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# VICTORIÆ REGINÆ.

A.D. 1891.

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## No. 515.

An Act to provide for Loans to the Lessees of Working Men's Blocks, and for other purposes.

[*Assented to, October 28th, 1891.*]

**B**E it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The Blockholders Loans Act." Short title.
2. In the construction of this Act, except where by the subject matter or context a different construction is required— Interpretation.
  - "Commissioner" shall mean the Commissioner of Crown Lands and Immigration for the time being.
  - "Blockholder" shall include as well the lessee to whom a perpetual lease, or a lease with right of purchase, of a working man's block has been or shall be granted pursuant to Part VII. of "The Crown Lands Act, 1888," and the Acts incorporated therewith, as the transferee, devisee, or personal representatives of such lessee.
  - "Block" shall mean the land held by the blockholder.
  - "Fund" shall mean "The Blockholders Loan Fund," constituted by this Act.
  - "Permanent buildings" shall mean and include "dwelling-house," "workshop," and "stables."

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Blockholders' Loan Fund, how constituted and controlled.

**3.** The Treasurer shall set apart, out of moneys to be provided by Parliament for the purpose, a sum or sums not exceeding in the whole Ten Thousand Pounds, to constitute a fund to be called "The Blockholders Loan Fund." Such fund shall be under the control of the Commissioner, and be operated upon by him for the purpose of making advances to blockholders to assist them in erecting buildings and making permanent improvements on their blocks.

Advances, how to be made.

**4.** On the application of any blockholder who shall, to the satisfaction of the Commissioner, have observed and performed the covenants and conditions of his lease, the Commissioner may advance or lend to him from the fund such sums as the Commissioner shall think fit, to aid the applicant in erecting or completing permanent buildings on his block: Provided—

- (a) That such advances shall not exceed one-half of the cost to the blockholder of the permanent buildings which shall be then subsisting, in good repair and condition, on his block:
- (b) That the amount owing to the Commissioner by any blockholder in respect of moneys advanced and interest shall not at any time exceed Fifty Pounds.

Form of application, &c.

**5.** Every application for an advance under this Act shall be made in the form in Schedule A hereto, and shall be supported by vouchers, statutory declarations, or other evidence to the satisfaction of the Commissioner, showing the cost and condition of the permanent buildings then erected and being on the block. The labor of the blockholder may be taken into account in computing the cost of any such buildings: Provided always that the Inspector of Homestead Blocks shall have also certified to the correctness of the cost and condition of such buildings.

Loans to be repaid by annual instalments.

**6.** All moneys advanced to any blockholder under this Act shall by him be repaid to the Commissioner, by five equal annual instalments, to be paid at the commencement of the fifth, sixth, seventh, eighth, and ninth years, respectively, after the making of the advance; and, at the option of the blockholder, any part of such moneys may be repaid at any earlier times than those mentioned in this section.

Extension of time for repayment.

**7.** In cases of hardship, the Commissioner may extend the time for making any payment on account of any loan under this Act: Provided that the deferred payments shall bear interest at the rate of Five Pounds per centum per annum.

Interest on loans to be paid at the rate of five per centum.

**8.** The blockholder shall also annually pay to the Commissioner interest at the rate of five per centum per annum on the amount of the advances for the time being remaining unpaid.

Agreement to be executed by blockholder.

**9.** Every blockholder, on obtaining an advance under this Act, shall enter into an agreement with the Commissioner in the form in  
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Schedule B to this Act, upon the terms and conditions therein set forth and such additional terms and conditions (if any) as the Commissioner shall think necessary.

**10.** Any breach by the blockholder in the observance or performance of any of the terms or conditions of such agreement shall, for all purposes, be deemed a breach of the conditions of the lease, and shall render the lease liable to be cancelled and forfeited, pursuant to section 155 of "The Crown Lands Act, 1888," and no grant shall issue for any land until all advances have been repaid.

Breach of agreement to render lease liable to forfeiture.

**11.** If any blockholder shall obtain an advance under this Act no sub-lease, mortgage, or other encumbrance (except the agreement provided for in section 9) subsequently executed by him shall have any validity until such advance and all interest in respect thereof shall be fully repaid and satisfied.

Mortgages, &c., subsequent to advance to be void.

**12.** If before the issue of his lease any blockholder shall, by notice in writing to the Commissioner, request that his lease be indorsed with the words "The land herein comprised is held as a homestead block," the Commissioner shall cause such lease, and also the land grant if subsequently issued to the blockholder, to be so indorsed accordingly. If at any time after the issue of his lease or land grant any blockholder shall request his lease or grant, as the case may be, to be so indorsed as aforesaid, the Commissioner may, if he shall think fit so to do, after causing notice of the request to be published twice, at least, in the *Government Gazette*, cause the same to be so indorsed accordingly. Every such indorsement shall be signed by the Commissioner.

Commissioner may, at blockholder's request, make certain indorsement on lease and land grant.

**13.** The effect of every such indorsement shall be—

- (a) That no subsequent mortgage, or other encumbrance, by the blockholder of the land, or his estate, or interest therein, or of any part thereof respectively, except the agreement provided for in section 9, shall have any validity:
- (b) That the land shall not, nor shall any part thereof, nor shall the estate or interest of the blockholder therein, or any part thereof, be liable to be seized or taken in execution for debt under process of any Court, except for the payment of rates and taxes; or vest in the trustee of his estate, in case of the blockholder's insolvency; or, unless otherwise expressly provided by the will of the blockholder, become, on his death, assets for the payment of debts: Provided that this sub-section shall not apply to the recovery of any debt incurred by the blockholder prior to the date of such indorsement, or to any legal proceedings that may be taken in respect thereof.

Indorsement to protect blockholder's interest from encumbrance or seizure, or sale for debt, &c.

And the land, or the blockholder's interest or estate therein, shall, notwithstanding subsequent transfer, continue to be so protected unless before registration of the transfer the transferee shall sub-

"Blockholder," by definition, includes transferee.

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scribe upon the transfer a request that the protection may be removed; in which case the Commissioner shall cancel the indorsement before the lease, land grant, or certificate of title, as the case may be, shall be issued or returned to the transferee, and the protection shall cease to operate accordingly as from the date of such cancellation.

Principal moneys repaid to form part of fund, but interest to be paid into the revenue.

**14.** All moneys which shall be received by the Commissioner in or towards repayment of any advances under this Act shall be placed to the credit of the fund, and form part thereof; but moneys received by him as interest on advances shall be paid to the Treasurer in aid of the general revenue of the province.

Commissioner to keep accounts.

**15.** The Commissioner shall keep accounts showing all operations on the fund, as well as all moneys paid to and received from each blockholder to whom any advances shall be made under this Act.

Penalty for fraud or false representation.

**16.** Any blockholder, or other person, who shall, by any manner of fraud or wilful misrepresentation obtain, or attempt to obtain, any advance or loan from the Commissioner under this Act, or who shall by any false representation attempt to account for the expenditure of any moneys advanced by the Commissioner under this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned, with or without hard labor, for any period not exceeding twelve months.

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

KINTORE, Governor.

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## SCHEDULES REFERRED TO.

## SCHEDULE A.

*Application for Advance.*

To the Commissioner of Crown Lands, Adelaide.

I, \_\_\_\_\_, of \_\_\_\_\_, being the lessee under Blockholder's Lease No. \_\_\_\_\_ of [describe land as in lease], do hereby apply for an advance of not exceeding the sum of £ \_\_\_\_\_ to assist me in erecting on my block a [dwelling house or other building proposed to be erected, giving sufficient description thereof]. I estimate that, when completed, the proposed buildings will cost, or be worth, £ \_\_\_\_\_. The cost of the permanent buildings which I have already wholly or partly erected on the said land, that is to say: [set out particulars, as above], is not less than £ \_\_\_\_\_, made up as under:

Materials .....	£
Labor.....	£

And I enclose the following genuine and original vouchers for the moneys already expended by me in erecting the said buildings, namely:

[Set out vouchers.]

I declare that all the foregoing statements are true to the best of my knowledge, information, and belief.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 189 .

Signature—

Witness—

## SCHEDULE B.

*Agreement by Blockholder obtaining Advance.*

I, \_\_\_\_\_, of \_\_\_\_\_, being the lessee under Blockholder's Lease No. \_\_\_\_\_ of [describe land as in lease], in consideration of the sum of £ \_\_\_\_\_ now advanced to me by the Commissioner of Crown Lands (the receipt of which sum I do hereby acknowledge), do hereby agree with the said Commissioner of Crown Lands, and with the Commissioner of Crown Lands for the time being of the said province (hereinafter referred to as the Commissioner), that I or other the blockholder for the time being of the said land shall well and truly repay to the Commissioner the said sum by five equal annual instalments, of £ \_\_\_\_\_ each, on the day of \_\_\_\_\_ 18 \_\_\_\_\_, and on the like day in every year thereafter until the said sum of £ \_\_\_\_\_ shall be fully paid and satisfied; and will in the meantime pay to the Commissioner interest on the said sum, or on so much thereof as shall for the time being be remaining unpaid, at the rate of five per centum per annum, computed from the day of \_\_\_\_\_ 189 \_\_\_\_\_, such interest to be paid on the day of \_\_\_\_\_ next, and on the like day of every year thereafter; and will within three months from the date hereof well and truly expend the said sum so advanced as aforesaid in or towards the erection or completion of the building or buildings mentioned in that behalf in my application, dated the day of \_\_\_\_\_, 18 \_\_\_\_\_, and will not expend or employ the said sum or any part thereof for any other purpose whatsoever;

