



ANNO DECIMO-SEPTIMO

# VICTORIÆ REGINÆ,

No. 7.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,  
Lieutenant-Governor of the Island of Van Diemen's Land  
and its Dependencies, with the Advice and Consent of the  
Legislative Council.*

## *AN ACT to provide for the better Enforcement of Crown Demises and for securing Redress to Crown Lessees.*

[29th September, 1853.]

**W**HEREAS it is expedient to provide for the better enforcement of Demises of Lands in this Colony belonging to Her Majesty Her Heirs and Successors—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that after the passing of this Act there shall from time to time and at all times be appointed by the Lieutenant-Governor some person as and to be and to be called "The Lessor of Crown Lands" and it shall be lawful for the Lieutenant-Governor from time to time as to him shall seem proper to cancel any such appointment and to appoint some other person as and to be "The Lessor of Crown Lands" in the place and stead of any person whose appointment shall have been so cancelled as aforesaid.

PREAMBLE.

An Officer to be called "The Lessor of Crown Lands" to be appointed.

II. In all cases in which after the passing of this Act any Demise shall be made by Her Majesty Her Heirs or Successors of any Lands in this Colony the same may be made in the name of "The Lessor of Crown Lands" who is hereby expressly authorised and empowered to make the same and to enter into any covenants and conditions as in the case of any demise between subject and subject

Crown demises of lands to be hereafter made and entered into by "The Lessor of Crown Lands."

and any such demise and the covenants and conditions therein contained so made and entered into in the name of "The Lessor of Crown Lands" shall be valid and effectual in law to all intents and purposes whatsoever any law or usage to the contrary in anywise notwithstanding.

All actions &c. upon such demises to be brought by or against "The Lessor of Crown Lands" who to be personally liable for damages.

III. Any suit action or other proceeding whatsoever at law or in equity upon or in respect of any such demise or for the enforcement or breach of any covenant or condition therein contained shall and may be commenced had and prosecuted by or against the person for the time being so appointed "The Lessor of Crown Lands" in the name of "The Lessor of Crown Lands" as the plaintiff or defendant therein as the case may be and "The Lessor of Crown Lands" for the time being shall in his own proper person recover or shall be subject and liable to as the case may be the damages and costs of any such suit action or other proceeding as aforesaid and no such suit action or other proceeding by or against "The Lessor of Crown Lands" shall be in anywise affected by reason that such demise had been in fact made on behalf of Her said Majesty Her Heirs or Successors.

No such action &c. to be affected by the death &c. of "The Lessor of Crown Lands."

IV. No such suit action or other proceeding by or against "The Lessor of Crown Lands" as by this Act provided shall abate or be in any way affected by reason of the death resignation cancellation of the appointment or new appointment of any such "Lessor of Crown Lands" but the same shall and may be continued in such and the same manner in all respects against "The Lessor of Crown Lands" for the time being as if no such death resignation cancellation of the appointment or new appointment had taken place or been and in any such suit action or other proceeding the production of the *Hobart Town Gazette* containing the notification of the appointment of any person as and to be "The Lessor of Crown Lands" shall be sufficient *prima facie* evidence that such person therein mentioned is "The Lessor of Crown Lands" for the time being.

Upon determination of Crown demises all rights and liabilities to determine or revest.

V. Upon the determination of any such demise by effluxion of time forfeiture or any means whatsoever by which the same might by any law then in force be determined if the same had been made between subject and subject any right or liability whatsoever to which "The Lessor of Crown Lands" was by virtue of such demise entitled or subjected to shall immediately *ipso facto* cease and determine and the estate in any lands thereby demised shall become wholly vested in Her Majesty Her Heirs and Successors as though no such demise had ever been made.

Lieutenant-Governor empowered to defray damages recovered against "The Lessor of Crown Lands" from the public funds.

VI. For the better indemnifying "The Lessor of Crown Lands" in cases where any damages costs or expenses shall have been recovered against or incurred by him it shall be lawful for the Lieutenant-Governor by warrant under his hand to direct the Colonial Treasurer to defray the amount of such damages costs and expenses from the public funds of this Colony.

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VII. The Colonial Treasurer shall issue and pay the amount of any such damages costs and expenses as shall be mentioned in any such warrant of the Lieutenant-Governor and shall in his accounts be allowed credit for all sums of money paid by him in pursuance of any such warrant.

Colonial Treasurer  
authorised to pay  
such damages.

VIII. In citing or referring to this Act in other Acts of Council and in legal instruments and proceedings and otherwise it shall be sufficient to use the expression "The Crown Demise Act 1853."

RICHARD DRY, *Speaker.*

Passed the Legislative Council this sixth day  
of September, one thousand eight hun-  
dred and fifty-three.

FR. HARTWELL HENSLowe,  
*Clerk of the Council.*

In the name and on the behalf of Her Majesty I assent to this Act.

W. DENISON,  
*Lieut.-Governor.*

*Government House, Hobart Town,  
29th September, 1853.*

