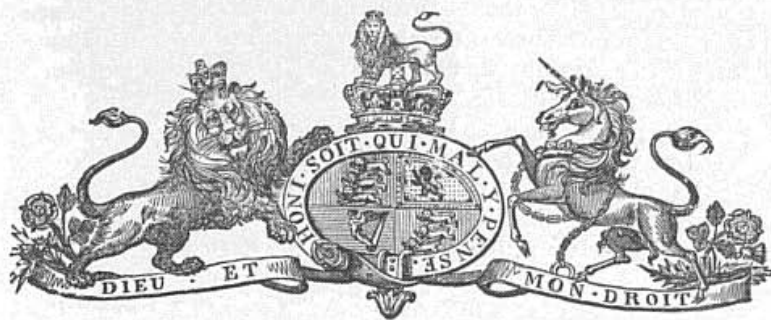


TASMANIA.



1857-8.

ANNO VICESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 34.

AN ACT to authorise the gratuitous Disposal, upon certain Conditions, of certain Unsettled Waste Lands of the Crown in the Colony of *Tasmania*. [25 February, 1858.]

WHEREAS it is desirable to promote the Occupation and Settlement of a certain portion of the Waste Lands of the Crown in the Colony of *Tasmania* which have not hitherto been settled, by authorising the disposal of such Lands upon more advantageous terms to the Settler than are prescribed by Law in respect of the Waste Lands of the Crown in general: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 The provisions of this Act shall apply to that portion of the Colony which is comprised within the following boundaries:—

Commencing at the confluence of the *Arthur River* with the sea, and bounded by the west coast of *Tasmania* to *South-west Cape* and by the south coast to *South Cape*, thence by a straight north-easterly line to the Trigonometrical Station on the top of *Adamson's Peak*, thence by a north-westerly line to the junction of the *Picton* and *Huon Rivers* and continued until it strikes the *Florentine River*, thence by the *Florentine River* to its junction with the *River Derwent* and by the *River Derwent* north-

Portion of the Colony to be deemed Unsettled Lands, and within the provisions of this Act.

westerly to its junction with the *Guelph* River, by the *Guelph* River to its source at *Lake George*, thence to the top of *King William's Mount*, thence to the south-west boundary of Lot 2 now leased to *W. J. T. Clarke*, and by that Lot to a Rivulet forming its north-west boundary, and by that Rivulet to *Lake Dixon*, thence to the top of *Mount Hugel*, thence northerly to *Lake Petrarch* at its junction with the *River Cuvier*, thence north-westerly to the top of *Barn Bluff*, and thence by a line north-westerly until it strikes the south-west angle of the *Surrey Hills* Block belonging to the *Van Diemen's Land* Company, and by a line along the west boundary of that Block until such line intersects the *Arthur* River aforesaid, and thence by that River to the point of commencement :

And such portion shall be called *Unsettled Lands*, and is hereinafter referred to by that term, and may be disposed of in the manner and subject to the provisions of this Act, any Law to the contrary notwithstanding.

Gratuitous Grants in Fee may be made of Unsettled Lands on certain conditions.

2 It shall be lawful for the Commissioner of Crown Lands, with the express authority in each case of the Governor in Council, to contract in writing with any person eligible under this Section for the Grant to him in Fee Simple, upon the performance of the conditions to be specified in such Contract, of any Unsettled Lands, the quantity so to be contracted for not being less in each case than Fifty Acres nor more than Six hundred and forty Acres; every such Contract to be made under such Regulations as may from time to time be made by the Governor in Council, but in every case to be made in conformity with the following requirements :—

The person applying for a Grant under this Section shall prove to the satisfaction of the Commissioner that he is desirous of settling upon and cultivating the Land applied for, and that he is possessed of Capital equal in amount to One Pound sterling for every acre of Land applied for: Live Stock, Machinery, Implements of Husbandry, and other articles which may be applicable to agricultural purposes or to sawing Timber, to be considered as Capital :

Every such Applicant shall make a solemn Declaration before the Commissioner, or some person deputed by him, that he has not, nor has any person as Trustee for him or on his behalf, entered into a Contract for or obtained a Grant of any Land under this Section; and that he will not, until he has obtained a Grant of the Land contracted for, assign or dispose of his interest in the same without the consent in writing of the Commissioner :

And every such Contract shall contain and embody as conditions precedent to the issue of a Grant, in addition to such stipulations and conditions as may from time to time be provided by the Governor in Council, the conditions following :—

That the person contracting for the Land shall during a period of Five Years from the date of the Contract actually reside on some part of the Land contracted for :

That during the said period of Five Years the person contracting for such Land shall clear, fence, and bring into cultivation Five Acres at least for every Fifty Acres contracted, or shall erect or set up thereon Buildings or Machinery of the value of Two hundred and fifty Pounds for every such Fifty Acres.

3 In the event of such conditions not being fulfilled at the end of the said period of Five Years, the Commissioner shall be entitled to resume possession of the Lands so contracted for; but in the case of a partial fulfilment of such conditions, then the Governor in Council may, if he thinks fit so to do, taking into consideration the circumstances of each case, either extend the time for the fulfilment of such conditions, or make an immediate Grant of a portion of the Lands so contracted for; the quantity to be so granted to be regulated by the extent to which, in the judgment of the Governor in Council, the conditions have been complied with.

If conditions not fulfilled the Commissioner may resume the Land, or in case of a partial fulfilment Governor in Council may extend time, or make Grant of part of the land.

4 It shall not be lawful for the person contracting for any such Land to assign or dispose of his interest in such Land without the consent in writing of the Commissioner, and any such assignment or disposition shall be void: Provided that the Contractor shall be entitled to appoint, by writing under his hand, the Person who, in the event of his death before the issue of the Grant, shall be entitled to elect, within One Month after his decease, to assume possession of the Lands upon the same terms and conditions as those under which the Contractor was in possession of the same; and in the event of the person so appointed by such Contractor not electing to assume possession of such Lands, the Commissioner shall resume possession of the same, and they shall revert to the Crown.

Interest of Contractor not to be assigned, but he may appoint person to take Land in case of his death.

5 Upon the full performance of the conditions contained in any such Contract, but not otherwise, the Governor shall by Deed of Grant convey and alienate in Fee Simple to the person with whom the Contract was made, or in the event of his death during the continuance of the Contract to the person so appointed by such deceased person as aforesaid, the Land comprised in such Contract.

Grant to issue on fulfilment of conditions.

6 It shall be lawful for the Commissioner to let for a Term of Ten Years at a peppercorn rent any Unsettled Lands, in Parcels not exceeding Ten thousand Acres, upon the Terms following:—

Gratuitous Leases for a Term of Years may be made of Unsettled Lands on certain conditions.

The Lessee of such Lands shall enter into a covenant with the Commissioner, in addition to any covenants required by the Regulations which may from time to time be issued by the Governor in Council, that the Lessee will, within One Year after the commencement of such term, stock the Land demised with Sheep or Cattle, or both, in the proportion of One hundred Sheep or Twenty head of Cattle, or a proportionate number of each to every One thousand Acres of the Land demised; and that he will, during the continuance of the term, keep such Stock upon the Land during a portion of every Year of the said term:

Every such Lease shall contain a Proviso for re-entry by the Commissioner in the event of non-compliance with the covenants of the Lease:

Every such Lease shall contain a Proviso or authority for the determination of the term granted, at any time after the expiration of the first Two Years of the term, upon Six Months' notice by the Commissioner or by the Lessee; and that, in the event of the determination of the term by the Lessee at any time during the last Three Years of the same, he shall leave all improvements effected by him on the Land unimpaired; and that in the event of the determination of the Lease at any time during the term by the Commissioner otherwise than for forfeiture by non-perform-

ance of the covenants, then that the Lessee shall be entitled to compensation for all fences and buildings erected, and all drainage formed, and for all reasonable improvements effected by such Lessee; the amount of such compensation, in case of dispute, to be settled by arbitration in the mode prescribed by *The Lands Clauses Act* for the settlement of disputes by arbitration, one Arbitrator to be chosen by the Lessee and one by the Commissioner.

Upon non-performance of conditions of Lease Land forfeited.

7 Upon the non-performance of any of the covenants or conditions in any such Lease, or upon the expiration of any such Notice, the Lease shall be void, and the Land shall revert to the Crown.

Interest in Lease not to be assigned.

8 It shall not be lawful for the Lessee to assign his interest in any such Lease without the consent in writing of the Commissioner; but every such assignment without such consent shall be void, and the Land shall thereupon revert to the Crown.

Not more than One Lot of Land to be granted or leased to the same person.

9 It shall not be lawful for the Commissioner to contract with the same person for a Grant, or for the Governor to issue a Grant, of more than One Lot or Parcel of Land, or to let to the same person more than One Lot or Parcel of Land under the provisions of this Act; and any Contract, Grant, or Lease for a second or subsequent Lot or Parcel of Land otherwise than under *The Waste Lands Act* shall be void, and the Land comprised in such subsequent Contract, Grant, or Lease shall revert to the Crown.

Commissioner may enter on Land forfeited.

10 Whenever under this Act Land reverts to the Crown, the Commissioner may enter and resume possession of the same without suit, and the same shall be disposable as Unsettled Lands under this Act, or as Waste Lands of the Crown.

Subject to provisions of this Act, *The Waste Lands Act* to be applicable.

11 Subject to the provisions of this Act, the provisions of *The Waste Lands Act* shall apply to the Unsettled Lands, and to the disposal of such Lands under this Act, and shall be incorporated with this Act: Provided, that the right of selection and purchase under Section 19 of the said recited Act shall, as to Unsettled Lands, be at the fixed price of Ten Shillings per Acre, and shall extend to an area of not more than Six hundred and forty Acres, and may be exercised by a Lessee in respect of Land comprised in his lease; and all terms used in this Act shall have the same meaning as the same terms in *The Waste Lands Act*; but nothing in this or the said recited Act shall give the right of selecting for purchase any Lands whilst under Lease to any person other than the Lessee of such Lands.

Holders of Land under Sect. 2 may purchase same.

12 Every holder of Land under Section 2 of this Act shall have the right of purchasing such Land at the fixed price of Ten Shillings per Acre, under the terms of *The Waste Lands Act* in reference to the purchase of Lands, at any time before the expiration of his Contract under the aforesaid Section.

Short Title.

13 In referring to this Act it shall be sufficient to use the expression *The Unsettled Lands Act*.