfaction of the Minister at least two-fifths of the reclaimed and of the irrigable land included in this lease and an additional one-fifth of such lands in each of the following three years until the whole of such lands are under such cultivation or planting :
- VI. Keep in good repair all Crown improvements (if any) on the land and all improvements made by the Minister or the Board and all buildings orchards vineyards gardens fences and other improvements thereon and keep all fruit and other trees and plants thereon free as far as possible from insects pests and diseases :
- VII. Commence forthwith to destroy and during the lease keep the land free from all vermin and noxious weeds to the satisfaction of the Minister :
- VIII. Insure and keep insured in the full insurable value thereof all buildings the property of the Crown or of the Board upon the land in the joint names of the Minister and the lessee in some insurance office to be approved by the Minister and forthwith lodge the policy of every such insurance in the office of the Minister and forward to the Minister the receipts for the premiums payable in respect of such policy within seven days after the same shall become due. The Minister may insure on default by the lessee and recover all amounts paid for such insurance in like manner as the rent is recoverable :
- IX. Permit the Crown the Minister the Land Board the Board and the owner of any mining claim situated on the land or the holder of any mining lease of the whole or any portion of the land under any law for the time being relating to mining by itself himself or themselves or its his or their officers or agents full and free liberty of access ingress egress and regress into upon and from the land :

And the lessee must not—

- I. Transfer encumber or mortgage without the written consent of the Minister first had in each case :
- II. Erect brush fence or suffer or permit the same to be erected or to remain on the land.

Conditions.

4. 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 sublet or mortgaged without the written consent of the Minister first had in such cases or if

IV. The

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**THE IRRIGATION AND RECLAIMED LANDS
ACT, 1914.**

Table showing how the Sections of Acts Consolidated have been dealt with.

| Section of Repealed Act. | Remarks. | Section of Consolidating Act. |
|--|--------------------------------------|-------------------------------------|
| Irrigation and Reclaimed Lands Act, 953 of 1908 s. 1 | — | 1, 2 |
| Ibid s. 2 | — | 3 |
| “ s. 3 | (As amended by 1108, 1912, s. 3) | 5 |
| “ s. 4 | Repeals | — |
| “ s. 5 | — | 6 |
| “ s. 6 | — | 7 |
| “ s. 7 | (As amended by 1022, 1910, s. 3) | 8 |
| “ s. 8 | (As amended by 979, 1909, s. 3) .. | 9 |
| “ s. 9 | — | 10 |
| “ s. 10 | — | 11 |
| “ s. 11 | — | 12 |
| “ s. 12 | — | 13 |
| “ s. 13 | — | 14 |
| “ s. 14 | (As amended by 1108, 1912, s. 4) | 15 |
| “ s. 15 | — | 16 |
| “ s. 16 | — | 17 |
| “ s. 17 | — | 18 |
| “ s. 18 | — | 19 |
| “ s. 19 | — | 20 |
| “ s. 20 | (As amended by 1022, 1910, s. 4) | 21 |
| “ s. 21 | — | 22 |
| “ s. 22 | (As substituted by 1022, 1910, s. 5) | 23 |
| “ s. 23 | — | 25 |
| “ s. 24 | — | 26 |
| “ s. 25 | — | 27 |
| “ s. 26 | (As amended by 1108, 1912, s. 5) | 31 |
| “ s. 27 | — | 30 |
| “ s. 28 | (As amended by 1022, 1910, s. 6) | 37 |
| “ s. 29 | — | 38 |
| “ s. 30 | — | 39 (1) |
| “ s. 31 (1) | — | 40 (1) |
| “ s. 31 (2) | (As enacted by 1022, 1910, s. 7) .. | 40 (2) |
| “ s. 31 (3) | — | 40 (3) |
| “ s. 32 | (As enacted by 1022, 1910, s. 8) .. | 41 |
| “ s. 33 | — | 42 |
| “ s. 34 | — | 43 |
| “ s. 35 | — | 44 |
| “ s. 36 | — | 45 |
| “ s. 37 | — | 47 |
| “ s. 38 | — | 48 |
| “ s. 39 | — | 49 |
| “ s. 40 | — | 50 |
| “ s. 41 | — | 51 |
| “ s. 42 | — | 52 |

The Irrigation and Reclaimed Lands Act.—1914.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

| Section of Repealed Act. | Remarks. | Section of Consolidating Act. |
|---|--|-------------------------------|
| Irrigation and Reclaimed Lands Act, 953 of 1908 s. 43 | — | 53 |
| Ibid s. 44 | — | 54 |
| " s. 45 | — | 46 |
| " s. 46 | — | 55 |
| " s. 47 | — | 56 |
| " s. 48 | — | 57 |
| " s. 49 | — | 58 |
| " s. 50 | — | 59 |
| " s. 51 | — | 60 |
| " s. 52 | — | 61 |
| " s. 53 | — | 62 |
| " s. 54 | — | 63 |
| " s. 55 | — | 64 |
| " s. 56 | — | 65 |
| " s. 57 | — | 66 |
| " s. 58 | — | 67 |
| " s. 59 | — | 68 |
| " s. 60 | — | 69 |
| " s. 61 | — | 70 |
| " s. 62 | (As amended by 979, 1909, s. 6) .. | 71 |
| " s. 63 | — | 72 |
| " s. 64 | (As amended by 979, 1909, s. 7) .. | 73 |
| " s. 65 | (As amended by 979, 1909, s. 8) .. | 74 |
| " s. 66 | Repealed by 979, 1909, s. 9 | — |
| " s. 67 | Repealed by 979, 1909, s. 10 | — |
| " s. 68 | — | 76 |
| " s. 69 | — | 77 |
| " s. 70 | — | 78 |
| " s. 71 | — | 79 |
| " s. 72 | — | 80 |
| " s. 73 | — | 81 |
| " s. 74 | — | 82 |
| " s. 75 | (As amended by 1108, 1912, s. 12 (2)) | 83 (1) |
| " s. 76 | — | 84 |
| " s. 77 | — | 83 (3) |
| " s. 78 | — | — |
| " s. 79 | — | — |
| " s. 80 | } Operation exhausted by reason of 1088, 1912, s. 12 | — |
| " s. 81 | | — |
| " s. 82 | | — |
| " s. 83 | — | 87 |
| " s. 84 | — | 88 |
| " s. 85 | — | 89 |
| " s. 86 | — | 90 |
| " s. 87 | — | 91 |
| " s. 88 | — | 92 |
| " s. 89 | — | 93 |
| " s. 90 | — | 94 |
| " s. 91 | — | 95 |
| " s. 92 | — | 98 |
| " s. 93 | — | 99 |

The Irrigation and Reclaimed Lands Act.—1914.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

| Section of Repealed Act. | Remarks. | Section of Consolidating Act. |
|---|---|-------------------------------|
| Irrigation and Reclaimed Lands Act, 953 of 1908 s. 94 | — | 101 (1),(3) |
| Ibid s. 95 | — | 102 (1),(2) |
| “ s. 96 | — | 102 (3) |
| “ s. 97 | Reference to “three immediately preceding sections” obviously means “two,” etc. | 103 |
| “ s. 98 | — | 104 |
| “ s. 99 | — | 105 |
| “ s. 100 | — | 106 |
| “ s. 101 | — | 107 |
| “ s. 102 | — | 108 |
| “ s. 103 | — | 109 |
| “ s. 104 | — | 110 |
| “ s. 105 | — | 111 |
| “ s. 106 | — | 112 |
| “ s. 107 | — | 113 (1) |
| “ s. 108 | — | 113 (2) |
| “ s. 109 | — | 114 (1) |
| “ s. 110 | — | 114 (2) |
| “ s. 111 | — | 115 |
| The Schedule | Reference to revaluation of rent obviously an oversight, omitted as inoperative | 2nd Sched. |
| Irrigation and Reclaimed Lands Act Amendment Act, 979 of 1909 s. 1 | Short titles | — |
| Ibid s. 2 | Incorporation with other Acts . . | — |
| “ s. 3 (1) | Amendment of 953, 1909, s. 8 | — |
| “ s. 3 (2) | Effect preserved by saving provisions | 4 |
| “ s. 4 | — | 28 |
| “ s. 5 | — | 29 |
| “ s. 6 | Amendment of 953, 1908, s. 62. Effect of latter part preserved by saving provisions | 4 |
| “ s. 7 | Amendment of 953, 1908, s. 64 . . . | — |
| “ s. 8 | Amendment of 953, 1908, s. 65 . . . | — |
| “ s. 9 | Repeal of 953, 1908, s. 66 | — |
| “ s. 10 (1) | Repeal of 953, 1908, s. 67 | — |
| “ s. 10 (2), (3) | Operation exhausted, and effect preserved by saving provisions | 4 |
| “ s. 11 | — | 75 |
| Irrigation and Reclaimed Lands Act Further Amendment Act, 1022 of 1910 s. 1 | Short titles | — |
| Ibid s. 2 | Incorporation with other Acts . . . | — |
| “ s. 3 | Amendment of 953, 1908, s. 7 | — |
| “ s. 4 | Amendment of 953, 1908, s. 20 . . . | — |
| “ s. 5 | Repeal of 953, 1908, s. 22, and substitution of new section | — |
| “ s. 6 | Amendment of 953, 1908, s. 28 . . . | — |

The Irrigation and Reclaimed Lands Act.—1914.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

| Section of Repealed Act. | Remarks. | Section of Consolidating Act. |
|---|--|-------------------------------|
| Irrigation and Reclaimed Lands Act Further Amendment Act, 1022 of 1910 s. 7 | Repeal of 953, 1908, s. 31 (2), and substitution of new subsection | — |
| Ibid s. 8 | Repeal of 953, 1908, s. 32, and substitution of new section | — |
| “ s. 9 | Amendment of 953, 1908, s. 80 . . . | — |
| “ s. 10 | (As enacted by 1108, 1912, s. 17) | 97 |
| “ s. 11 | — | 39 (2) |
| Irrigation and Reclaimed Lands Act Further Amendment Act, 1108 of 1912 s. 1 | Short titles | — |
| Ibid s. 2 | Incorporation with other Acts . . . | — |
| “ s. 3 | Amendment of 953, 1908, s. 3 | — |
| “ s. 4 | Amendment of 953, 1908, s. 14 . . . | — |
| “ s. 5 | Amendment of 953, 1908, s. 26 . . . | — |
| “ s. 6 | — | 32 |
| “ s. 7 | — | 33 |
| “ s. 8 | — | 34 |
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