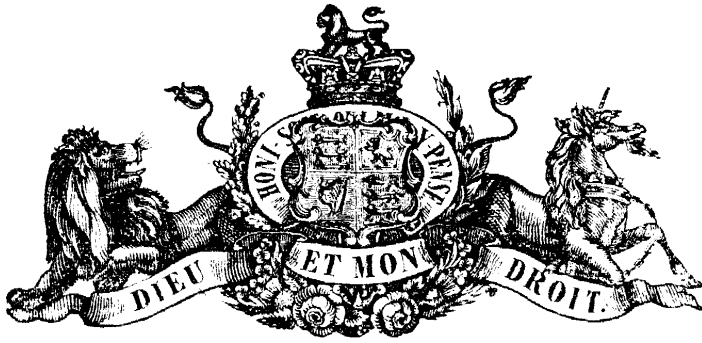




ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1858.

No. 20.

An Act for an Assessment on Stock, and for other purposes therein mentioned.

[Assented to, 24th December, 1858.]

WHEREAS it is expedient that an assessment should be raised and levied upon certain stock: And whereas by certain Orders in Council, dated the nineteenth day of June, one thousand eight hundred and fifty, Her Majesty was pleased to prescribe regulations for the granting of leases of Waste Lands of the Crown for pastoral purposes, within the Province of South Australia, and questions have been raised as to the effect of the said Orders in Council, and it is expedient to provide for the final settlement of such questions—Be it therefore enacted (anything in the Waste Lands Act to the contrary notwithstanding) by the Governor-in-Chief 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. In and for the year commencing on the first day of January, one thousand eight hundred and fifty-nine, and in and for every following year, there shall be levied and paid to the Treasurer, on or before the first day of July of each year, upon and in respect of the stock of every person depasturing or keeping the same upon any Waste Lands of the Crown within the said Province, not being within the limits of the district of any District Council duly constituted, the assessment as hereinafter provided.

2. If any person to whom a lease of the Waste Lands of the Crown for pastoral purposes, shall have been granted under the authority of the said Orders in Council, or the assignee of such lease shall

Y^{ly} assessment to be paid.

Governor, on surrender of old lease, to grant new lease.

*Left to its operation
Gazette 11 Aug 1859*

*Left to its operation
Preamble. ~~inserted~~
Order in Council
19 June 1858*

** What questions?*

shall, on or before the first day of July, one thousand eight hundred and fifty nine, surrender the same, it shall be lawful for the Governor to grant to the person making such surrender a fresh lease of the lands demised by the lease so surrendered, for the residue of the term thereby granted at the rent previously payable under such surrendered lease, and an additional or further rent of two-pence per head per annum for sheep, to be calculated in respect of the demised land, upon or according to the assessment hereinafter provided for; and which fresh lease shall be subject to the same conditions of forfeiture and resumption as were contained in the lease so surrendered; and shall contain a proviso that such rents being duly paid according to the tenor of such lease, shall be in full of all taxes, rates, assessments, or impositions upon the land included in such lease, or on the stock depastured thereon, to be imposed by the said Parliament, save and except any general taxes or impositions which may be imposed upon all lands or stock within the said Province.

This 2^d paragraph includes the grazing capabilities of the land also under 3.

lands

Waste Lands to be divided into several classes.

3. The Waste Lands of the Crown already, or hereafter to be leased for pastoral purposes, shall be divided into classes of several qualities to be regulated or estimated by their grazing capabilities and situation, to be fixed and determined by some person or persons to be from time to time appointed by the Governor, which lands shall be assessed at not less than one hundred sheep per square mile for the lowest class, nor more than two hundred and forty sheep per square mile for the highest class; and such classification on being confirmed by the Governor in Executive Council, shall be published in the South Australian Government Gazette for general information.

4. On application from the lessee, twelve months before the expiration of any lease of the Waste Lands of the Crown for pastoral purposes, the annual value of the lands comprised in such lease shall be determined for the five years next ensuing the expiration of such lease, by some person or persons to be appointed for that purpose by the Governor; and such valuation, on being confirmed by the Governor in Executive Council, shall be forthwith published in the South Australian Government Gazette for general information.

5. The person beneficially interested in any such lease, at the expiration thereof, shall be also entitled to a renewed lease of the lands comprised therein for the further term of five years, at the annual rent to be determined as aforesaid; and in case he should, within three months after notice of such valuation having been so fixed as aforesaid, decline to accept a renewed lease of such lands at such rent, the lands included in such lease shall be dealt with and disposed of in accordance with any laws or regulations affecting the leasing of the Waste Lands of the Crown for the time being in force; and after any renewed lease of such land shall have been granted, the assessment hereby imposed shall cease and determine.

6. Every occupier of the Waste Lands of the Crown under any lease issued after the nineteenth day of November, one thousand eight

This clause was introduced by 7. 1861. The assessment is made by the grazing capabilities of the land.
Does this authorize any charge for cattle?
** according to this the highest class may be of 240 sheep per square mile.*

On expiration of lease the annual value of the lands to be determined for next five years.

5. 1861

x & this clause includes value for farming purposes as well as pastoral.

Renewed lease may be granted for a further term of five years.

Notice is made in "The West" of 2. 1861. This clause renders it necessary for the lessee to return a return to the Governor if he does not decline to accept a renewed lease of such lands at such rent, the lands included in such lease shall be dealt with and disposed of in accordance with any laws or regulations affecting the leasing of the Waste Lands of the Crown for the time being in force; and after any renewed lease of such land shall have been granted, the assessment hereby imposed shall cease and determine.
Land held under leases not issued under Orders of Council or not determined.

eight hundred and fifty-seven, or under any lease, issued under the authority of the said Orders in Council, which shall not have been surrendered under the powers hereinbefore given, or under any lease which shall be hereafter issued, not being a renewed lease, as hereinbefore provided, shall pay the said assessment at the rate and to be estimated in the manner hereinbefore provided.

7. Any classification to be made of the grazing capabilities of any Waste Lands of the Crown, not included in any lease to be surrendered as hereinbefore provided, shall remain in force for the period of five years and no longer, when a fresh classification shall be made of the said lands in manner aforesaid.

8. If the assessment is not paid within one month from and after the day whereupon the same is made payable as aforesaid, a penalty of twenty-five per cent. shall be added; and if the said assessment and penalty be not paid within one month after such first month, the same shall be recoverable by the Commissioner of Crown Lands by action in any Court of competent jurisdiction in the said Province; and any lease held by the person making default in such payment shall be forfeited: Provided, nevertheless, that it shall be lawful for the Governor, with the advice and consent of the Executive Council, to waive such forfeiture, upon payment of the assessment and penalty, and upon such other terms as may be deemed reasonable.

9. Whenever any lease of the Waste Lands of the Crown for pastoral purposes shall have been or shall be granted for the first time, then no assessment shall be payable in respect of the stock depastured upon the lands included in such lease until the expiration of four years from the date of such lease.

10. All prosecutions, suits, actions, informations, or complaints to be brought under or by virtue of this Act, or upon or by reason of the breach of any of the provisions thereof, shall and may be brought by the said Commissioner, or by any person by him thereunto authorized in writing.

11. All unbranded wild cattle above the age of twelve months which shall at any time be running and feeding on any Crown Lands, and which shall have no reputed or apparent owner, shall be and shall be deemed and taken to be the property of Her Majesty; and it shall be lawful for the said Commissioner to cause the same to be sold and disposed of by public auction or by tender, so that the time and place of such auction, or at and before which such tender is to be made and the cattle to be sold shall be notified in the *South Australian Government Gazette* at least one month next preceding the time of or for such auction or tender, and the purchaser of such cattle, on obtaining the written authority of the said Commissioner for that purpose, shall be at liberty within two months next after the date of such authority, with necessary and proper assistance, to take possession of such cattle, and for that purpose to enter upon any Crown Lands where the same may be running or feeding.

Classification how long to endure.

Proceedings in case of non-payment of assessment.

No assessment upon cattle depastured upon new runs until the expiry of four years from the date of the lease.

Who to prosecute.

Unbranded wild cattle belong to the Crown.