TASMANIA.

1870.

ANNO TRICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 10.

AN ACT for regulating the Sale and Disposal of Waste Lands of the Crown in the Colony of *Tasmania*. [18 *October*, 1870.]

PREAMBLE. 18 & 19 Vict. c. 56. 5 & 6 Vict. c. 36. 9 & 10 Vict. c. 104.

WHEREAS by an Act of the Imperial Parliament of the 19th *Victoria*, Chapter 56, the Acts of Parliament then in force respecting the disposal of the Waste Lands of the Crown in this Colony were repealed, and it was enacted that it should be lawful for the Legislature of this Colony, by any Act or Acts to be passed from time to time, in the same manner and under the same conditions as were or might be by law required in respect of other Acts of the said Legislature, to regulate the Sale and other disposal of the Waste Lands of the Crown in the said Colony: And whereas, in pursuance of the said recited Act of Parliament, divers Acts have from time to time been passed by the said Legislature to regulate the Sale and other disposal of the Waste Lands of the Crown in this Colony: And whereas it is expedient to consolidate and amend the said Acts, and also to make further provisions to regulate the Sale and other disposal of the said Waste Lands: 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.

Short Title.

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

Construction.

2 In the construction of this or any other Act relating to Waste Lands of the Crown, the following words shall have the meanings hereunder assigned to them, unless there is something in the context repugnant to such construction:—

"Waste Lands."

"Waste Lands of the Crown" shall mean any Lands in the Colony which are or may become vested in the Crown, and have not been, and are not, dedicated to some public use:

"Lands."

"Lands" or "Land" shall mean Waste Lands of the Crown:

"The Commissioner."

"The Commissioner" shall mean the Commissioner of Crown Lands for the time being under this Act:

"Surveyor."

"Surveyor" shall mean a Surveyor employed under the Government, whether by contract or otherwise, in the Survey of Waste Lands of the Crown.

"Run."

"Run" shall mean lands rented for pastoral purposes:

"Gazette."

"Gazette" shall mean *The Hobart Town Gazette.*

Land to be disposed of only according to Act.

3 The Waste Lands of the Crown in *Tasmania* shall be disposed of in the manner and according to the Regulations hereinafter prescribed, and not otherwise.

Lands may be withdrawn from sale, &c.

4 Notwithstanding anything in this Act contained, the Governor in Council, if he thinks fit, may withhold or withdraw from sale, selection, or leasing any land, by Proclamation in the *Gazette.*

Land Regulations.

Power for Governor in Council to make Land Regulations.

5 Subject to the provisions of this Act, the Governor in Council is hereby empowered from time to time to make and issue Regulations, not inconsistent with the provisions of this Act, for the more effectual disposal of Waste Lands, and respecting any other matters and things whatsoever which may be requisite for the more effectual carrying out of the purposes of this Act; and it shall be lawful for the Governor in Council, from time to time, by any subsequent Regulations to repeal, alter, or amend the same.

Regulations, how altered.

To be published in the *Gazette.*

6 All Regulations made under this Act shall be published in the *Gazette*, and shall take effect from the date of such publication unless otherwise provided in such Regulations, and in all legal proceedings the production of the *Gazette* containing any such Regulations shall alone be sufficient *primâ 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 of such Regulations.

Commissioner of Crown Lands.

Minister of Lands and Works to be Commissioner of Crown Lands.

7 The Minister of Lands and Works for the time being shall be the Commissioner for the disposal of Waste Lands of the Crown under this Act, and shall be called "The Commissioner of Crown Lands."

8 The Governor in Council is hereby empowered to appoint one or more Deputy Commissioner or Commissioners of Crown Lands, and such Deputy Commissioners shall perform such duties as may be assigned to them by the Commissioner or by the Governor in Council.

Deputy Commissioners of Crown Lands may be appointed.

9 All Contracts for the sale of Waste Lands, and all Leases and Licences of such Lands under this Act, shall be made by and with 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.

10 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 Act, may be commenced and prosecuted by or against "The Commissioner of Crown Lands" for the time being as the plaintiff or defendant therein, as the case may be, without otherwise naming him; and "The Commissioner of Crown Lands" for the time being 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.

11 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 any such 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; and the production of the *Gazette* containing the notification of the appointment of any person as Minister of Lands and Works shall be sufficient *primâ facie* evidence that the person therein mentioned is the Commissioner of Crown Lands under this Act for the time being.

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

Reserves for Public Purposes.

12 The Governor in Council may except from Sale and reserve to Her Majesty, or dispose of in such other manner as for the public interests may seem best, such Lands as may be required for public roads or other internal communications whether by land or water, or for purposes of Irrigation or of Military defence, or as sites for the erection of Public Libraries, Museums, Literary or Scientific Institutions, Hospitals, or Alms-houses for aged or infirm poor, or as places for the interment of the dead, or places for the recreation and amusement of the inhabitants of any city, town, or village, or as the sites of Public Quays, Breakwaters, or Landing-places on the sea-coast or shores of navigable streams, or for any other purpose of public safety, convenience, health, or enjoyment; and in every instrument by which any such Land is disposed of for any of the said purposes 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 for 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 Waste Land of the Crown: but no such instrument for the disposal of any such Land for any of the purposes above enumerated shall be executed or issued until a notice of the intended reservation has been laid for One month before both Houses of

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

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

Notice of proposed disposition to be published.

Parliament: Provided that nothing herein contained shall affect or be construed to affect the operation of the Tenth Section of "The Public Schools Act."

Governor in Council not to reserve Waste Lands as sites of places of Public Worship, &c.

13 Nothing herein contained shall be held to empower the Governor in Council to except from sale and reserve to Her Majesty, or to dispose of under the last Section, any Waste Lands of the Crown as sites of places of Public Worship or for any other Religious purpose.

Certain reservations may be revoked.

14 When any Land has been reserved for Public Roads, Streets, or other internal communication, and has not been used by the public for any of the purposes aforesaid, or is no longer required for any of such purposes, the Governor in Council may, by Proclamation published in the *Gazette*, revoke such reservation; and thereupon the Commissioner of Crown Lands, with the consent of the Governor in Council, may at any time, not being less than Sixty days from such revocation, sell such Land as Waste Land of the Crown by private Contract: Provided, however, that at any time within Sixty days after the publication of such Proclamation the Governor in Council may, if he sees fit, by counter Proclamation published in the *Gazette*, withdraw and rescind such revocation.

Land reserved for Settlers from India.

Governor may reserve Land for settlement.

15 The Governor may continue for a period not exceeding One year from the commencement of this Act the existing reserve of an area of Land not exceeding Fifty thousand Acres, situate at *Castra* near the River *Leven* in the County of *Devon*, for the settlement of Europeans who may come or intend to come from *India* to *Tasmania* for the purpose of settlement.

Land may be selected under Sect. 19 of 27 Vict. No. 22.

16 Land in such Area may be selected by or on behalf of such persons under the provisions of Section Nineteen of *The Waste Lands Act*, 1863; and for the purposes of this Section, the Nineteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth, and Twenty-sixth Sections of the said Act shall be deemed to be in force until the period specified in the Fifteenth Section of this Act, anything in this Act to the contrary notwithstanding.

Remission of purchase-money.

17 In case such persons on arrival in *Tasmania* become entitled to Land under any Act relating to Immigration, then every such person may claim a remission of One Pound in the purchase-money of the Land selected under this Act for every Acre of Land to which he is entitled under such Immigration Act.

Money to be expended in making Roads.

18 Upon Five thousand Acres of Land or upwards being selected in such area, the Governor shall cause to be expended in making Roads and Bridges in or to such area any sum not exceeding Ten Shillings for every acre of Land so selected.

Liquidation of Debentures.

19 The sum to be so expended shall be raised by the issue and sale of Debentures to the said amount; and all the provisions of the Act of Parliament of *Tasmania* of the 20th *Victoria*, No. 9, shall apply to the Debentures to be issued under this Act; and one-half of all moneys received for and in respect of the Lands in such area shall be applied towards liquidation of the interest and the payment of Debentures chargeable on the Land Fund to the amount so issued, until the amount of such Debentures with interest thereon is paid and satisfied.

Classification of Lands.

20 The Waste Lands of the Crown shall be distinguished into Three Classes,—the First Class to be called Town Lands, the Second Class to be called Agricultural Lands, and the Third Class to be called Pastoral Lands; and within the First Class shall be comprised all Lands situate within the limits of any Town, Township, or Village now existing, or that may be hereafter reserved by the Governor in Council for such purpose, or within the distance of Five Miles from the nearest point of any part of the boundaries of either *Hobart Town* or *Launceston*; within the Second Class shall be comprised all Lands situate within the limits of any portions of the Colony which the Governor in Council, from time to time, proclaims as Agricultural Divisions, or which the Commissioner, upon his own examination or that of some person deputed by him for the purpose, or upon the report of a Surveyor, deems suitable for cultivation, or which, after having been surveyed, are described in any notice by the Commissioner of Sale of Lands by Auction as Agricultural Lands; and within the Third Class shall be comprised all Lands not comprised in the First Class, and not being situate within any Agricultural Division, which the Commissioner, upon such examination or report as aforesaid, from time to time deems unsuitable for cultivation, regard being had to the locality and general nature and quality of the Land, and to the existing circumstances of the Colony at the time.

Lands to be distinguished into 3 Classes; viz.—

First Class, Town Lands;

Second Class, Agricultural Lands.

Third Class, Pastoral Lands.

21 The Governor in Council is hereby empowered from time to time, as it may appear expedient so to do, to proclaim any portions of the Colony, which are, in the opinion of the Governor in Council, suitable for settlement by industrious Farmers, or suitable for cultivation, or for settlement in small lots only, as and to be Agricultural Divisions, and any such proclamation from time to time to alter or revoke; and, during the time that any such proclamation is in force, no Waste Lands situate within the limits of any such Agricultural Division shall be sold or disposed of otherwise than as Agricultural Lands under this Act.

Governor in Council may proclaim Agricultural Divisions, and all Lands in such Divisions to be Agricultural Lands.

Upset Price.

22 The lowest upset price of Pastoral Lands is hereby fixed at a sum equal to Twelve years' rental, provided such upset price be not less than Five Shillings per acre.

Upset price of Pastoral Lands,

23 The lowest upset price of Agricultural Lands is hereby fixed at One Pound per Acre.

and Agricultural Lands.

Selection of Land for Purchase.

24 Every person shall have the right of selecting and purchasing by private contract, at the price and upon the terms set forth in the Schedule (1), one lot of Agricultural Land not exceeding Three hundred and twenty acres.

Selection of Agricultural land.

25 The Commissioner shall upon payment of the expense of surveying the same, to be fixed by him, 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 in this Act contained in relation to such sale of selected land.

Land to be surveyed;

and contract for purchase entered into.

26 The contract for the sale of every lot selected for purchase under this Act shall contain a condition for forfeiture to the Crown of the

Condition of forfeiture.

Land selected unless the Selector, his tenant or servant, shall, within One year after the date of such selection, commence to reside upon such lot and shall continue to reside thereon until the full amount of purchase money for such lot is satisfied.

No person to hold more than one lot.

27 No person shall be capable of holding at any one time more than one such lot for which a grant from the Crown has not issued: Provided that nothing herein contained shall prevent a person who is the holder of any such ungranted lot from taking and holding any second or subsequent ungranted lot which may descend or be devised to him, or to which he may become entitled by marriage.

Power to raise money for making roads.

28 So soon as Five hundred acres of land have been taken up under the Twenty-fourth Section of this Act in not less than Ten 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 Land so sold, (except where such Lands are situate within One mile of any road constructed under *The Public Works Act*, 1865), raise a sum not exceeding One-half of the purchase-money of such Land, exclusive of any addition made thereto for credit, by the issue and sale of Debentures chargeable on the Land Fund; and all the provisions of the Act of the Parliament of *Tasmania* of the 20th *Victoria*, No. 9, shall apply to the Debentures to be issued in pursuance of this Section, and the amount so raised shall be expended in making and constructing such roads.

Reserve of purchase money for roads.

29 One-half of all purchase-money received for Land selected for purchase under Section Twenty-four of this Act shall be set apart and form a fund for the redemption of the amount raised by Debentures under the last Section.

Lessee of Agricultural Land may purchase on credit.

30 When the lessee of a lot of an Agricultural Area under "The Waste Lands Act, No. 4," has paid the rent of the same for the period of Seven years, it shall be lawful for the said lessee to purchase the land leased by him at the price and upon the terms set forth in the Schedule (1), and for the purpose of such purchase he shall be deemed to have paid the first Five of the yearly instalments mentioned in the said Schedule.

Sale by Auction.

All Waste Lands may be sold by Auction. Town Lands by Auction only.

31 All Waste Lands of the Crown may be sold by Public Auction in the manner and subject to the conditions hereinafter prescribed; and Town Lands in the City of *Hobart Town* and Town of *Launceston* and within five miles thereof shall be sold by Public Auction only and not otherwise.

Lands sold by Auction to be previously surveyed in lots.

32 All Lands sold by Auction shall, previously to such Sale, be surveyed and delineated in the public charts of the Colony, in such lots as are subsequently offered and put up for Sale.

Agricultural lots not to exceed 320 acres.

33 Agricultural Lands shall be put up for Sale by Auction in lots containing an area not exceeding Three hundred and twenty Acres each.

Notice of Sale by Auction to be published.

34 Within Three Months and not less than One Month next preceding the Sale of any Lands by Auction, the Commissioner shall, by Notice to be published in the *Gazette*, declare the time and place at which such Auction will be held, and what are the Lands to be offered

for Sale at such Auction, and what are the upset prices at which they will be offered for Sale; and in every such Notice the Lands specified therein shall be distinguished into their proper Classes, in accordance with the provisions hereinbefore contained; and lithographed or other plans of the Land intended to be sold, showing the several lots for Sale, shall be sent by the Commissioner to the Police Office nearest to such Land or such place as he shall in such Notice specify, for the use of intending purchasers; and every person shall be entitled to receive one of such plans upon application.

Upset prices how to be ascertained.

35 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; and it shall be lawful for the Governor in Council to vary such estimate or to approve thereof, and the upset prices named in such estimate, when so varied or approved, shall be the upset prices of the Land 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: Provided that the upset price of any Land shall never be fixed 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 advertised upset price.

36 No Lands shall be sold at any such 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.

Sale by Private Contract.

Town Lands, Agricultural and Pastoral Lands may be sold by private contract in certain cases.

37 Town Lands, not being within five miles of the City of *Hobart Town*, or Town of *Launceston*, and Agricultural and Pastoral Lands may be sold by private Contract upon the terms and subject to the conditions hereinafter prescribed, and not otherwise.

Such Lands unsold at Auction to be advertised in *Gazette*, and to be sold by private contract to the first applicant within One year after Auction, and before the Lands are again put up for Sale by Auction.

38 Within Twenty-one days after every Sale by Auction of Town Lands, not being within five miles of the City of *Hobart Town* or Town of *Launceston*, and Agricultural or Pastoral Lands under this Act, and afterwards Quarterly or oftener if he thinks fit, and until the same Lands are again put up for Sale by Auction, the Commissioner shall cause a list of all such Lands as were put up for Sale at such Auction and not sold, with the upset prices at which they were put up at such Auction, 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: Provided, that 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 put up for Sale by Auction as soon as may be after such applications are made: Provided also, that such applications to purchase shall be made within One Year next after the Lands were last put up for Sale by Auction, and before the publication of any subsequent Notice of Sale thereof by Auction.

The provisions of this Section shall apply to any Waste Lands of the

Crown which before the commencement of this Act have been offered at Auction and not sold.

Conditions of Payment of Purchase-money.

Payment of purchase-money on sale by auction.

39 Upon the sale of any Lands by auction, if the purchaser, at the time of sale, 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.

Payment of purchase money on sale by private contract.

40 Upon the sale of any Lands by private contract the purchaser shall, at his option, either pay the purchase money in ready money, or shall be allowed credit on the terms hereinafter mentioned.

Terms of credit on sale of land by auction or private contract.
Premium for credit.
Deposit of one-eighth of purchase money.
Residue in annual instalments of one-thirteenth.

41 Upon the sale of any Lands whether by auction or by private contract, except Lands selected under the Twenty-fourth Section of this Act, 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 or signing the contract, as the case may be, and shall contract to pay, and shall pay, the residue of the purchase money by annual instalments of one-thirteenth of the purchase money, the first instalment to be paid at the expiration of one year from the time of sale or signing of the contract, as the case may be.

On failure in payment of any instalment Commissioner to advertise the land for sale.

42 In all cases where Land shall be or has been sold upon credit under the provisions of this or any other Act relating to the sale and disposal of Waste Lands of the Crown, 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, the Commissioner shall, as soon as conveniently may be, after the expiration of the said period of Sixty days, publish a Notice in the *Gazette*, and also at least once in a Newspaper published in *Hobart Town* or in *Launceston*, (as the land may be nearer one place or the other), that the Land in respect of which such default has been made will be put up for sale by auction, specifying in such Notice the day, time, and place at which such auction will be held, such day to be not less than Sixty days from the date of the publication in the *Gazette* of the said Notice.

If overdue instalment is not paid before the day fixed for sale, the land to revert to the Crown.

43 It shall be lawful for the person making default in payment of the purchase money of such Land, at any time before the day specified for the Sale of such Land by Auction, to pay such instalment of the purchase money as is then over-due, together with interest thereon at the rate of Six Pounds per centum per annum, from the day on which the same became due to the day on which it is paid, and also such reasonable sum not exceeding Twenty Shillings as the Commissioner may demand for the cost of advertising such Land for sale, and upon payment of the amount of such instalment with such interest and costs as aforesaid within the said time no default shall be deemed to have been made by such person; but if such instalment with such interest and

costs is not paid before the day specified for the Sale of the said Land by Auction, then 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. Notwithstanding anything contained in the last preceding Clause the Governor in Council may postpone the sale of any land on which default in payment of any instalment has been made: Provided a representation by petition has been made by the party affected, stating such facts as the Governor in Council may consider sufficient to induce him to postpone such sale for such period as he may deem expedient.

44 In case such Land reverts to the Crown in manner lastly hereinbefore provided, the same shall be put up for Sale by Auction as Waste Land of the Crown, at the time and place so specified in the Notice, at a price not less than the balance of purchase money remaining unpaid under the contract together with the amount of the deposit, on condition of the purchaser paying at the time of Sale in ready money one-fifth of the price, and the residue of the price within One Month after the time of Sale; and the Commissioner is hereby empowered, by himself or any person authorised by him in that behalf, to buy in such Land at such Sale at a price not exceeding the balance of the purchase money remaining unpaid under the contract together with the amount of the deposit; and in case the Land is sold at a price exceeding the balance of the purchase money remaining unpaid under the contract together with the amount of the deposit, such balance and amount of deposit shall be retained by the Commissioner, and accounted for by him to the Colonial Treasurer as part of the Land Fund, and the overplus shall be paid by him into the Treasury to the credit of the person having made default as aforesaid, who shall receive the same by virtue of a warrant of the Governor upon application in that behalf made to the Governor by such person; and in case the Land is so bought in as aforesaid, the same shall become Waste Land of the Crown disposable under this Act as if no such contract had ever been made.

Land reverting to the Crown to be sold.

Commissioner may buy in the Land at price not exceeding balance due and deposit. If Land realises more than balance due and deposit, the overplus to be paid to original purchaser.

45 Notwithstanding anything hereinbefore or in any contract of sale contained, it shall be lawful for the purchaser of any Land upon credit under this Act or any Act hereby repealed at any time during the period of credit allowed, and before default in payment of any instalment, to pay off the balance then remaining unpaid under such contract: Provided that in every such case a deduction shall be made at the rate of Five Pounds per centum per annum on the amount of such instalments remaining unpaid.

Purchaser may pay off at any time.

46 Nothing in this Act contained shall authorise the sale of any Land on credit where the price is less than Fifteen Pounds.

No credit where price less than £15.

Land not alienable until paid for.

47 It shall not be lawful for any purchaser of Waste Lands of the Crown under this Act to assign or transfer his interest in the Land purchased, without the consent in writing of the Commissioner, until the whole price of the Land has been paid to the Crown, and every such assignment or transfer without such consent shall be void.

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

48 If any purchaser of Waste Land on credit becomes Bankrupt or makes any arrangement by liquidation 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 Bankruptcy Act,

Interest of Bankrupt to pass to Trustee.

1870, upon such Trustee producing to the Commissioner the order adjudging 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.

Interest of purchaser dying how disposed of.

49 Notwithstanding anything hereinbefore contained, every purchaser of Waste Lands may, before the whole price of the Land purchased by him is paid, devise his interest in such Land by his last will; and in case of his death intestate before the whole of the said price is paid, his interest in such Land shall form part of his personal estate, and shall pass to his personal representative, who shall be entitled to a grant thereof: Provided that the devisee or personal representative to whom the interest in the Land of any such purchaser passes or is devised shall hold the same upon the conditions the Land was subject to in the hands of the testator or intestate.

Leases for Wharves and Works of Public Utility.

Lease may be made for Wharves, Jetties, Patent Slips, and other works of public utility of Land bordering on sea, and also of adjoining bed and soil of sea, &c.

Such lease to confer right to exclusive use of water covering bed and soil.

No such lease to interfere with right of access to sea of neighbouring proprietor.

Not to affect navigation.

Clause of forfeiture on non-completion of works.

Land resumable if required for defence of Colony.

50 It shall be lawful for the Governor in Council to lease, on such terms and conditions as the Governor in Council sees fit, for a period not exceeding Ninety-nine years to any person any Land bordering on a navigable river, or on 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 slips, or other works for the building or repair of ships, or any other works of public utility or convenience; 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 bed and soil leased during the continuance of such lease: Provided that no such lease shall be made so as to interfere with the right of access to a navigable river, or to 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: Provided also, that no lease of any portion of the bed and soil of any navigable river, or of the sea, or any part thereof, shall be made where it would injuriously affect or interfere with navigation: Provided further, that 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 purpose of the construction of which such lease is made within a period to be therein specified, or in case of the breach or non-performance of any or either of the conditions to be contained in such lease: Provided lastly, that in case any portion of the bed and soil of any navigable river, or the sea, or any part thereof comprised in any such lease, is at any time deemed by the Governor in Council to be necessary for the purpose of the defence of the Colony, it shall be lawful for the Governor, or the Commissioner, or any person authorised by the Governor in that behalf, to enter thereupon without suit, and upon such entry such lease shall become absolutely void.

Governor in Council may lease right of constructing watercourses across public reserves.

51 It shall be lawful for the Governor in Council to lease for a period not exceeding Ninety-nine years, and on such terms and conditions as the Governor in Council sees fit, to any person the right of constructing and maintaining, across any Land reserved by the Crown for the use of the public along the margin of any river or stream, watercourses, for the purpose of irrigation, or for the purpose of conveying water to or from any mill or manufactory, and also the right of constructing upon any such reserve, 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 watercourses, and also the right of entering upon such reserves, from time to time, for the purpose of maintaining and repairing such watercourses and works (if any): Provided that no lease made under this Act shall extend to the obstruction or endangering of the navigation of any navigable water: Provided also, that every lease issued under the provisions of this Act shall contain a clause in the nature of a condition of forfeiture in case of non-completion of the works for the purposes 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: Provided further, that the provisions of this Section shall be deemed to include those cases in which the owner of any mill or manufactory has already constructed any watercourse and works across any such reserve for the purposes of such mill or manufactory, but has at present no legal title to the enjoyment of such watercourse and works.

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

Provisions of Section to include watercourses to existing mills.

52 The Governor in Council may lease any portion of a Crown Reserve for a period not exceeding Thirty years for the purpose of the construction thereon of any Manufactory, Mill, or other such work: Provided that every such lease shall contain the same conditions as are required in cases of leases under the last Section: Provided that no lease granted under this Section shall extend to the destruction of any road or the endangering of the use thereof: Provided also, that no manufactory shall be constructed on any Crown Reserve in the neighbourhood of any river 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.

Power to lease Crown Reserves.

Grant Deed.

53 Under and subject to the various provisions herein contained, and any regulations made and published in manner aforesaid by the Governor in Council, 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 Waste Lands of the Crown in this Colony; 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 enrolled and recorded in the Supreme Court of *Tasmania* in the same manner as Crown grants have heretofore been accustomed to be enrolled and recorded; 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: Provided always, that 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: Provided also that, 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, which, when enrolled, shall be delivered to the Recorder of Titles, who shall register and deal with the same in the manner provided by *The Real Property Act*.

Lands to be conveyed by Grant provided purchase money first paid.

54 All Lands alienated under the provisions of this Act shall be liable to be resumed for mining purposes by Her Majesty on paying full compensation to the licensee, lessee, or purchaser in fee simple thereof

Lands alienated to be subject to conditions for mining.

for the value other than auriferous 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*: Provided always, that no such land shall be liable to be resumed after a period of Five years from the date of such alienation as aforesaid.

Power to search for gold, &c. on rented Lands.

55 Notwithstanding anything in this Act or any other Act relating to Waste Lands of the Crown, it shall be lawful for the Commissioner to authorise in writing any person or persons to enter upon any Lands let or demised for pastoral purposes, and to search thereon for gold, minerals, or precious stones; and any person acting under any such Licence shall not be deemed a trespasser by reason of any entry upon such Lands for any such purpose: Provided that any damage done to the grass or herbage upon any such Lands shall be made good to the occupier by the person acting in the exercise of such authority.

Waste Lands may be resumed.

56 Any Waste Lands rented or occupied for pastoral purposes 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 tenant or occupier, as directed in Section Seventy-nine of this Act.

Leases of Islands.

Islands may be leased for 14 years.

57 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 tender or public auction as the Commissioner sees fit, and that notice that the same will be so let shall be published in the *Gazette* at least Sixty days before the day appointed for receiving such tenders, or for holding such sale by auction.

Every lease determinable if rent in arrear for One month.

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

Leases of Lands for Railways, &c.

Commissioner may lease land for Railways or Tramways at peppercorn rent.

59 It shall be lawful for the Commissioner, with the consent of the Governor in Council, to lease to any person applying to rent the same any land which may be required for the purpose of constructing any Railway or Tramway at a peppercorn rent, for such term and upon such conditions as the Governor in Council may approve.

Timber Licences.

Licence to fell Timber.

60 It shall be lawful for the Commissioner to grant to any person a Licence for felling, removing, and selling the Timber growing on any Agricultural or Pastoral Lands not leased, on such terms and conditions as may be provided in that behalf by Regulations under this Act.

Licences to reside on Gold Fields.

Licence to use auriferous land.

61 The Commissioner may from time to time grant Licences for any periods not exceeding One year, which shall entitle the holders thereof respectively to reside on or to cultivate any Land, not exceeding Five acres, on any "Gold Field" within the meaning of any Act now or hereafter to be in force relative to the Gold Fields, subject to the payment of such Licence Fee, and upon such terms and conditions as shall be approved of by the Commissioner and be set forth in such

Licence: Provided that not more than one such Licence shall be granted to or held by any one and the same person.

62 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 reasonable fee, as the Governor in Council by Regulations thinks fit to impose. **Conditions of Licences.**

Licences for Pastoral Occupation.

63 The Commissioner shall issue to the persons who shall, at the commencement of this Act, be in the occupation of runs, and the executors, administrators, and assigns of such persons, Licences to occupy runs of such area and at such rents as shall be determined by the Commissioner; but no such Licence shall be deemed to prevent such run or any part thereof from being sold under any of the preceding Sections of this Act, or occupied by virtue of any Miner's Right or Business Licence, or any Licence for other than pastoral purposes, or from being otherwise alienated or dealt with under the authority of this Act. **Licences to be issued.**

64 From and after the First day of *January*, 1871, the annual rent to be paid by every such Licensee for his 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 shall consider such run to be capable of carrying: Provided, that in no case shall the annual rent be fixed at less than Fourpence per head for sheep nor Two shillings per head for cattle, nor shall any annual rent be fixed higher than Nine-pence per head for sheep nor Four shillings per head for cattle. **Rent to be according to grazing capabilities as determined by the Commissioner.**

65 When the Commissioner has determined the grazing capabilities of the runs, he shall cause to be inserted in the *Gazette* a notice of the amount of rent to be paid in respect of each run in such district, and the amount therein mentioned shall be binding and conclusive upon every occupier of land for pastoral purposes. **Rents to be notified in the *Gazette*, and to be conclusive.**

66 If on sufficient evidence the Commissioner has reason to believe that the amount originally determined as the rent to be paid in respect of any run or runs was fixed at too high or at too low an amount, it shall be lawful for the Commissioner at any time, within Twelve months after such determination, to diminish or increase the amount of such rent: Provided always that notice of the fact of such diminution or increase having been made shall within One month thereafter be inserted in the *Gazette*, and that a copy of such notice be posted to the occupier of such run. **The Commissioner may within Twelve months adjust the rent of any run.**

New Runs.

67 All Lands which, at the time of the passing of this Act, shall not be occupied by virtue of any lease or other authority, and all runs which may be forfeited under the provisions of this Act, may, if the Commissioner sees fit, be exposed to auction in runs of such extent as he approves: Provided that no such run shall be of a larger extent than will be sufficient according to the estimate of the Commissioner to carry all the year round Four thousand Sheep or One thousand head of Cattle; and every such run shall be liable at any time to be sold or licensed under any of the preceding Sections of this Act, or occupied by virtue of a Miner's Right or Licence for other than pastoral **Unoccupied country and forfeited runs may be sold by auction.**

purposes, and to be otherwise alienated or dealt with under the authority of this Act.

Amount of rent to be fixed, and notice of sale to be given.

68 Before any run is so exposed, the Commissioner shall determine the amount of rent to be fixed for the same, and notice of such auction shall be given in the same manner in all respects as is hereinbefore enacted with regard to land about to be sold by auction in fee simple.

Highest bidder to be entitled to Licence.

69 The person who bids the highest sum by way of annual rental for any such run shall be entitled to receive a licence to occupy the same for pastoral purposes for any period not exceeding Fourteen years, 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 to auction.

If no bidder, rent to be reduced and run again exposed to auction.

70 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 Licence for the said run is sold.

General Provisions as to Runs.

Licence to confer a chattel interest.

71 The interest in a run held under a licence to occupy for pastoral purposes shall be deemed to be a chattel interest for all purposes.

Interest may be transferred.

72 Such interest may be transferred by writing attested by a Justice of the Peace, and in such form (if any) as may be prescribed by the Commissioner.

Registration of transfer.

73 Every transfer of the interest in a run held under a licence to occupy for pastoral purposes shall be registered at the office of the Commissioner; and until such registration has been made as aforesaid the said transfer shall have no effect or operation; and no interest either at law or in equity shall be transferred thereby.

Condition in Licence.

74 Every licence issued under the authority of this Act shall contain a condition for the payment of the rent at the times herein mentioned, and shall contain such other conditions and provisions not inconsistent with the provisions of this Act as the Governor approves of and directs to be inserted therein.

Commissioner may forfeit and revoke licence on violation of conditions.

75 If at any time while any such licence is in force it is shown to the satisfaction of the Commissioner that any condition of such licence has been violated, the Commissioner may forfeit and revoke such licence and may dispose of the run to which such licence applied as if such licence had never been issued; and the licensee, and his executors, administrators, and assigns, shall be taken to have forfeited all right, title, and interest under such licence, 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 licence shall be conclusive evidence that such licence has been lawfully forfeited and revoked.

Licensee not to cultivate except for consumption on the run.

76 Every licensed occupier of a run for pastoral purposes may cultivate so much of the run as may be necessary to provide such grain, hay, vegetables, or fruit as may be required for the use and supply of his family and establishment, but not for the purposes of sale or barter,

and any licensee making such sale or barter shall be liable for every such offence to forfeit a penalty not exceeding Twenty Pounds.

77 The occupier of any run may, for the purpose of Transfer, with the sanction of the Commissioner, and upon payment of a fee of Ten Pounds for every subdivision, divide such run; and the Commissioner shall determine the amount of rent to be paid in respect of each subdivision of the original run, so that the rent to be paid for the whole of such subdivisions shall not be less than the rent paid for the run when undivided, and the Commissioner shall issue licences authorising the occupation for pastoral purposes of each run into which the original run has been so divided at the rent so determined by the Commissioner as last aforesaid.

Runs may be divided by the occupiers.

78 In case the value of any run is diminished by reason of any portion thereof being sold, leased, or licensed under the provisions in this Act or any other Act contained, the licence to occupy the lands comprised in such run shall be deemed to be revoked to the extent that the same shall be diminished by reason of any such portion being sold, leased, or licensed; and the Commissioner shall, at the request of the occupier or his agent, 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 sold, &c.

79 The rent reserved by every licence granted under the foregoing provisions 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 licence commences or is determined during any half-year, then a proportionate part only of such rent shall be paid by the licensee; and every such licence shall be determinable on non-payment of the rent within One Month after the same has become due, and shall also be determinable if the lot or parcel of land so licensed is required for sale or for any public purpose at any time during the term thereby granted upon Six months' previous Notice for that purpose being given to the licensee or his agent or representative by the Commissioner, and upon the expiration of such Notice the licence shall cease and be void: Provided that no such Notice shall be given for the determination of any licence under this Act unless with the consent of the Governor in Council; and that such licensee shall be entitled by such Notice to receive compensation out of the Land Fund for all fences, buildings, and permanent improvements which he may have put up or have made upon the lots or parcels of land so licensed and resumed, such compensation to be ascertained by valuation in such manner as may be prescribed by any regulations.

Every licence to be determinable by Six months' notice if Land required for sale.

80 It shall be lawful for the Governor by Warrant to direct the Colonial Treasurer to pay the amount of such compensation from the Land Fund; and such Treasurer shall pay the amount ment oned in such Warrant out of such Fund, and shall in his accounts be allowed credit accordingly.

Compensation to be paid out of Land Fund.

81 The rent may be recovered in like manner as any other rent is or shall be recoverable by law; and, in case the same shall be 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.

How rent is recoverable.

Resumption of Land on Forfeiture, &c.

82 In case any grant, contract, lease, licence, or other agreement whatsoever under this or any former Act in respect of any Waste Land

Upon forfeiture, &c. Land to

revert to Crown, and become Waste.

of the Crown becomes void or is determined, or in case any Land granted or disposed of in any manner under this or any former Act reverts or becomes forfeited to the Crown, the Land comprised in any such grant, contract, lease, or licence, or so forfeited, shall immediately be disposable under this Act as Waste Lands of the Crown; 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.

Protection of Surveyors, &c.

Surveyors, &c. may enter upon land.

83 Any Surveyor or Officer acting under the authority of the Commissioner, or any other person acting in aid or under the orders of such Surveyor or Officer, may 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, or by the orders of the Commissioner.

Unlawful Occupation of Waste Land.

Summary remedy for dispossessing persons in unlawful occupation of Waste Land.

84 Where the Commissioner is by this or any former Act authorised to resume or enter upon any Land under this Act, 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 Lands, or where any person is in the unlawful occupation of any Waste Lands of the Crown 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 the authority of the Bailiff, aid and assist in the execution of such Warrant; and no action shall be maintainable against the Bailiff for anything done by him in 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: Provided that nothing hereinbefore contained shall extend to any person having occupied Lands without interruption for the space of Twenty Years.

Any person obstructing Commissioner or Bailiff liable to a penalty of £50.

85 Any person who unlawfully obstructs the Commissioner, or any person by him authorised in that behalf, in resuming any such 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 dis-

86 No action shall be brought for anything done under this Act, in relation to the resuming or entering upon Lands, or the issue or execution

of any such Warrant as aforesaid, unless within Three Months after the fact 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; and though a verdict be given against the defendant, the plaintiff shall not have costs against the defendant unless the judge who tries the case certifies his approbation of the action, and of the verdict.

possessing unlawful occupiers. Limitation of actions. Notice of action. General issue. Tender of amends. Costs.

87 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 some person authorised in that behalf by the Commissioner.

Penalty for unauthorised occupation or depasturing on Waste Land.

88 If any person not licensed or otherwise authorised under this or any other Act searches upon any Crown Land for any metal or mineral, or cuts, digs, or takes from any Crown Land any live or dead timber, gravel, stone, limestone, salt, guano, shells, sand, loam, or brick earth, or strips or removes bark from any tree on any Crown Land, 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 any sum not exceeding Ten Pounds.

Penalty for other trespasses on Crown Land.

Bailiffs of Crown Lands.

89 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 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 the Governor in Council may by Regulations direct; 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.

Bailiffs of Crown Lands.

Construction of Roads, Bridges, &c.

90 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 such Persons or Boards as the Governor in Council may for that purpose appoint, under Regulations to be made by the Governor in Council, to purchase and take, in the mode prescribed

Purchase of Land for constructing Roads, &c.

by *The Lands Clauses Act*, such Land as they deem necessary; and *The Lands Clauses Act* shall be incorporated with this Act; and, for the purposes of such incorporation, such Persons or Boards shall be deemed to be the promoters of the several undertakings.

If compensation excessive land may be given up.

91 Where such Persons or Boards give notice of their 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 such Persons or Boards deem it inexpedient to pay the amount of compensation so determined, 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.

In estimating compensation to be paid for land taken for any Work, benefit to owner to be considered.

92 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.

Entry upon Land.

93 Whenever it is intended to take any Land for the purpose of constructing roads, bridges, tramways, jetties, and wharves, or other public works as aforesaid, it shall be lawful for such Persons or Boards, after Seven days notice served upon the occupier, to enter upon any Land and to stake out the same in such manner as 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.

94 It shall be lawful 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.

95 It shall be lawful 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 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.

96 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 such Persons or Boards, 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.

97 No entry shall be made upon any fenced Land until such Persons or Boards 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 out of such fenced land.

When fenced land taken, gates to be fixed to prevent escape of sheep, &c.

98 The compensation for making 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.

Compensation for timber and materials how to be ascertained.

Road Fund.

99 After defraying the cost of the Lands and Works Department, one-fourth part of all moneys which may be received after the First day of *January*, 1871, for or on account of purchase-money, rent, or licence fees payable in respect of Waste Lands of the Crown, (except such moneys as may be received for lands sold under the provisions of the Sixteenth and Twenty-fourth Sections of this Act,) shall be set apart and form a fund for the construction of roads, bridges, tramways, jetties, wharves, and breakwaters.

One-fourth of proceeds of Waste Lands to form Road Fund.

100 Out of the moneys set apart under the provisions of the last Section, there shall be annually appropriated and paid to the Trustees of every Road District, towards defraying the cost of the construction and repair of the roads and bridges in such Districts, the sums following; that is to say,—

Appropriation in aid of Road Districts.

To the Trustees of every District in which a road rate of Sixpence in the pound has been levied, a sum equal to one-third part of the amount of money collected by such rate:

To the Trustees of every District in which a road rate of Ninepence in the pound has been levied, a sum equal to one-half part of the amount of money collected by such rate:

To the Trustees of every District in which a road rate of One Shilling in the pound has been levied, a sum equal to the amount of money collected by such rate.

101 Out of the moneys set apart under the Ninety-ninth Section of this Act, it shall be lawful for the Governor in Council to appropriate such sums for interest on money expended in the construction of bridges throughout the Colony as may be required by "The Local Public Works Act, 1870."

Appropriation in aid of Local Public Works.

102 The residue of the moneys set apart under the Ninety-ninth Section of this Act shall be applied and expended in the construction or repair of roads or bridges in the Municipality or Police District from which such moneys are derived, in such manner as the Governor in Council shall direct.

Appropriation of residue of fund.

Recovery of Penalties.

103 All penalties imposed or made payable by 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.*

Recovery of penalties

Appropriation of penalties.

104 All penalties received by any person by virtue of this Act shall be paid into the Colonial Treasury and form part of the Land Fund.

Existing Rights saved.

Rights under existing contracts saved.

105 Nothing contained in this Act shall affect any contract lawfully made with respect to any Waste Lands of the Crown before the passing of this Act.

Repeal of existing Acts.

Acts repealed.

106 The several Acts set forth in the Schedule (2) are hereby repealed, except as to anything done before the commencement of this Act; and all grants, leases, licences, and contracts made or entered into, and all things done under the authority or in pursuance of the said Acts hereby repealed, shall be as valid and effectual as if this Act had not been passed, and shall be regulated and governed by the said Acts except so far as is otherwise provided herein.

Reference to "The Waste Lands Act, 1863."

Where 27 Vict. No. 22, referred to this Act to be meant.

107 Where in "The Immigration Act, 1867," reference is made to *The Waste Lands Act*, 1863, the same shall be deemed to mean this Act; and where the Nineteenth Section of the said Act is referred to in "The Immigration Act, 1867, the same shall be deemed to mean the Twenty-fourth Section of this Act.

SCHEDULE.

(1.)

	£	s.	d.
100 Acres at 20*s*.	100	0	0
Add ⅓ for credit	33	6	8
	£133	6	8

	£	s.	d.			
Cash at time of purchase	3	6	8			
First year	5	0	0			
Second year	5	0	0			
Third year	10	0	0			
Fourth year	10	0	0			
Fifth year	10	0	0			
Sixth year	10	0	0			
Seventh year	10	0	0			
Eighth year	10	0	0			
Ninth year	10	0	0			
Tenth year	10	0	0			
Eleventh year	10	0	0			
Twelfth year	10	0	0			
Thirteenth year	10	0	0			
Fourteenth year	10	0	0			
				£133	6	8

and so in proportion for any greater or smaller area than One hundred Acres.

(2.)

ACTS REPEALED.

Number of Act.	*Title of Act.*
27 Victoria, No. 22.	*The Waste Lands Act*, 1863.
28 Victoria, No. 3.	*The Waste Lands Act, No.* 2.
29 Victoria, No. 20.	*The Waste Lands Act, No.* 3.
31 Victoria, No. 25.	*The Waste Lands Act, No.* 4.
31 Victoria, No. 27.	*An Act to enable the Governor to reserve Land for Settlement by Persons coming from* India *to* Tasmania.
32 Victoria, No. 18.	*The Waste Lands Act, No.* 5.
32 Victoria, No. 19.	"An Act to prohibit the Alienation of Waste Lands of the Crown as the Sites of Places of Public Worship."

JAMES BARNARD,
GOVERNMENT PRINTER, TASMANIA.