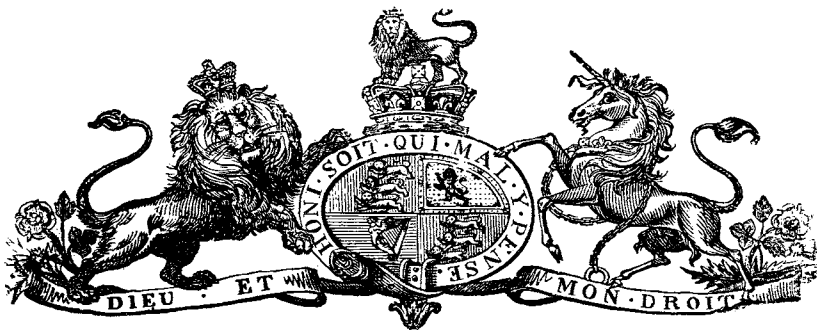


T A S M A N I A.

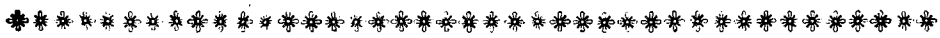


1888.

ANNO QUINQUAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 33.



AN ACT to further amend "The Waste Lands Act." A.D. 1888.  
[24 October, 1888.]

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

1 In this Act the expression "the said Act" means "The Waste Lands Act," and shall include every Amendment thereof. Interpretation.  
34 Vict. No. 10.

2 No error, inaccuracy, or uncertainty in the written description of land granted, purchased, or leased under the said Act 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. Error in written  
description.

3 The survey boundaries of any allotment or other parcel of land marked on the ground at the time of the Crown Survey thereof, and 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 Survey bound-  
aries to be  
deemed the true  
boundaries.

*Waste Lands.*

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parcel of land, whether such boundaries by 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.

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

**4** 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 has been made.

Area to be included for roads in lots of land sold upon credit.

**5**—(1.) Whenever Crown Land is disposed of upon credit under the said Act, there shall be included in each lot of such land an excess of area, in the proportion of Ten acres to every Three hundred and twenty acres, and so in proportion for any greater or smaller area than Three hundred and twenty acres; and if at any time within Ten years from the date of the contract of sale of such land, whether the whole of the purchase money for such land shall have been paid or not, and notwithstanding that the grant deed shall have been issued for the same, the Minister shall determine that it is necessary for public convenience to reserve roads across the said land, or to divert or alter any road already reserved, the excess area included in any lot by virtue of this Act may be resumed by Her Majesty for any of the purposes aforesaid, without being required to make any payment for the land resumed: Provided that compensation shall be made by the Minister to the owner of such lot for all fences, buildings, and permanent improvements which he may have erected or made on the Land so resumed, such compensation to be ascertained by valuation in such manner as may be prescribed: Provided further, that if the grant deed shall have been issued for such lot prior to the expiration of Ten years, compensation for any excess area taken as aforesaid shall be paid at the same rate per acre as was paid by the selector.

(2.) It shall not be lawful to reserve any road under this Section, or to divert or alter any road, so as to interfere with any residence, garden, yard, lawn, orchard, or planted walk or avenue to a house, or enclosed ground planted as an ornament or shelter to a house, or planted as a nursery for trees, without the consent of the owner of such lot.

(3.) When any road is diverted or altered under this Section, the old road or any part thereof, which appears to the Minister to be thereby rendered useless, may be given up to the owner of such lot.

(4.) The excess area not required for roads shall be paid for by the selector at the same rate per acre as the remainder of the lot, and shall be included in the grant of the said lot.

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

**6** Any Surveyor or Officer acting under the authority of the Minister, or any other 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 of any person or persons whomsoever, for the purpose of making and carrying on any survey authorised by the said Act or by this Act.

*Waste Lands.*

**7** 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.

A.D. 1888.

Penalty on persons injuring Surveyor's marks.

**8** In any case in which land has been purchased on credit under the provisions of the said Act, 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 the said 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 the said 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 the Fifty-third Section of the said Act.

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

**9** The expression "49th *Victoria*, No. 54," in the Thirteenth Section of "The Waste Lands Act, 1886," is hereby repealed, and in lieu thereof the expression "20th *Victoria*, No. 9," is hereby inserted, and the said Section shall be read and construed as if the expression "20th *Victoria*, No. 9," had always been inserted therein; and all debentures issued under the authority of the said Section shall be redeemable at such time or times as may be determined upon by the Governor in Council.

Amendment of Section 13 of 50 Vict. No. 11.

**10** The said Act, and every Amendment thereof, save so far as the same are altered or amended by this Act, and this Act, shall be read and construed together as one Act.

Acts to be read together.

**11** This Act, excepting Sections Eight and Nine, shall not come into operation until the First day of *January*, 1890.

Commencement of Act.

**12** This Act may be cited as "The Waste Lands Act, 1888."

Short title.

