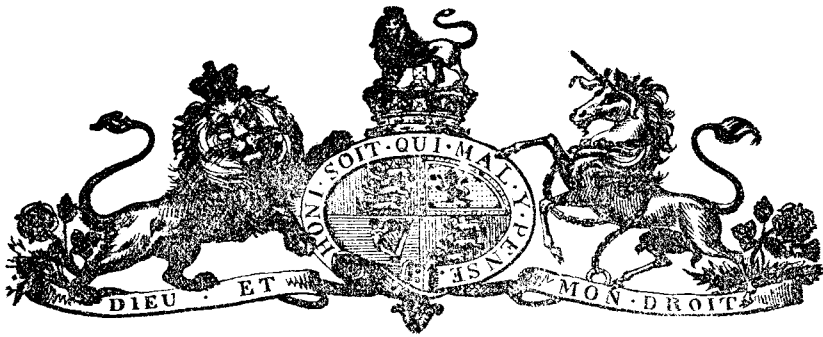


TASMANIA.



1884.

ANNO QUADRAGESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 40.



AN ACT to authorise the Leasing of *Maria* A.D. 1884.
Island. [24 November, 1884.]

WHEREAS Signor *Diego Bernacchi* is about to establish in **PREAMBLE.**
Tasmania the industries of Sericulture and Vine-growing :

And whereas the establishment of such Industries would be of great public advantage, and it is therefore expedient that encouragement should be afforded to the said *Diego Bernacchi*, by granting to him a Lease, upon certain terms and conditions, of all that portion of the Crown Lands of *Tasmania* known as *Maria* Island and situate on the East Coast of *Tasmania* :

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 In this Act—

“ Minister” shall mean the Minister of Lands and Works for the Interpretation.
time being :

“ Lessee” shall mean Signor *Diego Bernacchi*, and shall include his executor, administrator, assignee, or other personal representative.

2 Notwithstanding anything to the contrary in any former Act *Maria* Island
contained, it shall be lawful for the Governor in Council, if he shall may be leased.
deem it expedient so to do, to authorise the Minister to grant to Signor

Maria Island.

A.D. 1884.

Diego Bernacchi a lease of *Maria* Island, subject to the provisions of this Act, for the term of Ten years from the First day of *January*, 1885, at the rental of One Shilling per annum.

Lessee to expend
£10,000 during
term of lease.

3 The lessee shall during the said term of Ten years expend on *Maria* Island in establishing and carrying on the industries of Sericulture and Vine-growing the sum of Ten thousand Pounds, and shall expend thereof a sum of not less than Five thousand Pounds during the first Five years of the term of his lease; and if the provisions of this Section are not complied with such lease shall be liable to be declared forfeited by the Governor in Council: Provided that the cost of bringing to *Tasmania* all skilled labour, and of erecting necessary buildings, and of importing appliances or machinery for the purposes of or connected with such industries, if the same are actually employed and used therein, shall be taken into account as part of the moneys to be expended under this Section.

Condition of for-
feiture.

4 The Governor in Council may declare such lease to be forfeited if the lessee shall not within Twelve months from the date of such lease actually commence, to the satisfaction of the Governor in Council, to establish the industries of Sericulture and Vine-growing on the said Island.

Further lease may
be granted.

5 If the lessee shall faithfully comply with the terms and conditions of such lease, and shall have established at the expiration of the said term of Ten years, to the satisfaction of the Governor in Council, the industries of Sericulture and Vine-growing, or either of them, on *Maria* Island, such lessee shall be entitled to a lease of the said Island for a further period of Forty years, subject to the provisions of this Act and to the payment of the rent hereinafter mentioned.

Covenants and
conditions in
lease.

6 Any lease granted under this Act shall contain all the usual covenants inserted in leases, with power of re-entry in case of non-fulfilment of any of the covenants therein contained, or non-payment of the rent reserved within Thirty days after the same shall be due; and shall also contain the following covenants and condition (that is to say):—

- i. A covenant that the lessee will not assign or sublet the said Island or any part thereof without the consent of the Minister signified in writing:
- ii. A covenant that the lessee will during the continuance of the term of his lease continue to carry on in a *bonâ fide* manner the industries of Sericulture or Vine-growing on the said Island:
- iii. A condition reserving to Her Majesty, her heirs and successors, a right to resume possession at any time of any portion of the said Island which may in the opinion of the Governor in Council be required for Public Roads or other internal communications whether by land or water, or for any public purpose, without any compensation being paid therefor in the case of unimproved land, and upon payment of compensation in the case of land which has been cultivated or in any way improved; such compensation to be determined in case of dispute by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

Maria Island.

7 Should a lease be granted of the said *Maria* Island for a further period of Forty years as provided by this Act, the annual rent to be paid by the lessee in respect of the said Island during such further period of Forty years shall be Three hundred Pounds.

A. D. 1884.

Annual rent.

8 The Lessee shall at the expiration of the first Five years of the term of the first lease granted under this Act, if the sum of Five thousand pounds shall have been expended as provided by this Act, have the right of selecting and purchasing by private contract One lot of land on *Maria* Island not exceeding Five hundred acres, and shall at the expiration of the term of such lease, if the sum of Ten thousand pounds shall have been expended as provided by this Act, have the right of making a further selection on the said Island in One lot not exceeding Five hundred acres: Provided that no selection shall be allowed to be made if it is shown upon the report of the Deputy Surveyor-General that the position of such selection if allowed to be made would injuriously affect the water supply of any other portion of the said Island.

Land on *Maria* Island may be purchased by lessee.

9 The price of any land sold under the last preceding Section is hereby fixed at One pound per acre, and the lessee shall at his option pay the purchase money in cash or shall be allowed credit as follows:— A sum equal to One-fourth of the price shall be added thereto by way of premium for the allowance of credit, and the amount of the price and premium together shall become the purchase money of the land; and the purchaser shall pay a deposit of One-eighth of such purchase money at the time of the contract of sale, and shall contract to pay, and shall pay, the residue of the purchase money by annual instalments of One-fourteenth of the purchase money, the first instalment to be paid at the expiration of One year from the date of such contract.

Payment of purchase money.

10 Any land selected for purchase as aforesaid shall be surveyed in accordance with the Regulations for the time being in force, and made under any law relating to Crown Lands, and the expense of such survey shall be in accordance with rates prescribed by such Regulations, and the Minister shall, upon payment of such expense by the lessee, cause such land to be surveyed; and after such survey the Minister and the lessee shall mutually enter into a contract for the sale and purchase of such land, at the price, on the terms, and subject to the conditions in this Act contained in relation thereto: Provided that such land shall be liable to forfeiture on default being made in the payment of any instalment of the purchase money in all respects as if such land had been sold under the provisions of any law relating to Crown Lands now or hereafter to be in force, and in the event of such default being made all of such provisions as relate to forfeiture shall be applicable to such lands.

Land to be surveyed; and contract for purchase entered into.

11 If the Lessee shall, within Twenty years from the commencement of this Act, actually produce on the said Island marketable Silk or Wine of the value of not less than Five thousand Pounds, he shall be entitled to receive out of the Consolidated Revenue Fund of the Colony the sum of Two thousand Pounds, upon his proving to the satisfaction of the Governor in Council the fact of such production and the value thereof.

Reward for production of Silk or Wine.

Maria Island.

A.D. 1884.

Maria Island not to be subject to Mining Laws except with consent of the Governor in Council.

12 During the currency of any lease granted under and by virtue of this Act, it shall be lawful for the Governor in Council from time to time, by Proclamation published in the *Hobart Gazette*, to declare any portion of *Maria* Island, which may not be actually and *bonâ fide* used by the Lessee in the industries of Sericulture or Vine-growing, to be subject to the operation of the Laws of this Colony relating to Gold Fields and Mineral Crown Lands, but, except as provided in this Section, no portion of the said Island shall during the currency of any such Lease be subject to the operation of the said Laws.

Lessee to have use of buildings, &c.

13 The lessee, during the currency of any lease granted under and by virtue of this Act, shall be entitled, for the purpose of carrying on the industries of Sericulture, Vine-growing, or other industries on *Maria* Island, to the use of all buildings and erections and the materials of the same now upon the said Island, and shall also be entitled to the use of all limestone and timber in or on the said Island, subject to any law for the time being in force relating to Mining or to the cutting or removal of timber on Crown Lands and to any Regulations made thereunder.

Disputes to be settled by arbitration.

21 Vict. No. 11.

14 In case any dispute shall arise between the Minister and the lessee under this Act, or with reference to any lease granted hereunder, or to any covenant or condition in such lease, the same shall be settled by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

Esplanade reserved.

15 Notwithstanding anything hereinbefore contained, there shall be reserved to Her Majesty, her heirs and successors, a strip of land not less than Two chains wide above high water-mark, on the said Island, for the purpose of and as an Esplanade.

Forfeiture may be waived.

16 In case of any breach of the covenants contained in any lease granted under this Act, it shall be lawful for the Governor in Council, upon being satisfied that the lessee has in a *bonâ fide* manner endeavoured to carry out the objects for which the lease was granted, to waive any right of forfeiture which may have arisen in consequence of such breach: Provided, that the acceptance by or on behalf of the Crown of rent or other payment from the lessee shall not be held to operate as a waiver by the Crown of any such right of forfeiture, nor shall the same be deemed to have been waived under this Section except the Governor shall signify the fact of such waiver by writing under his hand.

Island to be resumed upon forfeiture.

17 In case any lease granted under this Act becomes void, or is forfeited or determined, the said Island, with the exception of such portions thereof as may have been sold under this Act, shall be disposable under any Law relating to Crown Lands as if this Act had not passed; and it shall be lawful for the Minister, or any person authorised by him, with the consent of the Governor in Council, to enter upon the said Island without suit.