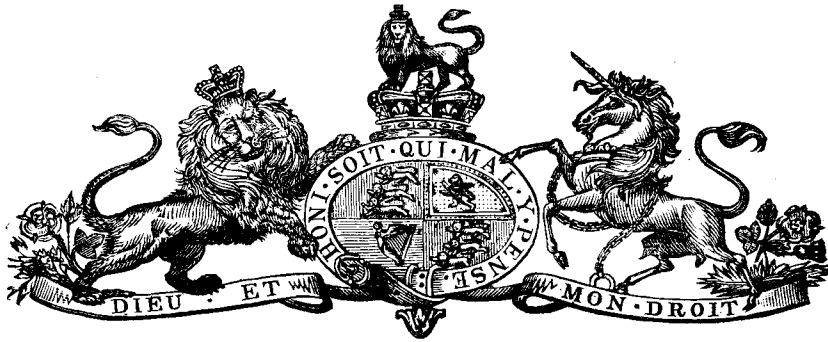


T A S M A N I A .



1 8 9 0 .

ANNO QUINQUAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 8.

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AN ACT for regulating the Sale and Disposal of the Lands of the Crown in *Tasmania*.
[20 October, 1890.]

WHEREAS it is expedient to consolidate and amend the Acts regulating the Sale and other Disposal of the Lands of the Crown in *Tasmania*, and to make further provision relating thereto :

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 :—

Preliminary.

- 1 This Act may be cited as “The Crown Lands Act, 1890.” Short title.
- 2 This Act shall come into operation and take effect on and after the First day of *January*, one thousand eight hundred and ninety-one. Commencement.
- 3 In the construction of this Act, unless the context otherwise determines— Interpretation.
 - “Crown Lands” and “Lands of the Crown” mean Lands which are or may become vested in the Crown, and which are not dedicated to any public purpose or granted or lawfully contracted to be granted in fee simple :
 - “Lands” or “Land” means Crown Lands or Land :

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- “The Commissioner” means the Commissioner of Crown Lands for the time being as defined by this Act :
- “Surveyor” means a Surveyor authorised by the Minister, whether by contract or otherwise, to survey Crown Lands :
- “Substantial improvements” means and includes dams, wells, cultivation, fencing, clearing or draining of an allotment, and the erection of a habitable dwelling or farm or other buildings upon and permanently attached to the soil of such allotment :
- “Run” means lands occupied for pastoral purposes :
- “Gazette” means *The Hobart Gazette* :
- “Prescribed” means prescribed by Regulations made under this Act.

Meaning of certain terms in other Acts.

4 In any other Act relating to Crown Lands the following expressions shall hereafter have the respective meanings hereby assigned to them ; that is to say,—

- “Waste Lands” and “Waste Lands of the Crown” shall mean “Crown Lands” and “Lands of the Crown,” as defined by this Act :
- “Surveyor-General” shall mean the Surveyor-General as defined by this Act :
- “The Waste Lands Act, 1863,” or *The Waste Lands Act*, shall mean this Act.

27 Vict. No. 22.
34 Vict. No. 10.Repeal of existing Acts.
Schedule (1.).

5 On and after the day on which this Act comes into operation, the Acts of the Parliament of *Tasmania* set forth in the Schedule (1.) shall be and are hereby repealed : Provided that such repeal shall not affect—

- I. Anything duly done under any Act hereby repealed before the date on which this Act comes into operation :
- II. Any liability accruing under any such repealed Act before the date on which this Act comes into operation :
- III. Any obligation imposed upon the Governor in Council by any Act hereby repealed to expend any money set apart for the purpose of making and constructing roads, or to raise any money by the issue and sale of Debentures for the purpose of making roads.

Application of Act to matters and things done.

And, excepting so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things done under any repealed Act, and of any force or effect at the date on which this Act comes into operation by virtue of any Act hereby repealed, as if made or done hereunder.

Leases, &c.
continued.

6—(1.) All leases, licences, and contracts made or entered into and all applications upon which the Survey Fee has been paid under the authority or in pursuance of any Act hereby repealed, and in force on the day on which this Act comes into operation, shall continue and be as valid and effectual as if this Act had not been passed, and, except as herein otherwise provided, shall be regulated and governed by the Act under the authority or in pursuance of which the same were made or entered into.

Applications continued.

(2.) All applications made for the selection of Land under any of the Acts hereby repealed, and upon which the Survey Fee has not been paid, shall be continued, and shall be deemed to have been made under this Act, and shall be subject to all the conditions of this Act.

Crown Lands.

7 All Regulations duly made under any Act hereby repealed and in force on the day on which this Act comes into operation shall, so far as the same are not inconsistent with this Act, continue and be deemed to be the Regulations under this Act until they are altered or repealed by the Governor in Council under the authority of this Act.

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—
Regulations continued.

8 This Act is divided into Twelve Parts, as follows :—

Division of Act into Parts.

- Part I.—Introductory and general provisions.
- Part II.—Selection of Land.
- Part III.—Purchase of Land.
- Part IV.—Mining Areas.
- Part V.—Conditions of payment of purchase money.
- Part VI.—Leases.
- Part VII.—Licences.
- Part VIII.—Resumption of Lands.
- Part IX.—Unlawful occupation of Lands.
- Part X.—Construction of Roads and other Public Works.
- Part XI.—Regulations.
- Part XII.—Miscellaneous.

PART I.

INTRODUCTORY AND GENERAL PROVISIONS.

9—(1.) The Governor in Council is hereby empowered from time to time, by Proclamation in the *Gazette*—

Constitution of Counties, &c.

- i. To define the boundaries of any Counties in *Tasmania* :
- ii. To subdivide Parishes, and give and change the names of such Parishes or subdivisions.

10 The Minister of Lands and Works for the time being shall be the Commissioner of Crown Lands, and as such shall have the disposal of all Crown Lands subject to the provisions of this Act.

Commissioner of Crown Lands.

11 The Minister of Lands and Works for the time being shall be the Surveyor-General of *Tasmania*, and as such shall have the control and conduct of all matters appertaining to surveys for any public purpose.

Surveyor-General.

12 The Governor in Council is hereby empowered from time to time to appoint one or more Deputy Commissioner or Commissioners of Crown Lands as he see fit, who shall perform such duties as may be assigned to him or them by the Commissioner.

Deputy Commissioners of Crown Lands.

13 The Governor in Council is hereby empowered from time to time to appoint a Deputy Surveyor-General, who shall perform such duties as may be assigned to him by the Surveyor-General.

Deputy Surveyor-General.

14 The Governor in Council may, from time to time, appoint a Conservator of Forests, who shall, subject to the control of the Commissioner, have the management and control of all Land reserved for the

Conservator of Forests.

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preservation and growth of timber, and also of such other portions of Crown Land as may be by the Governor in Council assigned to his care, and who shall perform such other duties as may be assigned to him by the Commissioner.

Surveyors may
be appointed.

15 The Surveyor-General, with the approval of the Governor in Council, may from time to time appoint duly qualified Surveyors, who shall be authorised to make surveys for any public purpose in such manner as may be prescribed.

Bailiffs of Crown
Lands.

16 The Commissioner may, from time to time, appoint a sufficient number of persons to be Bailiffs of Crown Lands; and every such Bailiff shall, during his continuance in office, do, on behalf of Her Majesty or the Commissioner in respect of any Crown Lands, all acts for preventing intrusion, encroachment, and trespass on such Land, or for levying or recovering the rent or the licence fee payable in respect thereof, or for taking and recovering possession of any allotments or lands in case of forfeiture, or for such other purposes as may be prescribed; and such Bailiff shall have power to seize and detain any timber, wood, gravel, stone, limestone, salt, guano, shells, sand, loam, brick earth or bricks made therefrom, or bark, or any other substance whatever, which has been unlawfully removed, or which he has good cause to suspect to have been unlawfully removed, from any Crown Lands or any Crown Reserve, and the same shall be forfeited to Her Majesty upon proof to the satisfaction of a Justice of the Peace of such unlawful removal as aforesaid; and such Bailiff shall have the like power and authority to do all such acts as any Bailiff lawfully appointed may by law do in respect of any lands, tenements, or hereditaments of his employer; and every such Bailiff may sue for and recover any penalty from any person liable to forfeit the same.

Land to be dis-
posed of only
according to Act;

may be withdrawn
from sale, &c. by
Proclamation.

17—(1.) The Lands of the Crown in *Tasmania* shall be disposed of in the mode prescribed by this Act and the Regulations hereinafter mentioned, and not otherwise.

(2.) Notwithstanding anything herein contained, the Governor in Council may at any time by Proclamation in the *Gazette* withhold or withdraw any Land from the operation of this Act or any part thereof; and may, in manner aforesaid, revoke such Proclamation, or may rescind the same as to any part of the Land included therein, and thereupon the Land the subject of such further Proclamation shall be subject to the operation of this Act or any specified part thereof, at any time to be named in such Proclamation, not being less than Thirty days from the date thereof.

Lands to be dis-
tinguished into
classes.

18 For the purposes of this Act Crown Lands shall be divided into classes as follows :—

- i. Town Lands, comprising all Lands situate within the Cities of *Hobart* and *Launceston*, and all lands within a distance of Five miles from the nearest point of any part of the boundaries of either *Hobart* or *Launceston*, and all Lands situate within the limits of any Town now or hereafter proclaimed or reserved for such purpose by the Governor in Council :
- ii. Rural Lands, comprising all Lands not classed as Town Lands.

Crown Lands.

19 It shall be lawful for the Commissioner to decline to enter into a contract or to refuse any application for the sale and purchase of any Crown Land in any case in which the land selected or applied for is known to the Commissioner, or is reported by an Inspector of Mines, or a Commissioner of Gold Fields, or a Commissioner of Mines, to be auriferous or to contain Minerals.

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Applications to purchase auriferous or Mineral Crown Lands may be refused.

20 The Governor in Council may, by Proclamation in the *Gazette*, except from sale and reserve to Her Majesty such Land as he sees fit for the preservation and growth of Timber, and may from time to time, after Sixty days' notice given in the *Gazette*, alter and revoke any such Proclamation.

Timber reserves.

21 Notwithstanding anything contained in this Act or in any Regulations made hereunder, the Governor in Council may, by Proclamation in the *Gazette*, declare that no person, although he be duly licensed or otherwise authorised, shall cut or remove live timber or any particular description of timber or bark from such portions of Crown Lands as are named in such Proclamation, or shall exercise thereon the powers or any of them conferred by any licence granted under this Act or any Regulations made hereunder.

Governor in Council may prohibit felling timber, &c.

22 All Contracts for the sale of Crown Lands and all Leases of such Lands under this Act shall be made by and with the Commissioner, and all Licences shall be issued by the Commissioner, who shall be described in such cases by the name of "The Commissioner of Crown Lands," without otherwise naming him, and every such Contract, Lease, or Licence shall be valid and effectual notwithstanding any change in the person who is the Commissioner, and may be enforced by and against the Commissioner for the time being.

Contracts, &c. to be made with Commissioner.

23—(1.) Any action, suit, or other proceeding at law or in equity in respect of any contract, lease, or other agreement whatsoever, entered into by or with the Commissioner under the provisions of this or any former Act relating to the sale and disposal of Crown Lands, may be commenced and prosecuted by or against the Commissioner as the plaintiff or defendant therein, as the case may be, without otherwise naming him; and the Commissioner shall recover or be liable to, as the case may be, the damages and costs of any such action, suit, or other proceeding.

Actions by and against Commissioner.

(2.) No such action, suit, or other proceeding by or against the Commissioner shall abate or be affected by reason of the death, resignation, removal, or new appointment of the Commissioner, but the same may be continued in the same manner against the Commissioner for the time being as if no such change had taken place.

No action to abate by death, &c. of Commissioner.

Reserves for Public Purposes.

24 The Governor in Council may, by Proclamation in the *Gazette*, except from sale and reserve to Her Majesty such Lands as may be required for—

Public purposes for which Land may be reserved or disposed of.

- i. Public Roads or other internal communications whether by land or water :
- ii. Military or Defence purposes :
- iii. Sites for the erection of Public Libraries, Museums, Literary or Scientific Institutions, Hospitals or Almshouses for

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aged or infirm poor, or places for the interment of the dead :

- iv. Sites of Public Quays, Breakwaters, or Landing-places on the sea-coast or shores of navigable streams :
- v. Sites for Trigonometrical Stations or for other purposes connected with the Survey of *Tasmania* :
- vi. Places for the recreation and amusement of the inhabitants of any city, town, or village :
- vii. The construction of Irrigation Works or of Dams, Reservoirs, Aqueducts, Watercourses, or other works for the supply of water to any city, town, or district :
- viii. Any other purpose of public safety, convenience, health, or enjoyment.

And the Governor in Council may thereafter, for the purpose of giving effect to any such Proclamation as aforesaid, vest for such term as he thinks fit any Lands so excepted from sale and reserved for any of the purposes aforesaid in any person or body of persons, corporate or unincorporate.

Provided always, that any Lands included in any such Proclamation as aforesaid, and afterwards found to be not required or not suitable for the purpose or purposes for which they were thereby reserved, may at any time before they are vested as aforesaid be made by the Governor in Council, by a subsequent Proclamation in the *Gazette*, subject again to the provisions of this Act, or may, in like manner, be exempted by the Governor in Council from the operation of the Proclamation by which they were previously reserved, and may by such subsequent Proclamation be reserved for any of the purposes aforesaid other than the purpose or purposes for which they were previously excepted from sale and reserved as aforesaid.

Instrument disposing of Land to contain clause of forfeiture on breach of condition.

Notice of proposed disposition to be published.

25 In every instrument by which any such Land is disposed of for any of the purposes mentioned in the last preceding Section of this Act, such purpose shall be expressly stated, and such instrument shall contain a condition providing that the Land shall be appropriated only to such purpose, and, subject as hereinafter mentioned, to the absolute forfeiture of the said Land to Her Majesty upon breach of such condition ; and upon such forfeiture the Land so forfeited shall be disposable under this Act as Crown Land : but no such instrument for the disposal of any such Land for any of the purposes hereinbefore enumerated shall be executed or issued until after a notice of the intended reservation has been published in four consecutive numbers of the *Gazette*.

Before any such condition of forfeiture as is mentioned in this Section shall take effect the Commissioner shall publish a Notice in four consecutive numbers of the *Gazette*, and also in two consecutive numbers of a newspaper published in *Hobart* or *Launceston*, requiring the person or body of persons, corporate or unincorporate, in whom such Land shall be vested, to show cause to the Governor in Council, within Sixty days from the date of the first publication of such notice, why such forfeiture should not take effect, and it shall be lawful for the Governor in Council to waive such forfeiture if he is satisfied of the sufficiency of the cause shown, but not otherwise.

Reserve of land for school purposes.

26 The Governor in Council may, by notice in the *Gazette*, exempt from sale and reserve as a school allotment any portion of the lands of

Crown Lands.

the Crown wherever situate, not exceeding Five acres in extent ; A.D. 1890.
and thereupon the same shall become vested for the purposes of " The
Education Act, 1885." —

27 It shall not be lawful for the Governor or the Governor in Council to except from sale and reserve to Her Majesty, or to dispose of under this Act, any Crown Lands as sites of places of Public Worship or for any other Religious purposes. Governor in Council not to reserve sites of places of Public Worship, &c.

Nothing contained in this Section shall be held to apply to any Lands which have before the Seventeenth day of *September*, 1868, been reserved for sites of places of Public Worship of any religious denomination.

28 In every Town that may hereafter be surveyed and subdivided for sale, before any Lots are put up for auction the Commissioner shall set apart any area not exceeding Twenty acres of Land for recreation purposes, in one or more blocks, and such other blocks for such other public purposes as he may deem necessary in accordance with the provisions in Section Twenty-four of this Act. Commissioner to reserve recreation ground.

29 When any Land has been reserved for Public Roads, Streets, or other internal communication, and has not been used by the public or is no longer required for any of the purposes aforesaid, the Governor in Council may, by Proclamation published in four consecutive numbers of the *Gazette*, revoke such reservation ; but the Governor in Council may, at any time within Sixty days after the date of such Proclamation, if he sees fit, by another Proclamation published in the *Gazette*, withdraw and rescind such revocation ; and after the expiration of such period of Sixty days from the date of such first-mentioned Proclamation, if the same shall not be revoked, the Commissioner, with the consent of the Governor in Council, may sell by private contract such Land as Crown Land to the owner of the adjoining Lands at such price as the Governor in Council may fix, but in no case shall such price be less than One Pound per acre, and if such owner declines to purchase such Land, the Commissioner, with the like consent, may sell the same by public auction. Certain reservations may be revoked.

PART II.

SELECTION OF LAND.

30 The following persons shall not be eligible to select or hold Land under this Part of this Act :— Who may not select.

- i. Any person who is the selector of Three hundred and twenty acres of Land, in one or more lots, on credit under this Act, and for which the whole of the purchase money has not been paid :
- ii. Any person who is the selector of Three hundred and twenty acres of Land, in one or more lots, on credit under the provisions of any previous Act regulating the sale and disposition of Crown Lands, and for which the whole of the purchase money has not been paid :

Crown Lands.

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III. Any person who, during the immediately preceding Three years, has purchased Three hundred and twenty acres of Land under the provisions of this Act, unless such person has complied with Section Sixty-two of this Act.

Who may select.

31 Any person of the age of Eighteen years and upwards, not disqualified under the preceding Section, may select and purchase under this Act, by private contract, at the price and upon the terms set forth in the Schedule (2.), one Lot of Rural Land not exceeding Three hundred and twenty acres nor less than Fifteen acres.

Applicant to pay cost of survey.

32 When a selection is approved the applicant shall pay the prescribed expense of surveying the same, and as soon as conveniently can be the Commissioner shall cause the same to be surveyed in manner prescribed; but the payment by the applicant of any survey fee shall not confer upon him any estate or interest in such Land, or any title thereto.

Land to be surveyed and contract entered into.

33 The Commissioner shall, upon payment of the expense of surveying the same, cause every lot of land so selected for purchase to be surveyed, and after such survey the Commissioner and applicant 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 of this Act contained in relation to such sale of selected Land.

Additional selections.

34 Every person who has selected may make a further selection, provided that the total area held by him by virtue of such selections does not exceed Three hundred and twenty acres, nor consist of more than Three Lots, and, if such Lots adjoin the total frontage on any road or stream, shall not exceed the maximum frontage that would be allowed if the selections had been made in one Lot.

Additional selections shall be subject to all the conditions of original selections.

Contracts by purchasers void in certain cases.

35 No person shall become the purchaser of any Crown Land under this Part of this Act who is in respect of the Land which he applies to purchase, or any part thereof, a servant of or an agent or trustee for any other person, or who at the time of his application has entered into any agreement express or implied to permit any other person to acquire by purchase or otherwise any such Land or part thereof; and all contracts, agreements, and securities made, entered into, and given with the intent of evading, or which (if the same were valid) would have the effect of evading the provisions of this Section, shall be illegal and absolutely void both at Law and in Equity; and if any person shall, in evasion of the provisions of this Section, become the purchaser of any Land, all the right, title, and interest of the purchaser or of his assignee having notice of such evasion, and all moneys paid in respect of such Land, and the Land itself, with all improvements thereon, shall, on notification to that effect in the *Gazette*, be absolutely forfeited, and the said Land shall again become Crown Land.

Entering into illegal contract a Misdemeanor.

36 Any person who shall enter into any such contract or agreement declared to be illegal and void by the last preceding Section of this Act shall be guilty of a Misdemeanor, and on conviction thereof be liable to be fined in any sum not exceeding One hundred Pounds or to be imprisoned for any term not exceeding Two years.

Crown Lands.

37 No application to select Land under this Part of this Act shall be received from or in the name of, or for or on behalf of, any person under the age of Eighteen years, and every applicant under the age of Twenty-one years shall state in his application that he is of the age of Eighteen years or upwards; and if at any time prior to the selector parting with his interest in such Land such statement be proved to the satisfaction of the Commissioner to be untrue the purchase shall be void, and all moneys paid by or on account of such purchaser shall be forfeited to Her Majesty.

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Applicant for purchase must be of the age of Eighteen years at least.

38 Every purchaser of Crown Land between the ages of Eighteen and Twenty-one years who either personally or by his agent shall enter into any agreement for or in relation to the performance of any work or rendering of any services on such purchase or in relation thereto, or shall enter into any agreement for or in relation to the loan of money or the sale or purchase of any goods and chattels of any description whatsoever, or into any agreement connected with the occupation, management, or general purposes of such purchase not contrary to this Act, shall be subject to the same liabilities and have the same rights in respect of such agreement as if he were of the full age of Twenty-one years.

Purchasers under Twenty-one years of age to be liable upon contracts.

PART III.**PURCHASE OF LAND.****(1.)—Sale by Auction.**

39 The following Crown Lands may be sold by public auction, in the manner and subject to the conditions hereinafter prescribed:—

Certain Lands may be sold by auction.

1. All Rural Lands not held by any selector under Part II. of this Act, and not excepted from sale under this Act:

2. All Town Lands.

Provided that the Commissioner shall not in any one year sell by Public Auction more than Three thousand acres of Crown Lands.

40 The lowest upset price of Crown Land offered for sale by auction is hereby fixed at One Pound per acre.

Upset price.

41 Save as hereinafter provided, all Lands to be offered by auction shall, before sale, be surveyed and delineated in the public charts of the Colony, in such lots as are subsequently offered and put up for sale.

Lands to be sold by auction to be previously surveyed.

42 The area of any lot of Land put up for sale by auction shall not exceed Three hundred and twenty Acres.

Rural lots not to exceed 320 acres.

43 Within Three Months and not less than One Month next preceding the sale of any Lands by auction, the Commissioner shall, by notice in the *Gazette*, declare the time and place at which such sale will be held, and what are the Lands to be offered for sale at such auction, and the upset prices at which they will be offered for sale; and in every such notice the Lands specified therein shall be distinguished by their proper classes, in accordance with the provisions hereinbefore contained; and such Lands, when once advertised as aforesaid, shall not be open for selection and purchase until after the

Notice of sale by auction to be published.

Crown Lands.

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day of sale or any postponement thereof ; and lithographed or other plans of the Lands intended to be sold, showing the several lots for sale, shall, Fourteen days before the day of sale, be sent by the Commissioner to the Auctioneer instructed to sell, and to the Police Office nearest to such Lands or such place as he shall in such notice specify, for the use of intending purchasers ; and every person shall, upon application, be entitled to receive a copy of such plans.

Upset prices how
to be ascertained.

44 Previously to the publication of such notice, the Commissioner shall make an estimate of what should be the upset price of the Lands to be specified in such Notice, including in such estimate the cost of Survey and of the Grant Deed ; and the Commissioner shall submit such estimate for the consideration of the Governor in Council, who may vary such estimate or approve thereof, and the upset prices named in such estimate, when so varied or approved of, shall be the upset prices of the Lands to be specified in such Notice ; and from time to time in any subsequent notice of the intended sale by auction of any Lands which have been previously offered for sale by auction and not sold, the upset prices of such Lands may be raised or lowered according to circumstances, in like manner as they were originally fixed ; but the upset price of any Land shall never be lower than the lowest upset price fixed by this Act, with the addition of the cost of Survey and of the Grant Deed.

Land not to be
sold at auction at
less than adver-
tised upset prices.

45 No Lands shall be sold at auction at a lower price than the upset price of such Lands so fixed and advertised in the last preceding published notice of the intended sale by auction of such Lands.

(2.)—Sale by Private Contract.

Crown Lands
may be sold by
private contract
in certain cases.

46 All Crown Lands, not being within Five miles of the City of *Hobart* or City of *Launceston*, may be sold by private contract upon the terms and subject to the conditions hereinafter prescribed, and not otherwise.

Land unsold at
auction may be
sold by private
contract.

47—(1.) Within Twenty-one days after every sale by auction of Town Lands, not within Five miles of the City of *Hobart* or City of *Launceston*, and within a like period after every sale by auction of Rural Lands, and afterwards quarterly or oftener if he thinks fit, and until the same lands are again offered for sale by auction, the Commissioner may cause a list of all such Lands as were offered for sale by auction and not sold, with the upset prices at which they were offered for sale, to be published in the *Gazette*, and shall prefix a notice that any person may purchase any of the said lots at such upset prices by private contract ; and the Commissioner shall, after the expiration of Fourteen days from the date of the first publication of such notice, sell any of such lots at the upset prices mentioned in the notice by private contract to any person who applies to purchase the same ; and if more than one application is made at the same time to purchase the same lot, such lot shall not be sold by private contract, but shall be again submitted by public auction as soon as may be after such applications are made.

(2.) This Section shall apply to any Crown Lands which before the commencement of this Act have been offered for sale by auction and not sold.

Crown Lands.

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PART IV.

MINING AREAS.

48 The Governor in Council is hereby empowered, from time to time as it may appear expedient so to do, to declare any portion of Crown Land which has been proclaimed a Gold Field, or has been excepted from the operations of this Act or any previous Act regulating or relating to the sale or disposal of Crown Lands, by virtue of the provisions of any Law relating to the management of Mineral Crown Lands, or by virtue of this Act, as and to be a Mining Area for the purposes of this Act, and any such Proclamation from time to time to alter and revoke; and during the time that any such Proclamation shall be in force no Crown Land situate within the limits of any such Area shall be sold or disposed of otherwise than as is hereinafter provided.

Governor in Council may declare Gold Field, &c. a Mining Area.

49 All Crown Land within any such Mining Area shall be open for selection and purchase by private contract subject to the provisions hereinafter mentioned, in lots of not less than Ten nor more than One hundred acres each, at the price and upon the terms set forth in the Schedule (2) hereto.

Land within Mining Areas to be open for selection.

(2.) When any Crown Land within any such Mining Area is within a distance of One mile from the nearest point in the boundary of any Town such Land may be selected and purchased in lots of not less than One nor more than Ten acres.

50—(1.) The Commissioner of Crown Lands may sell any Land within any such Mining Area, and which has not been selected under the preceding Section, by Public Auction, in the manner and subject to the conditions contained in Part III. of this Act.

Land within Mining Areas may be sold by Auction.

(2.) All such Land shall, previously to being submitted to Public Auction, be surveyed in lots of not less than One nor more than One hundred Acres each.

(3.) The upset price of Land submitted to Public Auction under this Part of this Act shall be fixed by the Governor in Council, and shall not be less than One Pound per acre, payable in Fourteen years, in like proportion to the Scale set forth in the said Schedule (2.) hereto.

51 Any Land selected and purchased, or bought at Public Auction under this Part of this Act shall be occupied by the selector or purchaser thereof, or by some member of his family, by habitually residing on such Land for at least Five years before a Grant shall be issued therefor, and in default of being so occupied such Land shall be liable to be forfeited to the Crown. Such term of Five years shall commence to run One year after the date of the contract of sale and purchase, and shall be continuous.

Terms of purchase.

52 Any Land which may have been selected and purchased, or bought at Public Auction, within any such Mining Area, shall be open to any person to search or mine for Gold or other metal or any mineral thereon in manner hereinafter provided.

Land sold under this Act open to search for Gold, &c.

53 Any person desiring to search or mine for Gold on any Land which may have been selected and purchased, or bought at Public

Persons desiring to search to apply to a Commissioner.

Crown Lands.

A.D. 1890.

Commissioner to
give notice to
occupant or
owner of Land, of
application to
search thereon.

Appointment of
persons to assess
compensation to
be made.

Auction, within any such Mining Area, shall apply in writing to the Commissioner of Gold Fields residing nearest thereto ; and any person desiring to search or mine on any such Land for any other metal or any mineral shall apply in writing to the Commissioner of Mines residing nearest thereto for permission to search or mine, as the case may be, on so much of such Land as shall be specified in such application.

54—(1.) Upon the receipt of any such application the Commissioner of Gold Fields, or Commissioner of Mines, as the case may be, to whom the same is made shall forthwith give notice of such application to the occupant of such Land, if any, by forwarding the same through the post to the address of such occupant, and also to the owner of such Land by forwarding the same through the post to the address of the owner of such Land, and if such owner cannot be found such notice shall be published in the *Gazette*, and such notice shall require such owner to nominate and appoint some person to assess the amount of compensation which ought to be paid to such owner for the damage which he will be liable to sustain by reason of such searching or mining, and such Commissioner of Gold Fields or Commissioner of Mines, as the case may be, shall in and by such notice nominate and appoint some other person for the like purpose, and the person so nominated and appointed shall with such Commissioner of Gold Fields or Commissioner of Mines, as the case may be, be called the Assessors, who shall at such time and place as such Commissioner of Gold Fields or Commissioner of Mines, as the case may be, may appoint for that purpose, assess or determine the amount which shall be paid by the applicant to such owner, and the amount so assessed and determined shall be paid to such owner before any mining operations shall be commenced on such Land.

(2.) If such owner shall neglect or refuse for Fourteen days after service upon him of the notice hereinbefore mentioned to nominate and appoint any person to assess as aforesaid, then it shall be lawful for such Commissioner of Gold Fields or Commissioner of Mines, as the case may be, to nominate and appoint some person for and on behalf of such owner.

(3.) Every person who attends and acts as an Assessor as aforesaid shall be entitled to receive any sum which such Commissioner of Gold Fields or Commissioner of Mines, as the case may be, may order, not exceeding Two Pounds, which sum or any part thereof shall be paid by the applicant to such Assessor.

(4.) For the purposes of this Section any such Commissioner of Gold Fields or Commissioner of Mines, as the case may be, may exercise all the powers conferred upon a Justice of the Peace by *The Magistrates Summary Procedure Act* for procuring and enforcing the attendance of witnesses before him, and may administer oaths and hear, receive, and examine evidence ; and the determination of any two of the Assessors upon any question shall be final.

19 Vict. No. 8.

Matters to be
considered in
estimating com-
pensation.

55 In estimating the amount of compensation to be paid as aforesaid, the value of all surface improvements made upon such Land shall be considered, and the loss which such purchaser will be liable to sustain if such applicant shall occupy any of the said Land for the purpose of residence in connection with the object of mining, or shall put up any building or other erection thereon, or shall cut down and remove from such Land for any purpose any trees growing thereon, or shall cut

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or construct or use races or dams for mining purposes through or upon any part of the said Land ; and the Assessors shall determine the locality in which, and the area over which mining operations shall be carried on upon such Land ; but it shall not be lawful for the Assessors to estimate the value of any Gold or other metal or any mineral which such land may be supposed to contain.

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56 When and so soon as mining operations shall be discontinued upon such Land, and the Commissioner of Gold Fields or Commissioner of Mines, as the case may be, has certified that mining operations have been discontinued upon such Land, the person for the time being who is the owner of such Land shall, without making compensation to any person whomsoever, be entitled to resume possession of so much of such Land as shall have been occupied under this Act for mining purposes.

Land may be resumed when mining operations discontinued.

57 So far as the same can be applied to the purposes and objects of this Act, all Regulations made under any Act or Acts relating to mining for Gold or other metals or minerals, and in force when this Act takes effect, and all Regulations made under the said Acts hereafter, shall be applicable to and for the purposes and objects of this Act.

Regulations applicable for purposes of this Act.

58 It shall be lawful for the Commissioner, where he has reason to believe, on the report of the Secretary of Mines or of the Deputy Surveyor-General, that any Crown Land selected or applied for under this Act is auriferous or contains minerals, to sell such land subject to the conditions contained in the last Six preceding Sections of this Act, in addition to such other conditions subject to which such land may have been selected or applied for.

Land may be sold open to search for Gold, &c.

59 If any person under any Act relating to mining for Gold or other metals or minerals shall, by virtue of a Miner's Right, Business Licence, or Residence Licence, occupy any Land of the Crown upon any Town, and shall erect or make buildings and permanent improvements upon such Land of the value of Fifty Pounds and upwards, such person shall be entitled to purchase the Land so occupied by him, or so much thereof as shall not exceed one quarter of an acre, at the price of Ten Pounds in cash, and upon payment of such price to obtain a Grant for such land ; but every such Grant shall contain a reservation to the Crown of the right to mine for Gold or other metals or minerals under any such Land granted as aforesaid, at a depth of not less than Fifty feet from the surface of such Land.

Land held under Miners' Rights, &c. may be purchased by occupant.

Provided that if such person, upon being required so to do by the Commissioner by notice in writing, shall neglect for three calendar months thereafter to exercise his right of purchase hereunder, the Commissioner may, if he sees fit, cause such Land, with all buildings and improvements thereon, to be put up for sale by public auction, including the value of such buildings and improvements in the upset price of such land ; and should the occupant not become the purchaser at such auction, the value of such buildings and improvements, as valued by the Commissioner, shall be paid to him by the purchaser in cash at the time of sale.

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PART V.

CONDITIONS OF PURCHASE.

Payment of purchase money on sale by auction.

60 Upon the sale of any Lands under Part III. of this Act, the purchaser may pay the purchase money in cash, or if, at the time of sale, he declares that he is desirous of being allowed credit, such credit shall be allowed on the terms hereinafter mentioned; and unless the purchaser so declares that he is desirous of being allowed credit, he shall pay, in ready money at the time of sale, a deposit of One-fifth of the price, and shall pay the residue of the price within One month next after the time of sale; and unless he pays such residue within such time, the deposit shall be forfeited and the sale void, and the Land shall revert to the Crown: Provided, that nothing in this Act contained shall authorise the sale of any Town Land on credit where the price is less than Fifteen Pounds.

No credit where price less than £15.

Terms of credit on sale by auction or private contract.

61 Upon the sale of any Lands, whether by auction or private contract, except as hereinbefore specially provided, the terms of credit shall be as follows:—A sum equal to One-third 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 sale, and shall contract to pay, and shall pay, the residue of the purchase money by Fourteen annual instalments of One-fourteenth of the purchase money, the first instalment to be paid at the expiration of One year from the time of sale.

Purchaser on credit may pay off at any time.

62 It shall be lawful for the purchaser of any Land upon credit, at any time during the period of credit allowed, and before default is made in payment of any instalment of the purchase money, to pay off the balance then remaining unpaid under the contract of sale; and in every such case a deduction shall be allowed in the sum added to the price of the Land by way of premium for the allowance of credit proportionate to the then unexpired period of credit: Provided, that the purchaser of any Land upon credit shall not be entitled to pay off the balance then remaining unpaid until such purchaser has made substantial improvements upon such Land to the value of a sum equal to Twenty Shillings per acre of the whole land selected.

Improvements to be made on Land purchased upon credit.

63 At the expiration of One year from the date of the contract of sale and purchase of any Land upon credit, the purchaser of such Land shall begin to effect substantial improvements on the Land purchased by him, and shall continue in each year during the Eight consecutive years thereafter to effect substantial improvements on such Land of the value of not less than Two Shillings and Sixpence per acre for every acre of the Land so purchased by him; and in default of making such improvements such Land shall be forfeited to the Crown: Provided, that any purchaser having expended more than Two Shillings and Sixpence per acre in any year shall be entitled to credit against his liability in any subsequent year for such extra expenditure; and the total amount so to be expended in such improvements need not exceed the sum of One Pound per acre.

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64 Any person who has purchased Crown Land on credit at any time prior to the date on which this Act comes into operation shall be allowed to pay off the balance of the purchase money due on such Land on the terms and subject to the conditions of the Act under which such Land was purchased.

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Balance due on land purchased prior to this Act.

65 Whenever any purchaser of Land has become liable to have his land forfeited on account of his failure to pay any instalment of the purchase money as provided by this Act, it shall be lawful for the Governor in Council to postpone the payment of such instalment for any period not exceeding Two years, upon being satisfied that such purchaser has become unable to pay such instalment, or upon it being shown to the Governor in Council that the enforcement of the payment of such instalment would inflict hardship upon the purchaser.

Governor in Council may postpone payment of instalments.

66 In every case in which payment of any instalment of the purchase money of any lot is postponed by the Governor in Council as hereinbefore provided, such instalment shall bear interest at the rate of Five Pounds per centum per annum, commencing from the date on which such instalment first became payable; and such interest shall be payable either annually or with the postponed instalment on which it has accrued; and failure to pay such interest or any part thereof shall have the same operation upon the rights and privileges of the purchaser as failure to pay any instalment of the purchase money of the lot selected by him.

Postponed instalments to bear interest.

67 Whenever any purchaser of Land has become liable to have his land forfeited on account of his failure to make such substantial improvements as are provided by this Act, it shall be lawful for the Governor in Council to postpone the time within which such improvements shall be made for any period not exceeding Two years, upon being satisfied that such purchaser has become unable to make such improvements, or upon it being shown to the Governor in Council that the enforcement of the conditions as to making such improvements would inflict hardship upon the purchaser.

Governor in Council may postpone time for improvements.

68 It shall not be lawful for any purchaser on credit to assign or transfer his interest in the Land purchased without the consent in writing of the Commissioner; and every such assignment or transfer without such consent shall be void; and in every case the assignment or transfer shall be subject to the performance by the assignee or transferee of the same conditions as the purchaser was liable to perform and fulfil.

Selector not having paid the full price not to transfer his interest.

Estate in Land.

69 Every purchaser of Town Lands upon credit under Part III. of this Act shall, subject to the provisions and conditions of this Act, have power to sell or devise, or otherwise transfer or dispose of, or deal with, his interest in the Land so purchased by him as freely as if such interest were an estate in fee simple.

Estate of purchaser on credit in Land purchased.

Default in Payment of Purchase Money.

70 In all cases where Land has been sold upon credit under the provisions of this or any other Act relating to the sale and disposal

On failure in payment of any instalment land may be forfeited.

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of Crown Lands, whether by auction or by private contract, if default is made in the payment of any instalment of the purchase money, and the same is not paid within Sixty days after it has become payable, it shall be lawful, at any time thereafter, for the Governor in Council, on the application of the Commissioner, to declare that the Land in respect of which such default has been made is forfeited to the Crown, and thereupon the deposit and all instalments previously paid in respect of the said Land shall be forfeited, and the Land shall be freed from the contract of sale, and shall revert to the Crown, subject to the provisions hereinafter contained.

Notice of intention
of forfeiture to be
given.

71 No Land shall be declared forfeited to the Crown under the preceding Section until Thirty days' notice of the intention of the Commissioner to have such Land declared forfeited has been given by advertisement in the *Gazette*, and also in one newspaper published in *Hobart* and one newspaper published in *Launceston*, and also to the purchaser thereof in such manner and form as may be prescribed; and no such Land shall be declared forfeited as aforesaid if the purchaser shall pay the amount of the purchase money in arrear, together with a fine of One penny for every acre of Land in respect of which default has been made, and Five Shillings to cover cost of advertising, within One month from the date of the first publication of such notice.

Land reverting to
the Crown to be
sold by auction.

72 In case such Land reverts to the Crown in manner lastly hereinbefore provided, the same shall be put up for sale by auction as Crown Land, at such time and place as the Commissioner shall direct, at an upset price per acre of not less than One Pound, to be paid in cash at the time of sale, or, if the purchaser at the time of sale declares that he is desirous of being allowed credit, he shall be allowed credit on the terms mentioned in this Act; and in case the Land so sold realises more than the upset price, the Governor in Council, on the application of the person having made default as aforesaid, shall authorise the repayment to such persons out of the Consolidated Revenue Fund of any portion of the purchase money not exceeding the amount of the deposit and instalments paid by such person; and in case such Land shall not be sold at such auction the same shall become Crown Land disposable under this Act as if no contract of sale had ever been made.

Devolution of Land purchased.

Interest of purchaser on credit
may be sold in
execution.

73 Subject to the provisions of this Act, the interest of any purchaser of Crown Land on credit may be taken in execution and sold by the proper officer.

Interest of Bank-
rupt to pass to
Trustee.
34 Vict. No. 32.

74 If any purchaser of Crown Land on credit becomes Bankrupt or if the affairs of any such purchaser are liquidated by arrangement under "The Bankruptcy Act, 1870," before the whole price of the Land purchased by him is paid, his interest in such Land shall pass to his Trustee under the said Act, upon such Trustee producing to the Commissioner the order adjudicating such purchaser a Bankrupt and the resolution of the Creditors appointing such person to be Trustee, or the special resolution appointing such person to be Trustee under such liquidation; and such Trustee or his assignee shall hold such land subject to the performance by such Trustee or assignee of the same conditions as the purchaser was liable to perform and fulfil.

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75 If any purchaser of Crown Land shall die before the whole price of the Land purchased by him is paid, and all the conditions herein attached to such purchase are fulfilled, the Land so purchased shall be held by his trustees, executors or administrators, as the case may be, subject to the fulfilment by them of all unfulfilled conditions, but in trust for and for the benefit of the persons rightfully entitled. But a *bonâ fide* transfer for value by such trustees, executors or administrators, authorised by any will or by their powers or duties as trustees, executors or administrators, shall be held to transfer all the interest of such purchaser, subject to the payment of any unpaid balance of purchase money and interest, if any; and every such transfer shall be subject to the performance by the transferee of the same conditions as the original purchaser was liable to perform and fulfil.

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Where purchaser dies before price of Land paid, Land to be held by executors, &c.

76 Any sale or other disposition whatsoever of the estate, right, title, or interest of any such purchaser during his lifetime by the Sheriff or any other officer or person by virtue or under the authority of any writ of execution or other process of any Court, or by any person under any decree or order of any Court otherwise than in Bankruptcy, shall pass to a purchaser only such estate, right, title, or interest as the original purchaser himself was entitled to at the date of such sale or disposition, decree or order respectively, and subject to all conditions annexed by this Act remaining unfulfilled at such date as aforesaid.

Interest, &c. of purchaser to pass on sale, &c.

77 Where any purchaser of Crown Land dies intestate leaving a widow or child who through poverty is unable to administer the estate of the deceased, a Grant of such Land shall issue to such widow or child upon payment of the residue of the purchase money, but subject to the same estates and interests therein as if Letters of Administration had been taken out in respect thereof; and until payment such widow or child shall hold the same upon the conditions the Land was subject to in the hands of the intestate.

Grant may issue to widow on payment of purchase money.

78 In any case in which any Crown Land has been purchased on credit under the provisions of this Act, or any Act relating to the sale and disposal of Crown Lands, and the person in whose name the Land has been selected, or with whom the Commissioner has entered into a contract for the sale thereof as provided in this Act or in any such Act, or the person to whom the original purchaser or selector has transferred his interest in any such Land as aforesaid in accordance with the provisions of this Act or any such Act, has died before the whole of the purchase money has been paid for such land, and the balance of such purchase money has been subsequently paid by any other person or persons in pursuance or on the faith of any agreement made with the original selector or purchaser, or any assignee of the interest in such Land of such original selector or purchaser, for the transfer thereof to the person or persons paying such balance of such purchase money as aforesaid, it shall be lawful for the Governor, upon the Governor in Council being satisfied that any such person or persons as last aforesaid is or are entitled in equity and good conscience to a grant of such Land, to convey and alienate the same to such person or persons in fee simple by a deed of grant in the manner provided in this Act.

Governor may issue grant to person entitled in equity and good conscience.

Provided, that before the Governor in Council shall issue any such Deed of Grant the Commissioner shall publish a Notice in the *Gazette*

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and in a newspaper published in the District in which such Land is situate, setting forth a description of the Land and the name or names of such person or persons to whom it is intended to issue such Deed of Grant, and notifying that in default of any caveat being lodged with the Commissioner within Thirty days from the date of such Notice the Governor in Council will issue a Deed of Grant of such Land to such person or persons.

Grant Deed.

Lands to be conveyed by Grant ;

provided purchase money first paid.

79—(1.) Under and subject to the various provisions contained in this Act or in any Regulations made hereunder, the Governor is hereby authorised, in the name and on behalf of Her Majesty, to convey and alienate in fee simple, or for any less estate or interest, any Crown Lands ; which conveyances or alienations shall be made by Deed of Grant under the hand of the Governor and the Public Seal of the Colony, and shall be in such form as is at present used, or in such other form as may from time to time be prescribed by the Governor in Council ; and being so made shall be valid and effectual to vest in possession in the grantee any such Lands as aforesaid for any such estate or interest as by any such Deed of Grant is granted to him : but no such Deed of Grant shall be issued to any such purchaser until the whole of the purchase-money for any such Land has been fully paid and the conditions of this Act fulfilled.

(2.) In the case of all Lands (not being then the subject of a subsisting Contract with the Crown for the alienation thereof) which remained unalienated from the Crown on the First day of *July*, 1862, the Governor shall cause such Grant to be issued in duplicate, and delivered to the Recorder of Titles, who shall register and deal with the same in the manner provided by *The Real Property Act*.

Reservation in Grants of Town allotments.

80 Every Grant Deed of any Crown Land included within the boundaries of any Town which is within the limits of any proclaimed Gold Field, or of any Lands withdrawn from sale and selection under this Act, shall contain a reservation to the Crown of the right to mine for minerals under such Land, at a depth of not less than Fifty feet from the surface of such Land.

The provisions of this Section shall apply to Crown Lands as aforesaid which have been purchased before the passing of this Act, but for which no Grant Deed has been issued by the Governor.

PART VI.**LEASES.***Leases of Land for Wharves, &c.*

Leases may be made for constructing and erecting wharves, jetties, patent slips, water-courses, and manufactories, &c

81—(1.) It shall be lawful for the Commissioner, with the consent of the Governor in Council, to lease to any person, on such terms and conditions and for such period not exceeding Fourteen years as the Governor in Council sees fit—

- i. Any land bordering on a navigable river or the sea or any part thereof, and also any adjoining portion of the bed and soil of such navigable river or of the sea or any part thereof, for the purpose of constructing wharves, jetties, docks, or patent

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slips, or other works for the building or repair of ships **A.D. 1890.**
or any other works of public utility or convenience :

11. The right of constructing and maintaining across any Crown Land or any land reserved by the Crown for the use of the public along the margin of any river or stream, water-courses for the purpose of irrigation or for conveying water to or from any mill or manufactory, or other like purpose, also the right of constructing upon any such reserve or Crown Land, or in the bed of any such river or stream, such works as may be necessary for the purpose of regulating the flow of water through such water-courses, and the right of entering upon such Crown Land or reserves from time to time for the purpose of maintaining and repairing such water-courses and works.

And any such lease of any portion of the bed and soil of any navigable river, or of the sea, or of any part thereof, shall confer a right to the exclusive use and occupation of the water covering the portion of the bed and soil leased during the continuance of such lease.

(2.) It shall be lawful for the Commissioner in like manner to lease for such period not exceeding Fourteen years as the Governor in Council sees fit—

Any portion of Crown Land or of a Crown Reserve for the purpose of erecting thereon any manufactory, mill, or other such work.

Provided, that no lease shall be made under this Section unless and until the person applying for such lease obtains the consent to the issue of such lease of the Marine Board, Municipal Council, Town Board, or Trustees of the Road District within whose boundary the land or bed and soil of the river or sea proposed to be leased is situated.

82 It shall be lawful for the Commissioner, with the consent of the Governor in Council, to lease for such period not exceeding Fourteen years, to any person applying to rent the same, any Crown Land which may be required for the purpose of constructing any Railway or Tramway, at such rent and upon such conditions as the Governor in Council may approve.

Commissioner may lease Land for Railways or Tramways.

83—(1.) No lease shall be made under the last preceding Section so as to interfere with the right of access to a navigable river or the sea or any part thereof by any person having an estate or interest in land bordering thereon, or on any Crown Reserve along the margin thereof, nor shall any lease be made of any portion of the bed and soil of any navigable river or the sea or any part thereof where it would injuriously affect or interfere with navigation, nor shall any such lease extend to the obstruction or endangering of the navigation of any navigable water, or to the prejudice of any person having any vested interest in any such water, nor shall any such lease be made where it would extend to the obstruction of any road or endanger the use thereof.

Not to interfere with right of navigation or roads, or affect navigation or roads.

(2.) No manufactory shall be erected on any Crown Reserve in the neighbourhood of any river or stream whereby the water thereof shall be polluted so as to injure or endanger the lives of any of Her Majesty's subjects making use thereof, or be injurious or destructive to the fish in such river.

Nor to pollute water.

(3.) Every such lease shall contain a clause in the nature of a condition of forfeiture in case of non-completion of the works for the

Leases to contain clause of forfeiture on non-completion of works.

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Renewal of
lease.No compensation
for improve-
ments.

purpose of the construction of which such lease is made within a period to be therein specified, in the event of the same not having been previously completed, or in case of the breach or non-performance of any or either of the conditions to be contained in such lease.

(4.) Every such lease shall contain a clause reserving the right of the Lessee to a renewal of his lease at the same rental, and for such term not exceeding Fourteen years, as the Commissioner shall think fit.

(5.) No compensation shall be given at the expiration of any lease, or any renewal thereof, for any improvements effected upon any land, or in or upon the bed and soil of any navigable river or the sea comprised in any such lease.

(6.) In case the whole or any part of the Land or bed and soil of any navigable river, or the sea comprised in any such lease, is at any time required for any public purpose, the same may be resumed by the Crown; and it shall be lawful for the Commissioner or any person authorised by him in that behalf to enter thereupon without suit, and upon such entry such lease shall become absolutely void: Provided that before any such entry shall be made as aforesaid compensation shall be made by the Commissioner to the lessee thereof for all permanent works or improvements which such lessee may have erected or made on the land or bed and soil of any navigable river or the sea so resumed, and such compensation shall be ascertained by valuation in such manner as may be prescribed.

*Leases of Islands.*Commissioner
may lease Islands.

84 It shall be lawful for the Commissioner to lease any Island or part of any Island for any term not exceeding Fourteen years: Provided that the same shall be let by public auction, and notice that the same will be so let shall be published in the *Gazette*, and in one newspaper published in *Hobart*, and in one newspaper published in *Launceston*, at least Sixty days before the day appointed for holding such auction.

Lease determin-
able if rent in
arrear for Sixty
days.

85 The rent reserved by every lease granted under the last preceding Section shall be payable half-yearly in advance; and every such lease shall be determinable on non-payment of the rent due within Sixty days after the same has become due.

*Leases of Lands for Grazing purposes.*Leases of Rural
Lands for grazing
purposes.

86—(1.) The Commissioner may from time to time, with the consent of the Governor in Council, by notice in the *Gazette* and in one newspaper published in *Hobart* and in one newspaper published in *Launceston*, describing with all practicable precision the extent, locality, and boundaries of the runs to be let, with the upset rental affixed to each run, offer to sell by public auction, for any period not exceeding Fourteen years, to any person bidding the highest rental for the same, leases of Rural Lands, for grazing purposes, on a day to be named in such notice, not being less than Thirty days after the first publication of such notice in the *Gazette*.

(2.) Notwithstanding anything hereinbefore contained, the Commissioner may cause a list of all such Lands as may have been exposed to rental by auction and not disposed of, with the amount of rent fixed as the upset price for the same respectively, to be published in the *Gazette*,

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with a notice that any person who applies after a day to be named in such notice to rent any such Land by private contract, may receive a lease to occupy the same for grazing purposes at the rent fixed as the upset price in such notice: Provided, that if more than one application is received at the time named to rent such run, such run shall not be let by private contract, but shall be put up for rental by auction as soon thereafter as may be. A.D. 1890.

(3.) Such runs may remain open for rental by private contract for one year, and at the expiration of that period may be again put up by auction.

87—(1.) The person who bids the highest sum at any sale by auction by way of annual rental for any run shall be entitled to receive a lease to occupy the same for grazing purposes for any period not exceeding the number of years allowed by this Act, provided he pays One half of such annual rental at the time of such auction; and in default of such payment the run shall be forthwith again put up for auction. Highest bidder to be entitled to lease.

(2.) If there is no bidder at such auction the Commissioner may reduce the amount of rent and the run shall be again exposed to auction after notice of the same has been given in manner hereinbefore provided, and so from time to time until the lease for the said run is sold.

88—(1.) No lease shall be deemed to prevent such run or any part thereof from being resumed by the Commissioner for the purpose of being alienated or dealt with under this Act or any other Act for other than grazing purposes, provided that the Commissioner shall give to the lessee Six months' notice of his intention to resume such run or part thereof, and upon the expiration of the said notice such lease shall become void as to the said run or part thereof as the case may be: Provided that, when any such run or any part thereof is resumed for the purpose of being alienated or dealt with under this Act or any other Act, compensation shall be made by the Commissioner to the lessee of such run for all fences, buildings, and permanent improvements which such lessee may have erected or made on the land so resumed, such compensation to be ascertained by valuation in such manner as may be prescribed. Land may be resumed by Minister.

(2.) Whenever a run or any part thereof is resumed under this Section, if the land resumed is sold under this Act, the amount of the compensation made by the Commissioner for such fences, buildings, and permanent improvements shall be paid by the purchaser in addition to the purchase money of such land.

89 In case the value of any run is diminished by reason of any portion thereof being resumed under this or any other Act, the lease to occupy the lands comprised in such run shall be deemed to be revoked to the extent that such run is diminished by reason of any such portion being resumed; and the Commissioner shall determine the amount of rent to be paid in future in respect of the residue of such run. Provision in case part of a run shall be resumed, &c.

90 The upset annual rent to be paid for every such run shall be fixed and determined by the Commissioner, having regard to the class and situation of the land, and the number of sheep or cattle which the Commissioner considers such run to be capable of carrying; but in no case shall the upset annual rent be fixed at less than Five Shillings per Hundred acres. Rent to be determined by the Commissioner.

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Rent to be paid
half-yearly.

91 The rent reserved by every lease to occupy Rural Land for grazing purposes shall be payable half-yearly in advance on the First day of *April* and the First day of *October* in each year ; and if any lease commences or is determined during any half-year, then a proportionate part only of such rent shall be paid by the lessee ; and every such lease shall be determinable on non-payment of the rent within One month after the same has become due.

If rent not paid
interest may be
charged.

92 In all cases where the rent reserved by every such lease shall not be paid within One month from the date when such rent becomes due, the Commissioner shall charge such lessee interest at the rate of Five Pounds per centum per annum on the amount of the unpaid rent ; and the same, with interest thereon as aforesaid, may be recovered by process of law, provided that the Commissioner may, if he thinks fit, delay enforcing payment under this Section for a period of Six months after such rent becomes due.

How rent is
recoverable.

93 The rent reserved by every such lease may be recovered in like manner as any other rent is or shall be recoverable by law ; and, in case the same is levied by distress, an order of the Commissioner shall be a sufficient warrant and authority to distrain, any law or enactment to the contrary notwithstanding.

Interest of lessee
may be trans-
ferred.

94 Any lease and the interest of any lessee therein may be transferred by writing attested by a Justice of the Peace, and in such form as may be prescribed : Provided, that no transfer shall be recognised until all rent then due shall be paid.

Registration of
transfer.

95 Every transfer of the interest in a run held under a lease to occupy Rural Land for grazing purposes shall be registered at the office of the Commissioner ; and until registration has been made such transfer shall have no effect or operation, and no interest either at law or in equity shall be deemed to have passed thereby.

Condition in
lease.

96 Every lease to occupy Rural Land for grazing purposes shall contain a condition for the payment of the rent at the times hereinbefore mentioned, and such other conditions and provisions not inconsistent with this Act as may be prescribed.

Commissioner
may forfeit and
revoke lease on
violation of
conditions.

97 If at any time while any such lease is in force it is shown to the satisfaction of the Commissioner that any condition of such lease has been violated, the Commissioner may forfeit and revoke such lease and may dispose of the run to which such lease applied as if such lease had never been issued ; and the lessee, and his executors, administrators, and assigns shall be taken to have forfeited all right, title, and interest under such lease, and to be as against Her Majesty and the Commissioner, or any person claiming under Her Majesty or the Commissioner, a mere trespasser or mere trespassers ; and the production of a copy of the *Gazette* containing a notice purporting to be signed by the Commissioner of the forfeiture and revocation of any such lease shall be conclusive evidence that such lease has been lawfully forfeited and revoked.

Lessee may
cultivate.

98 Every lessee of Rural Land for grazing purposes may cultivate so much of the run as may be necessary to provide such grain, hay, vegetables, root crop, or fruit as may be required for the use and

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supply of his family and establishment, but not for the purposes of sale or barter; and any lessee making such sale or barter shall be liable for every such offence to forfeit a penalty not exceeding Twenty Pounds. A.D. 1890.

99 Every lessee of Rural Land for grazing purposes under this or any other Act relating to the sale and disposal of Crown Lands may determine his lease by giving at least Six months' notice in writing to the Commissioner, on any of the half-yearly days appointed for the payment of the rent reserved by such lease, of an intention so to do, and upon payment of the rent for the half-year succeeding such notice; and upon the expiration of such notice the lease shall determine. Lessee may determine lease.

100 Notwithstanding anything contained in this or any other Act relating to the sale and disposal of Crown Lands, it shall be lawful for the Commissioner to authorise in writing any person or persons to enter upon any Rural Land occupied for grazing purposes, to search thereon for gold, minerals, or precious stones; and the Commissioner shall cause a copy of such authority to be sent to the lessee; and any person acting under any such authority shall not be deemed a trespasser by reason of any entry upon such lands for any such purpose. Power to search for gold, &c. on rented Pastoral Lands.

PART VII.**LICENCES.**

101—(1.) The Commissioner may grant to any person Licences for the following purposes, on such terms and conditions as may be prescribed— Licences may be granted to fell timber, to remove gravel and stone, &c.

- i. For felling, removing, or selling the timber, or any particular description of timber, or bark growing on any unoccupied Crown Lands:
- ii. To remove gravel, clay, or stone from any Crown Lands or from any Crown Reserve, or to make bricks or burn charcoal, or quarry stone, sand, clay, shells, or marl thereon, and to remove the same.

(2.) Every such Licence shall specify the particular locality in which it is to be in force, and no such licence shall in any case extend to land surveyed for sale or for which applications to purchase shall have been received, and for which the Survey Fees have been paid, or which the Commissioner may consider should be specially excepted from the operation of such Licence.

102 It shall be lawful for the Commissioner to grant to any person a Licence for the Occupation, for any time not exceeding Twelve months from the date thereof, of any Crown Lands on such terms and conditions as may be prescribed. Licence of occupation.

103 The Commissioner may from time to time grant Licences for any period not exceeding One year, which shall entitle the holders thereof respectively to reside on or to cultivate any Rural Land, not exceeding Five acres, within the limits of any proclaimed Gold Field, or of any Lands withdrawn from sale and selection under this Act; but no Licence to reside on Gold Fields.

57. Vict. 24.

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Conditions of
Licence.

more than one such licence shall be granted to or held by any one and the same person : Provided, that every application for any Licence under this Section shall be submitted to the Secretary of Mines to report thereon.

Every such Licence shall bear date of the day on which it is issued, and shall continue in force for a period not exceeding One year from such date, and shall be subject to such restrictions, limitations, and conditions, and to the payment of such fee as may be prescribed.

PART VIII.**RESUMPTION OF LANDS.**Lands alienated
to be subject to
resumption for
mining.

104 All Lands selected or alienated under the provisions of this or any former Act relating to the sale of Crown Lands may be resumed for mining purposes by Her Majesty on paying full compensation to the selector, grantee, or purchaser thereof for the value, other than that of gold or other minerals contained in such Land, of the Lands and improvements so resumed ; such value in case of disagreement to be ascertained by arbitration ; the terms, conditions, and events upon which such Lands may be resumed, and the manner in which such arbitration shall be conducted, shall be determined in the manner prescribed by *The Lands Clauses Act* : but no such Land shall be liable to be resumed after a period of Five years from the date of such alienation as aforesaid.

Definition of the
words "date of
such alienation."

(2.) For the purposes of this Section the words "the date of such alienation" shall have the following interpretation ; that is to say :—

- i. In the case of Land selected and purchased under Part II. or Part IV. of this Act, such words shall mean the date of contract of sale and purchase :
- ii. In the case of Land sold by auction, such words shall mean the date of such auction sale :
- iii. In the case of Land sold by private contract, other than Land selected and purchased under Part II. or Part IV. of this Act, such words shall mean the date of the payment of the deposit money.

Lands leased for
grazing purposes
may be resumed
for mining pur-
poses.

105 Any lands leased for grazing purposes under Part VI. of this Act upon which gold, minerals, or precious stones may exist or be supposed to exist, may be resumed by the Crown for mining purposes upon compensation being made to the occupier for all fences, buildings, and permanent improvements which he may have put up or made upon the lots or parcels so leased and resumed, such compensation to be ascertained by valuation in such manner as may be prescribed.

Upon forfeiture,
&c. Land to revert
to Crown.

106 In case any grant, contract, lease, licence, or other agreement whatsoever under this or any former Act in respect of any Crown Land becomes void or is determined, or in case any Land granted or disposed of in any manner under this or any former Act relating to Crown Land reverts or becomes forfeited to the Crown, the Land comprised in any such grant, contract, lease, licence, or agreement, or so forfeited, shall immediately be disposable under this Act as Crown Lands ; and it shall be lawful for the Commissioner or any person authorised by him, with the consent of the Governor in Council, to enter upon any such Land without suit.

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PART IX.

UNLAWFUL OCCUPATION OF LANDS.

107 If any person is found in unauthorised occupation of any Crown Land, or knowingly and wilfully depastures without authority in that behalf any cattle or sheep on any Crown Land, he shall be liable, on conviction thereof, to the penalties following (that is to say)—For the first offence to forfeit and pay a sum not exceeding Five Pounds; for the second offence, after an interval of Fourteen clear days from the date of the previous conviction, to forfeit and pay a sum not exceeding Twenty Pounds; and for any subsequent offence, after a like interval, to forfeit and pay a sum not exceeding Fifty Pounds; but no proceedings to recover any such penalty may be taken except by a Bailiff of Crown Lands authorised in that behalf by the Commissioner.

Penalty for unauthorised occupation or depasturing on Crown Land.

108 If any person without lawful authority cuts, digs, or takes from any Crown Land or Crown Reserve any live or dead timber, gravel, stone, limestone, salt, guano, shells, sand, loam, or brick earth or bricks made therefrom, or any other substance whatever, or strips or removes bark from any tree growing or being thereon, every such person shall, in addition to any punishment or penalty provided by any law now or hereafter in force, for any such offence forfeit and pay a penalty not exceeding Ten Pounds.

Penalty for other trespasses on Crown Land.

109 If any person, contrary to any Proclamation made by the Governor in Council under this Act, or not being duly licensed or otherwise authorised so to do, cuts or removes upon or from any Land therein mentioned any live timber or bark, or any particular description of timber mentioned in any such Proclamation, he shall, in addition to any punishment or penalty provided by any law now or hereafter in force, for every such offence forfeit and pay any sum not exceeding Ten Pounds.

Penalty on persons cutting timber contrary to Proclamation.

110 Where the Commissioner is by this or any former Act authorised to resume or enter upon any Land and any person obstructs the Commissioner or any person authorised by him in that behalf in resuming such Land or entering thereupon, or remains in the unlawful occupation of such Land, or where any person is in the unlawful occupation of any Crown Lands and has not quitted the same upon being required by the Commissioner so to do, or has erected any fence or other thing upon such Land and has not taken down and removed the same upon being required by the Commissioner so to do within a reasonable time to be fixed by the Commissioner, it shall be lawful for the Commissioner, with the consent of the Governor in Council, to issue under his hand a Warrant addressed to a Bailiff of Crown Lands requiring him in Her Majesty's name forthwith to dispossess and remove every such person from any such Land, and to take possession of the same in the name of Her Majesty, or to take down and prostrate any such erection; and it shall be the duty of the Bailiff to carry such Warrant into execution according to the tenor and exigency thereof, and all Constables shall, on being required so to do by such Bailiff, aid and assist in the execution of such Warrant; and no action shall be maintainable against such Bailiff for anything done by him in

Summary remedy for dispossessing persons in unlawful occupation of Crown Land

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accordance with the tenor or exigency of the Warrant which may be lawfully necessary for carrying the same into execution ; but in case any such Warrant is issued unlawfully, an action on the case may be brought against the Commissioner : but nothing hereinbefore contained shall extend to any person having occupied Lands without interruption for the space of Twenty Years.

Any person obstructing the Commissioner or Bailiff liable to penalty.

111 Any person who unlawfully obstructs the Commissioner, or any person by him authorised in that behalf, in resuming any Crown Land, or making any such entry as aforesaid, or who obstructs the Bailiff or any person assisting in the execution of any such Warrant, shall for every such offence forfeit a penalty not exceeding Fifty Pounds ; and no such conviction shall be removable by *Certiorari* or otherwise into the Supreme Court.

Protection of persons dispossessing unlawful occupiers.

112 No action shall be brought for anything done under this Act, in relation to the resuming or entering upon Land, or the issue or execution of any such Warrant as aforesaid, unless within Three Months after the act committed, nor unless notice in writing of such action and the cause thereof is given to the defendant One Month at least before the commencement of the action ; and the defendant may plead the general issue, and give the special matter in evidence ; and the plaintiff shall not recover in such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into Court ; and if a verdict is given for the defendant, or the plaintiff is nonsuited or discontinues his action, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client.

PART X.**CONSTRUCTION OF ROADS AND OTHER PUBLIC WORKS.**

Power to raise money for making roads.

113 So soon as Five hundred acres of Land have been sold or selected under Part II. or III. of this Act, in not less than Five Lots adjoining or within a short distance of each other, the Governor in Council shall, for the purpose of making roads in the vicinity of the lands so sold, raise a sum equal to Ten Shillings per acre for every acre so taken up, by the issue and sale of Debentures chargeable on "The Consolidated Revenue Fund" ; and all the provisions of the Act of the Parliament of *Tasmania* of the 20 *Victoria*, No. 9, shall apply to the Debentures to be issued in pursuance of this Act.

Power to raise money for streets and other improvements.

114 So soon as Land has been sold or selected within any Town or Mining Area of the value of not less than Five hundred Pounds, it shall be lawful for the Governor in Council, for the purpose of making streets, roads, or other improvements in the vicinity of the Lands so sold or selected, to raise a sum equal to Ten Shillings for every Pound of the value of such Land by the issue and sale of Debentures, chargeable on "The Consolidated Revenue Fund."

Part of purchase money paid into Sinking Fund.

115 One half of all purchase money received on and after the First day of *January* in the year 1891 for Land sold or selected under this Act, other than in the Cities of *Hobart* and *Launceston*, shall be set

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apart from time to time, and paid into "The Public Debts Sinking Fund," and shall be applied in manner mentioned in "The Public Debts Sinking Fund Act, 1881." A.D. 1890.

116 For the purpose of constructing and completing roads, bridges, tramways, jetties, and wharves, or for any other public purpose under this Act, it shall be lawful for the Commissioner, or for such Persons or Boards as the Governor in Council may appoint, under Regulations to be made for that purpose, to purchase and take, in the mode prescribed by *The Lands Clauses Act*, such Land as he or they deem necessary; and *The Lands Clauses Act* shall be incorporated with this Act; and, for the purposes of such incorporation, the Commissioner, or such Persons or Boards, as the case may be, shall be deemed to be the promoters of the several undertakings. Purchase of land for constructing Roads, &c.
21 Vict. No. 11.

117 In any case where land or material is required for the purposes of this Act, if the Commissioner, before any steps are taken under *The Lands Clauses Act*, tender to the person entitled to receive the same, compensation for severance and otherwise for such land or material, then if such person refuses to accept the same and to convey the land so required, or permit the same to be used or material taken, as the case may be, and a reference to arbitration takes place under *The Lands Clauses Act*, and the Arbitrators or Umpire award a sum not exceeding the amount of compensation so tendered, all the costs of the reference, arbitration, and award shall be paid by such person, and such payment may be enforced by action in any Court of competent jurisdiction on a count for money paid at the request of such person. Costs of arbitration, how to be borne.

118 Where the Commissioner or such Persons or Boards give notice of an intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Commissioner or such Persons or Boards, as the case may be, deem it inexpedient to pay the amount of compensation so determined, he or they may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice, on payment of all the costs of reference and award. If compensation excessive, land may be given up.

119 In estimating the amount of compensation to be paid to any person for Land taken for any of the said works, the Arbitrators or Umpire shall take into consideration the benefit that is likely to accrue to the person whose land is about to be so taken for such work, and the Arbitrators or Umpire, in awarding compensation to be paid for taking such land, shall make such deduction for such benefit as shall be deemed just; and in case it appears to the Arbitrators or Umpire that the benefit likely to accrue to the person whose Land will be affected by such work is equal to or greater than the loss he will sustain by reason thereof, the Arbitrators or Umpire may award that no compensation is to be paid, and thereupon the same rights shall accrue as if compensation had been awarded and duly paid. In estimating compensation to be paid for land taken for any work, benefit to owner to be considered.

120 Whenever it is intended to take Land for any of the purposes aforesaid, it shall be lawful for the Commissioner or such Persons or Boards, as the case may be, after Seven days' notice served upon the occupier, to enter upon any land and to stake out the same in such Entry upon land.

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manner as he or they think necessary or expedient ; and if any person wilfully pulls up, removes, or destroys the stakes or other marks used for the purpose aforesaid, every person so offending shall, for every such offence, incur a penalty not exceeding Fifty Pounds.

Renting land.

121 It shall be lawful for the Commissioner or for such Persons or Boards to contract and agree with the persons interested in any Land for the demise of such Land for the purpose of obtaining materials from such Land for the construction and completion of any of the said works, or for any other of the purposes of this Act.

Timber may be taken from uncultivated land upon making compensation.

122 It shall be lawful for the Commissioner or for such Persons or Boards, after Twenty-one days' notice to the owner or occupier, to enter upon any uncultivated land and to cut down and to carry away all such indigenous timber as may be required for constructing or completing any of the said works, or any other of the purposes of this Act, making full compensation for such timber to the owner of the Land : Provided, that it shall not be lawful for the Commissioner or for such Persons or Boards to cut down any such indigenous timber where it is made to appear to their satisfaction that the same has been, and is intended to be, reserved and used by the owner or occupier of the Land for the purpose of ornament or shelter.

Materials may be taken from land upon making compensation.

123 Where it is deemed necessary to obtain materials for the repair or construction of any of the said works from any Land, it shall be lawful for the Commissioner or such Persons or Boards, as the case may be, after Seven days' notice to the owner or occupier, to enter upon such Land, and to dig, quarry, and carry away all such materials as may be required for any such purpose, making full compensation to all parties interested for the material taken and the damage thereby sustained.

When fenced land taken, gates to be erected.

124 No entry shall be made upon any fenced land until the Commissioner or such Persons or Boards, as the case may be, shall, if required, have caused a substantial gate or slip-rail to be constructed, placed, and fixed so as to prevent the escape of sheep, cattle, and horses from and out of such fenced land.

How compensation to be ascertained.

125 The compensation for taking indigenous timber from uncultivated Land, or materials from any Land, for the purposes of this Act, shall be settled by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

If either party to an award is dissatisfied therewith a Judge of the Supreme Court may decide thereon.

126—(1.) Notwithstanding anything to the contrary contained in any Act, if either party is dissatisfied with the award of the Arbitrators or Umpire where the sum awarded for compensation exceeds the sum of One hundred Pounds, and either party desires to have the compensation settled by a Judge of the Supreme Court, and shall, within Ten days after the making of such award and notice thereof, signify such desire by notice in writing to the other party, then the amount of such compensation shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose ; and such Judge may also in his discretion make any Order as to the person by whom the costs of such proceedings shall be borne.

(2.) Where the party dissatisfied with the award gives notice to the

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other party as aforesaid, then such award shall not be made a Rule of Court until such Judge by an Order in writing under his hand determines the matter in dispute. A.D. 1890.

(3.) The Rules made by the Judges of the Supreme Court under "The Main Line of Railway Amendment Act, No. 2," shall be applicable to all proceedings which shall be taken for carrying out the provisions of this Section. 36 Viet. No. 19.

PART XI.

REGULATIONS.

127—(1.) The Governor in Council is hereby empowered from time to time to make and issue Regulations, not inconsistent with and subject to the provisions of this Act, for the following purposes, and any such Regulations may be altered or repealed from time to time:— Regulations.

- I. For providing for the examination of candidates for appointment as Surveyors :
- II. For defining the duties of Surveyors, and of controlling all surveys made by them under this Act :
- III. For fixing the expense of making surveys under this Act :
- IV. For the care, protection, and management of all public reserves and of all places of public recreation which are reserved to Her Majesty, and of which the care and control are not by Law vested in some local authority, and for the preservation of good order and decency therein :
- V. For defining the duties and powers of the Conservator of Forests, and for regulating and controlling the cutting of timber on Crown Lands :
- VI. or prescribing the forms of all applications, licences, leases, contracts, and other documents contemplated by this Act or found to be necessary to give effect to its provisions :
- VII. For fixing the fees and charges to be paid upon all such applications, licences, leases, contracts, and other documents as aforesaid, and upon transfers of interest in land under this Act, and for the preparation of Grant Deeds :
- VIII. For regulating the traffic upon any track passing through any Crown Lands : and
- IX. Prescribing penalties not exceeding Five Pounds for felling or cutting trees so that the same fall along or across any track as aforesaid.

And generally respecting all other matters and things necessary for the more effectual carrying into effect the object and purposes of this Act.

In this Section the word "track" shall mean and include any track used for traffic, whether the same has been cut or made by the expenditure of public money or by private enterprise.

(2.) Any person who shall offend against any Regulation made under this Section for the care, protection, and management of all public reserves and of all places of public recreation, and for the preservation of good order and decency therein, shall be liable to a penalty not exceeding Five Pounds ; and any person who shall continue to offend against any such Regulations after he shall have been warned by any

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Bailiff of Crown Lands or any Constable, may be forthwith apprehended by such Bailiff or Constable and taken before some Justice of the Peace, and shall, on conviction, where no other penalty is provided, forfeit and pay a penalty not exceeding Ten Pounds. Every such Regulation shall be posted in some conspicuous spot in every place to which the same is applicable.

Regulations to be published.

128—(1.) All Regulations made by the Governor in Council under the authority of this Act shall be published in the *Gazette* and at least one newspaper published in *Hobart* and one newspaper published in *Launceston*, and shall take effect from the date of the publication thereof in the *Gazette*, unless otherwise provided in such Regulations; and in all legal proceedings the production of the *Gazette* containing any such Regulations shall alone be sufficient *prima facie* evidence that such Regulations have been duly made, and the onus of proving the contrary shall in every case be on the person disputing the validity thereof.

(2.) All such Regulations shall be laid before both Houses of Parliament within Fourteen days from the making thereof if Parliament is then in Session, and if not, then within Fourteen days after the commencement of the next Session.

PART XII.**MISCELLANEOUS.**

No waiver by acceptance of interest, purchase money, or rent.

129 The acceptance by or on behalf of the Crown of any purchase money, or part thereof, due with respect to any Crown Land, or of interest on the balance thereof, or of rent or other payment under any lease or licence, shall not be held to have operated or to operate hereafter as a waiver by the Crown of any forfeiture accruing by reason of the breach of any condition precedent or subsequent annexed by law to the estate or interest of a purchaser, lessee, or licensee. But nothing herein contained shall affect any proceedings instituted in any Court before the commencement of this Act, or any case where it shall be proved that the Crown, through the Commissioner or any authorised officer, has had full knowledge by notice or otherwise of the breach of any such condition before the acceptance of such money, interest, rent, or other payment.

Proviso.

Error in written description.

130 No error, inaccuracy, or uncertainty in the written description of Land granted, purchased, or leased under this or any former Act relating to the sale and disposal of Crown Lands, shall violate the purchase, licence, or lease in any case where the Governor in Council shall be satisfied that the Land occupied by the purchaser, licensee, or lessee is the Land intended to be applied for by such purchaser, licensee, or lessee; and whenever it may become necessary to adjust the boundaries of any such land, the Surveyor-General shall on such adjustment certify as to the correct boundaries and area of such land, or any portion or portions thereof; and for every such Certificate there shall be paid and taken such fee as shall be prescribed.

Survey boundaries to be deemed the true boundaries.

131 The survey boundaries of any allotment or other parcel of Land marked on the ground at the time of the Crown Survey thereof, and

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shown by survey posts, pegs, trenches, or other survey marks, shall, as to any such parcel of Land heretofore or hereafter granted or demised by the Crown, be and be deemed to have been the true boundaries of such parcel of land, whether such boundaries upon admeasurement are or are not found to be of the same dimensions, or to include the same area as the boundaries or description of such parcel given in the Crown Grant or Crown Lease thereof.

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132 Every Crown Grant and Crown Lease purporting to convey a section, allotment, or other parcel of Land, whether describing it by a distinguishing number, a letter, or by metes and bounds, or otherwise, shall be deemed to convey the land included within the survey boundaries of such parcel of Land marked on the ground in the Crown Survey thereof, notwithstanding any discrepancy between the dimensions of such survey boundaries or the area they include, and the dimensions or area expressed in such Grant or Lease, or shown in any plan used in connection with the alienation by the Crown of such parcel of Land: Provided that nothing in this and the next preceding Section shall apply to any such section, allotment, or parcel of Land where an actual patent mistake or error can be shown to the satisfaction of the Commissioner to have been made.

Grants and Leases to be deemed to comprise land included within the survey boundaries.

133 No deed or other instrument made by, to, or with Her Majesty the Queen or the Commissioner for the purchase, conveyance, or transfer of any Land taken under this Act for any public purpose, shall be subject to any Stamp Duty now or hereafter imposed by any Act, or to the payment of any other fees payable to the Government of *Tasmania*, except such fees and charges as may be prescribed by Regulations made under this Act.

Deeds not liable to Stamp Duty.

134 Any Surveyor or Officer acting under the authority of the Surveyor-General, Commissioner, or any person acting in aid or under the orders of such Surveyor or Officer, may after notice from time to time, without making compensation, except for damage done, enter into and upon any Land, not being a garden, orchard, or ornamental plantation, of any person or persons whomsoever, for the purpose of making and carrying on any survey authorised by this Act.

Surveyors, &c. may enter upon land after notice.

135 Every person who wilfully and maliciously removes, alters, defaces, injures, or destroys any Surveyor's pegs or any land-mark, or, with the intent of misleading any person or persons, imitates any Surveyor's mark, shall on conviction of every such offence forfeit and pay a penalty of not less than Ten Pounds and not exceeding Fifty Pounds: Provided, that the Surveyor-General, or such person as he may appoint, may by writing authorise any person to remove, alter, deface, injure, or destroy any such Surveyor's peg or land-mark.

Penalty on persons injuring Surveyor's Marks.

136 Every person who wilfully obstructs any reserved road, such road not being under the care, control, and management of any Main Road District Board or the Trustees of any Road District, so as to prevent the free passage of any person, carriages or other vehicle, or stock, shall forfeit and pay a penalty not exceeding Ten Pounds; and it shall be lawful for any Bailiff of Crown Lands to remove, take down, or prostrate any obstruction caused by any person to any such road.

Penalty for obstructing roads

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Recovery of penalties.

19 Vict. No. 8.

137 All penalties imposed or made payable by this Act or by any Regulation made under this Act shall be recovered in a summary way by and before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

Appropriation of penalties.

138 All penalties received by any person by virtue of this Act, shall, save as aforesaid, be paid into the Treasury and form part of "The Consolidated Revenue Fund."

Reference to other Acts.

139 Where in any Act any of the Acts hereby repealed are referred to, this Act shall hereafter be deemed to be referred to, and the provisions of this Act, so far as they are applicable, shall apply in the same manner as the provisions of any such Act hereby repealed.

SCHEDULE.

(1.)

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
34 Vict. No. 10.	<i>The Waste Lands Act.</i>	The whole Act.
35 Vict. No. 4.	"The Waste Lands Act, 1871."	The whole Act.
35 Vict. No. 5.	An Act to afford Relief to Purchasers of Crown Land under the Credit Clauses of <i>The Waste Lands Act</i> , 1863.	The whole Act.
36 Vict. No. 16.	"The Waste Lands Act, 1872."	The whole Act.
38 Vict. No. 18.	An Act to make provision for the Alienation of the Lands of the Crown at <i>Tasman's Peninsula</i> .	The whole Act.
43 Vict. No. 16.	"The Waste Lands Act, 1880."	The whole Act.
45 Vict. No. 5.	"The Waste Lands Act, 1881."	The whole Act.
49 Vict. No. 36.	"The State Forests Act."	The whole Act.
50 Vict. No. 11.	"The Waste Lands Act, 1886."	The whole Act.
51 Vict. No. 12.	"The Waste Lands Act, 1887."	The whole Act.
52 Vict. No. 33.	"The Waste Lands Act, 1888."	The whole Act.
53 Vict. No. 38.	"The Waste Lands Act, 1889."	The whole Act.

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(2.)

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	£	s.	d.
100 acres at £1.....	100	0	0
Add one-third for credit.....	33	6	8
	£133	6	8

	£	s.	d.
Cash at time of purchase.....	3	6	8
1st year	5	0	0
2nd year	5	0	0
3rd year	10	0	0
4th year	10	0	0
5th year	10	0	0
6th year	10	0	0
7th year	10	0	0
8th year	10	0	0
9th year	10	0	0
10th year	10	0	0
11th year	10	0	0
12th year	10	0	0
13th year	10	0	0
14th year	10	0	0
	£133	6	8

And in like proportion for any greater or smaller area than 100 acres.

