



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1868-9.

No. 11.

An Act to Remove Doubts as to the Validity of Leases of the Waste Lands of the Crown for Mineral Purposes heretofore granted, and for other purposes.

[Assented, to 30th January, 1869.]

WHEREAS doubts have arisen as to the validity of leases of Preamble. the waste lands of the Crown for mineral purposes made by the Governor, and purporting to be made under the provisions of the Act of the Governor and Legislative Council and House of Assembly of the Province of South Australia, No. 5 of one thousand eight hundred and fifty-seven, intituled "An Act for regulating the sale and other disposal of waste lands belonging to the Crown in South Australia," and of another Act of the Governor and Legislative Council and House of Assembly of the said Province, called "The Mineral Leases Act, 1862," and of another Act of the Governor and Legislative Council and House of Assembly of the said Province, called "The Mineral Leases Act, 1867;" and doubts having also arisen as to the construction of the words "waste lands of the Crown," so far as the same relate to leases for mineral purposes, and it is desirable that such doubts should be removed—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. Every lease of the waste lands of the Crown for mineral purposes granted by the Governor after the said Act, "The Waste Lands Act," came into operation, and before the repeal Certain leases of waste lands for mineral purposes declared to be valid. of

Mineral Leases Validating Act.—1868-9.

of the thirteenth clause thereof, for no more than eighty acres; and every lease granted as aforesaid after the "Mineral Leases Act, 1862," came into operation, and before the repeal thereof, for no more than three hundred and twenty acres; and every lease heretofore granted as aforesaid since the "Mineral Leases Act, 1867," came into operation, for no more than six hundred and forty acres, shall be, and be deemed to have been from the granting thereof, valid and effectual as a demise of the said lands for mineral purposes under the said Acts respectively, although the lessee or lessees, or one or more of such lessees, to whom such lease may have been granted, may have had granted to him, her, or them, before such lease was made, or contemporaneously therewith, any other lease or leases for mineral purposes; and although the said lessee or lessees, or one or more of such lessees, may at the time of the granting of such lease have been the lessee or lessees of waste lands of the Crown for mineral purposes under original lease or leases from the Governor, or under any assignment or assignments of any lease or leases from the Governor, or partly as original lessee and partly as assignee, of a larger number than eighty acres, or three hundred and twenty acres, or six hundred and forty acres respectively; and although the said lease, or the lands comprised therein may not, before the making thereof, have been offered for sale by public auction in fee simple, or for any less estate or interest; and although no regulations for resumption or otherwise may have been made before the said lease was granted; and notwithstanding any error or defect in any proceeding which, by the said Acts respectively, or by any regulations made under the said Acts, or any or either of them, is required or directed to be done; and notwithstanding any omission to comply with any provision in the said Acts, or either of them, or with any regulation requiring or directing any act to be done as a preliminary to the grant of such lease: Provided that nothing in this Act contained shall be deemed to validate any lease or leases for mineral purposes which has or have been obtained by means of fraud: Provided also that this Act shall not prejudice or affect any action, suit, or proceeding now depending in any Court of the said Province or elsewhere.

Amendment of
Section 17 of 'Waste
Lands Act.'

2. The words "or for a term of years," in Section 17 of the said "The Waste Lands Act" are hereby repealed, and shall be deemed to have been repealed from the date of the passing of the said Act: Provided that the validity of any lease for mineral purposes heretofore or hereafter granted shall not be affected by this provision.

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

F. G. HAMLEY, Governor.