



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1868-9.

No. 13.

An Act to amend "The Waste Lands Amendment Act, 1867."

[Assented to, 30th January, 1869.]

WHEREAS by "The Waste Lands Amendment Act, 1867," it Preamble.
is provided that the rents under the leases to be granted under the provisions thereof should be payable on the thirtieth day of June and on the thirty-first day of December in each year, and that, for the purpose of ascertaining the average number of sheep and cattle actually depasturing on the lands included in any such lease, and of fixing the amounts to be paid on such respective days, every lessee should fill in and forward a statement or return of the number of all sheep and cattle, whether belonging to such lessee or not, which, on certain days in the said Act more particularly mentioned, might be actually upon or depasturing on the lands included in each lease held by such lessee: And whereas it is desirable that such statement or return should only include such sheep or cattle as may be the property of such lessee, or as may be depasturing upon the lands included in any such lease with the consent of such lessee; and further that particular days should be appointed as the time to which such statement or return shall have reference; and it is also desirable to provide for returns being made of all travelling sheep or cattle, and to render the owners thereof liable to certain payments in respect thereof, as hereinafter is more particularly mentioned—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. This

*Waste Lands Amendment Act.—1868-9.***Incorporation.**

1. This Act and the said "The Waste Lands Amendment Act, 1867," shall be incorporated, and read together as forming one Act.

Return of stock depasturing only to include such as belong to lessee.

2. Notwithstanding anything contained in the eighth section of the said "The Waste Lands Amendment Act, 1867," it shall not be necessary for the lessee of any lands included in any lease, or the overseer or other person by such section required to fill up and forward the statement or return as therein mentioned, to include in such statement or return, any sheep or cattle, except such as may be the property of such lessee, or as may be depasturing upon the lands included in any such lease, with the consent of such lessee, overseer, or other person as aforesaid, and which may be actually upon, or depasturing on such lands at the hour of noon, on the respective days in such section more particularly mentioned, and the form contained in the Second Schedule to the said Act may be altered accordingly; and no lessee, overseer, or other person as aforesaid, shall be liable to any penalty, or to suffer any forfeiture by reason only of any such statement or return as aforesaid not including any sheep or cattle not the property of such lessee or depasturing as aforesaid, with his consent, or with the consent of such overseer or other person as hereinbefore mentioned.

Return of travelling stock to be forwarded to Commissioner of Crown Lands.

3. Every lessee of any lands included in any such lease, or in case of the absence of any such lessee, then the overseer or other person having the care and management of the lands or run included in any such lease, shall within ten days from the first day of February, April, June, August, October, and December, in each year, fill up and forward to the Commissioner of Crown Lands, through the medium of the General Post Office—the letter or envelope enclosing such statement or return being registered—a statement or return in the form in the First Schedule hereto, of the number of all sheep and cattle, not being the property of such lessee, or depasturing on such lands with his consent, which, on the first day of the hereinbefore mentioned months, were actually upon or depasturing on the lands included in each lease (if more than one), under which the lands forming such run are held; and such return shall also give the names and addresses of the owners, and of the persons in charge thereof, so far as such can be ascertained; and such statement or return shall be signed by the lessee, overseer, or other person making the same, and shall be certified by him to be correct in all particulars.

Lessees to make return of travelling stock belonging to themselves.

4. In addition to the return required to be forwarded by the last preceding section, every lessee, overseer, or other person as aforesaid, shall, within three days from the first of June and first December in each year, fill up and forward in the like manner as is prescribed in reference to the returns required to be forwarded by the said section a statement or return in the form in the Second Schedule hereto, of all sheep and cattle the property of such lessee which, within the six months next preceding the date of such return, have

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have been travelling over any of the waste lands of the Crown in the said Districts A, B, or C, whether such lands may be held under lease or not (except such lands as are leased to the said lessee), giving the brands, or other marks of such sheep or cattle, and the name of the person in charge thereof, and such return shall also state where to the best of the knowledge of such lessee, overseer, or other person, such sheep or cattle actually were on the first day of the months of February, April, and June, or August, October, and December, as the case may be, next preceding the date of such statement or return, which shall be signed by the lessee, overseer, or other person making the same, and shall be certified by him to be correct in all particulars.

5. If any lessee, overseer, or other person shall wilfully make, sign, or forward any false statement or return under either of the two last preceding sections, or shall make or practice any fraudulent contrivance or device whatever, with intent thereby to conceal or misrepresent the number of sheep or cattle actually upon or depasturing on any land demised under the said "The Waste Lands Amendment Act, 1867," not being the property of such lessee, or depasturing thereon with his consent at the time mentioned in any such statement or return, such lessee, overseer, or other person so offending shall for every such offence forfeit and pay a sum of not less than Fifty Pounds nor more than Two Hundred Pounds; or, in default of payment, to be imprisoned for a period of not less than six months, and not exceeding two years.

Penalty for false return.

6. If any lessee, overseer, or other person as aforesaid shall omit to fill up and forward such statements or returns at the times hereinbefore provided for forwarding the same, a sum of Ten Pounds for every week during which such omission continues shall be added to the rent payable under the lease in respect of which such omission has been made.

Penalty for omitting to forward return.

7. The Commissioner of Crown Lands shall forthwith forward a copy of the returns made in pursuance of the third section to the owners of any sheep or cattle therein mentioned; and if such owner shall be the holder of any lease under the said Act, or of any lease for pastoral purposes under any other Act, the Commissioner shall notify to such owner that he is liable, and he shall be liable accordingly, to pay in addition to any rent payable under any lease or leases held by him, a sum equivalent to one penny for every head of sheep, and sixpence for every head of cattle included in any such return, and therein stated to belong to him; and if any such owner shall neglect or refuse to pay the amount so notified to be due by him in respect of such sheep or cattle at the time when the rent payable under any lease held by him next becomes due, he shall be liable to the like penalties and to have all leases held by him forfeited in like manner as if he had made default in the payment of rent under any of such leases as provided by the thirteenth section of the said Act.

Owners of travelling stock being lessees liable to make payment in respect thereof.

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Owners also liable to certain other payments.

8. The owner of all sheep or cattle included in any return made in pursuance of section four shall be liable to pay, in addition to any other payments to be made by him, a sum equivalent to One Penny for every head of sheep and Sixpence for every head of cattle included in such return, unless such owner can show, to the satisfaction of the Commissioner of Crown Lands (whose decision on any such question shall be final), that any of the sheep or cattle included in such return have also been included in any return made in pursuance of the second section, in which case such owner shall only be liable to pay in respect of such of the said sheep or cattle as have not been included in any such last mentioned return; and if any owner shall neglect or refuse to pay any amount payable by him under this section, in respect of such sheep or cattle, at the time when the rent payable under any lease held by him next becomes due, he shall be liable to the like penalties, and to have all leases held by him forfeited in like manner as if he had made default in the payment of rent under any of such leases, as provided by the thirteenth section of the said Act.

If owner, not lessee, on non-payment, stock may be seized and sold.

9. If the owner of any sheep or cattle included in any return made in pursuance of the second section shall not be the holder of any lease under the said Act, or if the owner thereof cannot be ascertained, the Commissioner may, by writing under his hand, authorize any Police Trooper, Crown Lands Ranger, or other person as to him may seem expedient, to demand, after showing his authority, from such owner, or the person in charge of such sheep or cattle, a sum equivalent to One Penny for every head of sheep, and Sixpence for every head of cattle, included in any such return, and therein stated to belong to such owner, or to be in charge of such person, the number of sheep or cattle respectively in respect to which such sum is claimed, and the brands or other marks by which the same are distinguishable, being so far as practicable specified in such authority; and such owner or person in charge as aforesaid shall be liable to pay the amount so demanded; and if he shall neglect or refuse for twenty-four hours after such demand, to pay the amount so demanded, such Police Trooper, Crown Lands Ranger, or other person as aforesaid, may seize and detain such sheep or cattle, wherever found; and if payment of such amount is further delayed for the space of five days, such sheep and cattle shall, as soon as conveniently may be thereafter, be sold by private contract or public auction, for the best prices that can reasonably be obtained for the same; and the proceeds shall be applied in payment of all expenses in connection with such seizure and sale, and of the amount mentioned in such authority as due in respect of such sheep or cattle; and the balance (if any) shall be paid over to the owner, or person in charge of such sheep or cattle: Provided that no greater number of such sheep or cattle shall be sold than may be reasonably considered necessary for the purposes aforesaid.

10. The authority in writing, signed by the Commissioner of Crown Lands, authorizing any Police Trooper, Crown Lands Ranger, or other

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other person as aforesaid to make any demand as aforesaid shall be a sufficient authority for seizing and selling any sheep or cattle therein mentioned in case default shall be made by the owner or person in charge in paying the amount demanded as provided by the last preceding section.

12. Notwithstanding anything contained in the said "The Waste Lands Amendment Act, 1867," or this Act, where contiguous lands in the same district, included in more leases than one, are occupied or used together as one run, the statements or returns by the said Act and this Act required to be made may be made in the same manner as if the whole of such lands were included in one lease.

Where several leases contiguous in the same district one return may be made for all.

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

F. G. HAMLEY, Governor.

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THE FIRST SCHEDULE.

A Return of all Sheep and Cattle which, on the first day of
 18 , *were travelling over the Waste Lands of the Crown situate in District*
, and included in Lease No. .

	Number of Sheep and Cattle travelling.	Name of Owner (if known).	Name of Person in Charge.	From whence travelling (if known).	Destination (if known).
Sheep					
Cattle					

I, , of , in the Province of South Australia, the lessee (or overseer or manager for the lessee, as the case may be) of the waste lands of the Crown situate in District , and included in Lease No. , do hereby certify and declare that, to the best of my knowledge and belief, the above is a true and correct return in all particulars of the total number of all sheep and cattle, not being my property [if return made by overseer say not being the property of the said], or depasturing on the said lands with my consent, which, on the first day of , 18 , were actually upon, travelling over, or depasturing on the lands comprised in such lease.

Signed this day of , 18 , by me

A. B.

Witness—

THE SECOND SCHEDULE.

A Return of all Sheep and Cattle, the property of [name of Lessee], which, within the six months next preceding the first day of , 18 , *have been travelling over any of the Waste Lands of the Crown, included in any of the Districts A, B, or C, except such lands as are held under Lease by the said [name of Lessee]:*

	Number of Sheep and Cattle.	Name of person in charge.	Marks or Brands.	If travelling, from whence.	If travelling, Destination.	Where supposed to be on the 1st day of		
						Feb.	April.	June.
						August.	October.	Decem.
						<i>As the case may be.</i>		
Sheep ..								
Cattle ..								

I, , of , in the Province of South Australia, the lessee [or overseer, or manager for the lessee, as the case may be] of the waste lands of the Crown situate in District , and included in Lease No. , do hereby certify and declare that, to the best of my knowledge and belief, the above is a true and correct return

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return in all particulars of all sheep and cattle, being my property [*if return made by overseer, say* being the property of the said] which within the six months next preceding the first day of , 18 , have been travelling over any of the waste lands of the Crown, included in Districts A, B. or C, whether under lease or not, except such lands as are included in leases held by me [*if return made by overseer, say* held by the said].

Signed this day of , 18 , by me

A. B.

Witness—