



ANNO QUADRAGESIMO TERTIO ET QUADRAGESIMO
QUARTO

VICTORIÆ REGINÆ.

A.D. 1880.

No. 194.

An Act to encourage the Settlement of that part of the Province of South Australia known as the Northern Territory, and to provide for the Cultivation of Sugarcane and other tropical products therein.

[Assented to, October 28th, 1880.]

WHEREAS it is desirable to encourage the settlement of Preamble.
population in that portion of the Province of South Australia known as the Northern Territory, and to promote therein the growth of sugarcane and other products, and the manufacture of sugar and other products—Be it Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly, in this present Parliament assembled, as follows:

1. It shall be lawful for the Minister of Education, or other the Minister having the control of or in whose department the management of the Northern Territory may be for the time being, to enter into contracts in the form contained in the Schedule hereto. Minister of Education to enter into contract in Schedule.

2. The Governor in Council may, upon the due performance by the said parties of the first part of all the terms and conditions in the said contracts hereby authorised to be made, and upon the expiration of the time in the said contracts in that behalf limited, grant to the said parties of the first part, and their heirs or assigns, the said lands so selected in fee-simple: Provided that on breach by the said parties of the first part of any of the terms and conditions of
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of the said contracts, it shall be lawful for the Governor, on behalf of Her Majesty, to resume the said lands by giving such notice as may in that behalf be provided by the said contracts hereby authorised; and in case of resumption, the said lands may be dealt with in all respects as waste lands of the Crown in the said Northern Territory.

Minister of Education may enter into other similar contracts.

3. It shall be lawful for the Minister having the control of the Northern Territory to enter into contracts for and on behalf of the Government of South Australia, with persons desirous of undertaking the development of the agricultural resources of the Northern Territory, for the selection and occupation by such persons of lands therein not exceeding an area of ten thousand acres under each contract, for like purposes to those in the provisional agreement hereto mentioned.

Provisions to be embodied in contract.

4. Every such contract shall reserve all mineral rights until the freehold is acquired by the persons selecting land, and shall limit the time for selection, the purposes for which the said lands are, when selected, to be occupied, the quantity and shape of the blocks of land to be selected, the locality in which such selection is to be made, the time to be allowed for the occupation and cultivation thereof, and the annual proportion of expenditure required during the period of occupation, and copies of every such contract shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next session of Parliament.

Surveys.

5. Upon the selection of lands under any such contract, all necessary surveys shall be made, under the directions of the Surveyor-General, and the cost of such survey shall be paid by the selector.

Grant in fee on certain conditions.

6. If, upon the expiration of the term of occupation provided by any such contract, it shall be proved to the satisfaction of the Minister controlling the said Northern Territory that the persons occupying thereunder have *bona fide* expended not less than Ten Shillings per acre in cultivating the said land, to be calculated upon the whole area selected, and in plant and machinery, and if, in addition thereto, merchantable sugar or other agricultural or horticultural products of equal value shall have been produced during the term of occupation from the said land in such quantity as shall by the said contract be provided, and if the terms and conditions of the said contract have in all other respects been complied with, then the persons so occupying as aforesaid shall be entitled to a grant of the said lands in fee-simple.

Controlling Minister's decision to be final.

7. The decision of the Minister controlling the Northern Territory for the time being shall be final and conclusive on any matter by this Act, or by any contract in pursuance thereof, referred to him.

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8. The Governor in Council may, upon the due performance of all terms and conditions of any contract entered into under the provisions of the last five preceding clauses hereof, and upon the expiration of the time in that behalf limited, grant the said lands in fee-simple to the person or persons entitled thereto, or to their heirs or assigns: Provided that, on breach of any of the terms or conditions in such contract contained, it shall be lawful for the Governor, in the name of Her Majesty, to resume the said lands by giving such notice as may by the said contract be provided; and, in case of resumption, the said lands may thereafter be dealt with in all respects as waste lands of the Crown in the said Northern Territory.

Governor may grant lands.

Power to resume if conditions broken.

9. In case of resumption by the Government of any lands under the powers in the last preceding clause hereof contained, or in case of non-fulfilment of the proviso as to expenditure in the sixth clause herein contained, all improvements made upon the lands during the currency of the said occupation shall become the absolute property of the Government.

Forfeiture of improvements on resumption.

10. The powers conferred by this Act to enter into contracts shall cease and determine so soon as one hundred thousand acres in all of lands in the Northern Territory have become subject to contracts hereunder, or on the thirty-first day of December, one thousand eight hundred and eighty-one, whichever shall first happen.

No contract after acres taken up or after 1881.

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

WM. F. DRUMMOND JERVOIS, Governor.

SCHEDULE.

Memorandum of agreement made and entered into this _____ day of _____, in the year of our Lord one thousand eight hundred and eighty, between _____

_____ of the one part, and the Honorable Thomas King, of Adelaide, in the Province of South Australia, Minister of Education, and herein contracting for and on behalf of the Government of South Australia, of the other part: Whereas, in order to encourage the settlement of the Crown lands situate in the Northern Territory of the Province of South Australia, and to promote the growth of sugarcane and other suitable products, and the establishment of manufactories for the manufacture of sugar and other marketable commodities, it is agreed as follows:—

1. That the said _____ shall, up to and inclusive of the thirty-first day of December, one thousand eight hundred and eighty-one, have the right of searching for and selecting ten thousand acres of the waste lands of the Crown in the Northern Territory, for a sugar plantation. Between any such block and a river a reserve of not less than three chains in width shall be reserved by the Government for travelling stock and other purposes.

2. That the said lands shall be comprised of the alluvial river flats in not more than two blocks of a rectangular shape, length not to be greater than twice the breadth, the breadth to front a river or a leading road should the land abut thereon.

3. That the said blocks may be selected at the Adelaide River or the Daly River: Provided, however, that no portion of any such block shall be within a radius of ten (10) miles from the Town of Palmerston.

4. That on the selection of the said block the site will be fixed, and the outside boundaries and necessary roads through the block surveyed by one of the Government surveyors, and at the cost of the said _____

5. That from the date of the selection the said _____ will take possession of the said lands, and commence to bring the same into cultivation by planting sugarcane and other products suitable to the climate, and shall within the first three years cultivate and plant with sugarcane in a husband-like manner not less than two hundred acres.

6. That upon proof to the satisfaction of the Government Resident in the Northern Territory of the *bond fide* expenditure by the said _____

_____ of the sum of Five Thousand Pounds, in cultivating the said land, and in plant and machinery erected upon the said land for the manufacture of sugar, and upon the production of not less than two hundred and fifty tons of merchantable sugar, or other agricultural or horticultural products of equal value, obtained from the said land, the said _____ shall be entitled to a grant of the said lands in fee simple.

7. That the Minister controlling the said Northern Territory shall be the person who shall be satisfied that the said condition No. 6 has been complied with, and his decision in such matters shall be final.

8. That the time to be allowed to the said _____ for cultivating the said land, and expending the said money, as aforesaid, shall be the term of six years, to commence from the date of the completion of the survey of the said land being notified to the said Government Resident, during which term all mineral rights shall be reserved to the Government.

9. That upon proof to the satisfaction of the said Minister of the above conditions having been complied with at any time within the said term of six years, the said Thomas King hereby agrees, on behalf of the said Government, to convey and grant the said lands to the said _____

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

Witness—