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BEGIN TRANSCRIPT

An Act to empower His Majesty to erect South Australia
into a British Province or Provinces and to provide for
the Colonisation and Government thereof
[15th August 1834]
Anno 5^o Gulielmi 4th

thereof;XX
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~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ ^ with the Advice of His Privy Council, to establish one or more provinces, and to fix the respective Boundaries of such provinces^ and that all and every person who shall at any time hereafter inhabit or ^ reside within his majesty's said province ^ Or provinces ^ shall be free and shall not be subject to or bound by any laws orders statutes or constitutions which have been heretofore made, or which hereafter shall be made ordered or enacted by for or as the laws orders statutes or constitutions of any other part of Australia but shall be subject to and bound to obey such laws orders statutes and constitutions as shall from time to time in the manner hereinafter directed be made ordered enacted for the government of his majesty's ~~xxxx~~ province ^ or provinces ^ of South Australia And be it further enacted that it shall and may be lawful for his majesty his heirs and successors by any order or orders to be by him or them made with the advice of his of their privy council to make ordain and subject to such conditions and restrictions as to him and them shall seem meet to authorize and empower any one or more persons resident and being within ^ any one of ^ the said ~~xxxxxx~~ ^ provinces ^ to make ordain and establish all such laws institutions or ordinances and to constitute such courts, and appoint such officers ^ and also such Chaplains and Clergymen of the Established Church of England or Scotland ^ and to impose and levy such rates duties, and taxes as may be necessary for the peace order and good government of his majesty's subjects and others within the said province ^ or provinces ^ provided that all such orders ~~xxxxx~~ and all laws and ordinances so to be made as aforesaid shall be laid before ~~xxxxxxxxxxxxxxxxxxx~~ ^ the King in Council ^ as soon as conveniently may be after the making and enacting thereof respectively and that the same shall not in anywise be contrary or repugnant to any of the provisions of this act And be it further enacted that it shall be lawful for his majesty his heirs and successors by warrant under the sign manual to be countersigned by his majesty's principal secretary of state for the Colonies to appoint three or more fit persons to be commissioners to carry certain parts of this act and the powers and authorities hereinafter contained into execution and also from time to time at pleasure to remove any of the commissioners for the time being and upon every or any vacancy in the said number of commissioners either by removal or by death or otherwise to appoint some other fit persons to the said office and until such appointment it shall be lawful for the surviving or continuing commissioners to act as if no such vacancy had occurred And be it further enacted that the said commissioners shall be styled "The Colonization

Commissioners for South Australia” and the said Commissioners or any two of them may sit from time to time, as they deem expedient as a board of commissioners for carrying certain parts of this act into execution And be it further enacted that the said commissioners shall cause to be made a seal of the said board and shall cause to be sealed or stamped therewith all rules orders and regulations made by the said commissioners in pursuance of this act and all such rules orders and regulations or copies thereof pur-posing to be sealed or stamped with the seal of the said board shall be received as evidence of the same respectively without any further proof thereof and no such rule order or regulation or copy thereof shall be valid or have any force or effect unless the same shall be so sealed or stamped as aforesaid And be it further enacted that the said commissioners shall and they are hereby empowered to declare all the lands of the said province or provinces (excepting only portions which may be reserved for roads and footpaths to be public lands open to purchase by british subjects and to make such orders and regulations for the surveying and sale of such public lands at such price as the said commissioners may from time to time deem expedient and for the letting of the common of pasturage of unsold portions thereof as to the said commissioners may seem meet ^ for any period not exceeding three years ^ and from time to time to alter and revoke such orders and regulations and to employ the monies from time to time received as the purchase money of such lands or as rent of the common of pasturage of unsold portions thereof in conducting the emigration of poor persons from Great Britain or Ireland to the said province ^ or provinces ^ provided always, that no part of the said public lands shall be sold except in public for ready money and either by auction or otherwise as may seem best to the said commissioners but in no case and at no time for a lower price than the sum of twelve shillings Sterling per English acre provided also that the sum per acre which the said commissioners may declare during any period to be the upset or selling price at which public lands shall be sold shall be an uniform price (that is to say) the same price per acre whatever the quantity or situation of the land put up for sale provided also that the whole of the funds from time to time received as the purchase money of the said lands or as the rent of the common of pasturage of unsold portions thereof shall constitute an “Emigration Fund” and shall without any deduction whatsoever except in the case hereinafter provided for be employed in conveying poor emigrants from Great Britain or Ireland And to the said province ^ or provinces ^ provided also that the poor persons who shall by means of the said “Emigration Fund” be conveyed to the said province ^ or provinces ^ shall, as far as possible, be adult persons of the two sexes in equal proportions, And not exceeding the age of thirty years *****

***** ^ that no poor person having a husband or wife (as the case may be), or a child or children, shall, by means of the said “Emigration Fund,” obtain a passage to the said province ^ or provinces ^ unless the husband or wife (as the case may be), or the child or children of such poor person, shall also be conveyed to the said province ^ or provinces ^ And be it further enacted that it shall be lawful for his Majesty his heirs and successors, by warrant under the sign manual, to be countersigned by his Majesty’s principal secretary of state for the colonies, to appoint a commissioner of public lands to be resident in the said colony, and to act under the orders of the said board of commissioners as herein-after directed And be it further enacted that the said commissioners shall and they are hereby empowered to appoint such person or persons as they may think fit treasurer, assistant Surveyors, and other officers, for carrying this act into execution respecting the disposal of the said public lands and the purchase money thereof, and to remove such treasurer or assistant surveyors or other officers at their discretion, and on every or any vacancy in the said office of treasurer, assistant surveyor, or other officer, by removal or by death or otherwise, to appoint, if they see fit, some other person to the said office And be it further enacted that it shall and may be lawful for the said commissioners

to delegate to the said colonial commissioner, assistant surveyor or other officer or to any of them, such of the powers and authorities with respect to the disposal of the public lands of the said province [^] or provinces [^] as the said commissioners shall think fit; and the powers and authorities so delegated and the delegation thereof shall be notified in such manner and such powers and authorities shall be at exercised such places for such periods and under such circumstances shall direct and the said commissioners may at any time revoke recall alter or vary all or any of the powers and authorities which shall be so delegated as aforesaid And be it further Enacted that all monies under the control of the said board of commis-sioners shall be received and paid by the treasur-ers who may be appointed by the said board and who shall give security for the faithful discharge of their duties to such amount and in such manner as to the said commissioners may seem fit And be it further Enacted that all accounts of the said treasurer shall be submitted to the lords of his Majesty's treasury and be audited in the same manner as other public accounts And be it further Enacted that the said commissioners may and they are hereby empowered from time to time to appoint a secretary treasurer and all such clerks messengers and officers as they shall think fit and from time to time at the ~~xxxxxxxxxx~~ [^] discretion [^] of the said commissioners to remove such secretary treasurer clerks messengers and officers or any of them and to appoint others in their stead And be it further Enacted that every commissioner and colonial commissioner to be appointed from time to time shall before he shall enter upon the execution of his office take the following oath before one of the Judges of His Majesty's Court of common pleas or one of the barons of the court of exchequer or (in the case of such colonial commissioners) before the judge of one of his majesty's courts in the said province [^] or provinces [^] (that is to say)

I, A. B. do swear that I shall faithfully impartially and honestly according to the best of my skill and judgment execute and fulfil all the powers and duties of a commissioner [or colonial commissioner as the case may be] under an act passed in the fifth year of the reign of King William the fourth intituled [here set forth the title of this act].

Provided always and be it further Enacted that the salaries to be paid to all such persons as may be appointed to any office under this act shall be fixed by the Lords of His Majesty's Treasury and by them shall be revised from time to time as they may deem expedient And be it further Enacted that the said commissioners shall at least once in every year and at such other times and in such form as His Majesty's principal secretary of state for the colonies shall direct submit to the said secretary of state a full and particular report of their proceedings and every such report shall be laid before both houses of parliament within six weeks after the receipt of the same by the said secretary of state if parliament be then sitting or if parliament be not sitting then within six weeks after the next meeting thereof And be it further Enacted that it shall and may be lawful for the said commissioners previously and until the sale of public lands in the said province shall have produced a fund sufficient to defray the cost of conveying to the said province from time to time such a number of poor emigrants as may by the said commissioners be thought desirable from time to time to borrow and take up on bond or otherwise payable by instalments or otherwise at Interest not exceeding ten pounds per centum per annum any sum or sums of money not exceeding fifty thousand pounds for the sole purpose of defraying the costs of the passage of poor emigrants from Great Britain or Ireland to the said province by granting and issuing to any person or persons willing to advance such monies bonds or obligatory writings under the hands and seals of the said commissioners or of any two of them which bonds or other obligatory writings shall be

termed “South Australia public lands securities” and all such sum or sums of money not exceeding in the whole fifty thousand pounds so borrowed or taken up by means of the bonds or writings obligatory aforesaid for the sole purpose aforesaid shall be borrowed on the credit of and be deemed a charge upon the whole of the fund to be received as the purchase money of public lands or as the rent of the common of pasturage of unsold portions thereof and it shall and may be lawful for the said commissioners from time to time to appropriate all or any part of the monies which may be obtained by the sale of public lands in the said province [^]or provinces [^] to the payment of interest on any such sum or sums borrowed and taken up as aforesaid or to the repayment of such principal sum or sums

And be it further Enacted that for defraying the necessary costs charges and expences of founding the said intended colony and of providing for the government thereof and for the expences of the said commis-sioners (excepting always the purpose whereunto the said emigration fund is made solely applicable by this act) and for defraying all costs charges and expences incurred in carrying this act into execution and applying for and obtaining this act it shall and may be lawful for the said commis-sioners from time to time to borrow and take up on bond or otherwise payable by Instalments or otherwise at interest not exceeding ten pounds per centum per annum any sum or sums of money required for the purposes last aforesaid not exceeding in the whole the sum of two hundred thousand pounds by granting or issuing to any person or persons willing to advance such monies bonds or obligatory writings under the hands and seals of the said commissioners or any two of them which bonds or other obligatory writings shall be termed “South Australia colonial revenue securities” and all such sum or sums of money by the said commissioners so borrowed and taken up as last aforesaid shall be and is and are hereby declared to be a charge upon the ordinary revenue or produce of all rates duties and taxes to be levied and collected as hereinbefore directed within the said province [^]or provinces [^] and shall be deemed and taken to be a public debt owing by the said province to the holders of the bond or bonds or other writings obligatory by the said commissioners granted for the purposes last aforesaid And be it further Enacted that it shall and may be lawful for the said commissioners at any time to borrow or take up any sum or sums of money for any of the purposes of this act at a lower rate of interest than any security or securities previously given by them under and by virtue of this act which may then be in force shall bear and therewith to pay off and discharge any existing security or securities bearing a higher rate of interest as aforesaid And be it further Enacted that in case it should so happen that the said commis-sioners shall be unable to raise by the issue of the said colonial revenue securities the whole of the said sum of two hundred thousand pounds or that the ordinary revenue of the said province [^]or provinces [^] shall be insufficient to discharge the obligations of all or any of the said securities then and in that case but not otherwise the public lands of the said province [^]or provinces [^] then remaining unsold and the monies to be obtained by the sale thereof shall be deemed a collateral security for payment of the principal and interest of the said colonial debt provided always that no monies obtained by the sales of public lands in the said province [^]or provinces [^] shall be employed in defraying the principal or interest of the said colonial debt so long as any obligation created by the said South Australian public lands securities shall remain undischarged provided also that in case after the discharge of all obligations created by the said South Australian public lands securities any part of the monies obtained by the sale of public lands in the said province [^]or provinces [^] shall be employed to discharge any of the obligations created by the said colonial revenue securities then and in that case the amount of such deduction from the said emi-gration fund shall be deemed a colonial debt owing by the said province to the colonization commissioners for South Australia and be charged upon the ordinary revenue of the said province [^]or provinces [^] And be it further Enacted that the commissioners nominated and appointed by his majesty as

disposed of shall be invested in the names of the said trustees by the said commissioners so that the said guarantee or security fund of twenty thousand pounds shall not at any time be reduced below that amount Provided always that the interest and dividends accruing from time to time upon the said Exchequer bills or other government securities shall be paid to the said commissioners and by them be devoted to the purposes to which as hereinbefore directed the monies to be raised by the issue of the aforesaid South Australian colonial revenue bonds are made applicable And be it further Enacted That if after the Expiration of Ten Years from the passing of this Act the population of the said province or provinces shall be less than Twenty thousand natural born Subjects of His Majesty then and in that Case all the public Lands of the said province or provinces which shall then be unsold shall be liable to be disposed of by His Majesty His Heirs and Successors, in such Manner as to him or them shall seem meet Provided always, that in case any of the Obligations created by the said South Australian Public Lands Securities should then be unsatisfied the Amount of such Obligations shall be deemed a Charge upon the said unsold public Lands, and shall be paid to the Holders of such Securities out of any Monies that may be obtained by the Sale of the said Lands.

And be it further Enacted that until the said commissioners shall by the granting and issuing of bonds and writings obligatory as aforesaid that is to say South Australian colonial revenue securities have raised the sum of twenty thousand pounds and have invested the same in the purchase of exchequer bills or other government securities as hereinbefore directed and until the persons intending to settle in the said province [^]or provinces [^]and others shall have invested (either by payment to the said commissioners or in the names of trustees to be appointed by them) for the purchase of public lands in the said province [^]or provinces [^] the sum of thirty five thousand pounds none of the powers and authorities hereby given to his majesty or to the said commissioners or to any person or persons except as respects the exercise by the said commissioners of such powers as are required for raising money by means of and on the security of the bonds or securities last aforesaid and for receiving and investing the aforesaid sum of thirty five thousand pounds for the purchase of public lands shall be of any effect or have any operation whatsoever. ~~xxxxxxx~~

END TRANSCRIPT