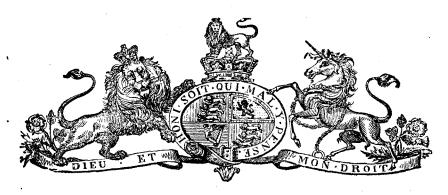
TASMANIA.



1857.

Repealed by 62 Vic 33.

ANNO VICESIMO-PRIMO

REGINÆ,

(and by 32 (0. 11 0 17)

19. 31 " " 9

38 " " " 77 VICTORIÆ

AN ACT for the Valuation of Property throughout See 59 Vic 2 84 22 December, 1857. the Colony.

W HEREAS it is expedient that one inform Valuation of Property PREAMBLE. should be established, according to which all public Assessments may be assessed and collected: 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 In the construction and for the purposes of this Act, and of all Construction. proceedings under the same, the following words shall have the meanings hereunder respectively assigned to them unless there is something in the context repugnant to such construction:-

" Property" shall mean Lands and Buildings:

District" shall mean Police District:

O. "Proprietor" or "Owner" shall mean the person for the time being in the actual receipt of or entitled to receive, or who, if the Property were let to a Tenant, would be entitled to receive, the rents and profits of any Property, whether as beneficial owner, trustee, mortgagee in possession, or otherwise:

"Place of holding Petty Sessions" shall mean the Police Office or usual place of meeting of Justices for the purpose of holding

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Petty Sessions in each District, or the principal Police Office or place of holding Petty Sessions if more than one in the District:

- "Clerk of Petty Sessions" shall include the Police Clerk or person acting as such, or as Clerk to the Justices at the Police Office or place of holding Petty Sessions in the District, or at the principal Police Office or place of holding Petty Sessions if more than one in the District:
- "The Justices" shall mean the Justices of the Peace resident in each District:
- "Valuation Roll" shall include any statement of revision of, or insertion in, the Valuation Roll.

How notices to be published in Districts. 2 Where any notice or matter is required to be published in the District, it shall be affixed on or near the door of every Police Office, Church, and registered Chapel in the District; and if there is no Church or registered Chapel, then in such conspicuous places in the District as the person publishing the notice or matter thinks proper.

This Act not to apply to Hobart Town or Launceston, but only to the Districts of Hobart and Launceston, exclusive of the City and Town.

3 Nothing in this Act contained shall authorise a Valuation to be made under this Act of any Property within the limits of the City of Hobart Town or Town of Launceston; but the Assessment Roll in force for the time being made by the Municipal Council of the said City or Town shall be the Valuation Roll of such City or Town, as the case may be, within the meaning of this Act: Provided that the Justices shall cause a Valuation to be made under the provisions of this Act of all Property in the Districts of Hobart and Launceston respectively not included within the limits of the said City and Town respectively.

Justices of Districts to cause Valuation Rolls to be made up.

to be made up.
South Longford {28 Vic Nac.
3, 45

Portland 41 Vic Nog. Camaron 43 Vic No15. 4 The Justices shall, as often as occasion requires, cause to be made up a Valuation Roll, showing the average yearly value for the time being of the whole of the Property within the District, and specifying in each case the description or nature of the Property,—the situation of the Property,—the names and residences of the Occupier and Proprietor of the Property respectively,—the area of the Property where such area is not less than One Acre,—and the annual value of the Property; and within One Month after the commencement of this Act the Justices shall hold a meeting, at the place of holding Petty Sessions in the District, and adopt such measures as will enable the first Valuation Roll to be made up by the 30th day of May, 1858.

Justices may appoint a Committee for carrying out purposes of Act.

5 It shall be lawful for the Justices, from time to time, if they think fit so to do, to appoint any number not less than Three of the Justices to be a Committee for carrying out the purposes of this Act; and such Committee shall have the powers and duties conferred and imposed upon the Justices by this Act with respect to the making up of the Valuation Roll for the District.

Three Justices to form a quorum.

Presiding Justice to be elected.

6 In all proceedings under this Act any Three of the Justices shall be deemed to be a quorum of the Justices, and shall be entitled to exercise all the powers conferred on the Justices under this Act; and at all meetings of the Justices under this Act the Justices present shall elect one of their number to preside, and in case of equality of votes it shall be determined by lot which Justice shall preside, and the majority present and voting shall rule the decision, and where the votes of those present are equal the presiding Justice shall have a casting vote; and every

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such meeting of Justices shall have power to adjourn from time to time, and from any one place to any other place, as may be deemed necessary.

7 The Clerk of Petty Sessions of the District is hereby required, at Notice of meetleast Seven days before the day of meeting, not being an adjourned ings to be given meeting, to send a written Notice to every Justice resident in the District of the day, hour, and place of every such meeting of Justices as aforesaid.

8 In order to the making up of such Valuation, the Justices shall, as occasion requires, appoint One or more competent person or persons to be Assessor or Assessors for the purposes of this Act; and any of the Justices may, if willing to act and deemed competent by the rest of the Justices, be lawfully appointed such Assessors; and it shall be the duty of such Assessors forthwith after their appointment to proceed to ascertain and assess the average yearly Value of the several Properties within the District, and to make up such Valuation thereof in the manner by this Act prescribed; and every such Assessor may be appointed for the whole District, or for some particular portion thereof to be prescribed by the Justices, and the first appointment of such Assessors shall be made within Six weeks after the commencement of this Act; and every such Assessor shall, on being appointed by the Justices, and before entering upon the duties of his office, make and subscribe before One of the Justices a Declaration, in the form in the Schedule, for the faithful and honest performance of the duties thereof; and every Assessor who corruptly or falsely makes such Declaration, or having made the same corruptly or falsely makes such Declaration, or having made the same wilfully acts contrary thereto, shall be guilty of a misdemeanor; and every such Assessor shall be removable at the pleasure of the Justices.

9 The Justices shall cause the appointment of Assessors to be forth- And to publish with published in the Gazette.

such Appointment.

10 In estimating the average annual Value of Property under this Yearly value how Act, the same shall be taken to be the Rent at which one year with to be estimated. another such Property might in its actual state be reasonably expected to let from year to year.

11 In every District the first Valuation under this Act shall be made First Valuation to Upualion up by the Assessors on or before the 30th day of April, 1858.

be made up by exhausted 30th April, 1858.

12 It shall be lawful for any Assessor acting under this Act, by Notice Assessor may call under his hand, which may be in the form in the Schedule, to call upon for written stateany person being a Proprietor, or reputed Proprietor, or Tenant, or Value and other Occupier of Property within the District, for a written statement, signed particulars. by such person, of the yearly Rent or Value of such Property, or of any other particular respecting such Property which is required by such Assessor to enable him to ascertain and assess the annual Value of Property within the District, and make up the Valuation thereof in the manner directed by this Act; and such Notice may be served on such person either personally, or by leaving the same at his usual or last known place of residence, or by sending the same by post addressed to his usual or last known place of residence; and if any such person, Penalty for refusing and without reasonable excuse, fails to furnish such written statement as refusing such aforesaid to such Assessor, within Fourteen days from the date of such Notice, he shall forfeit a penalty not exceeding Twenty Pounds; and false statement. if any such person presents or causes to be presented to any such Assessor a written statement containing any false statement of such yearly Rent

or value, or of any other such particular as aforesaid, knowing the same to be false, he shall forfeit a penalty of Fifty Pounds.

Assistance of Collectors of Road Assessments, &c. may be required.

13 In making such Valuation the Justices and Assessors respectively may take the assistance of any Collector of Road Assessments in the District; and the Justices may from time to time, on the application of the Assessors, or otherwise, by their order in writing, require any such Collector, or any person charged with the duty of assessing or collecting any Rates whatsoever within the District, to appear before them when, any Rates whatsoever within the District, to appear before them when, where, and as often as such Justices think fit, and to produce all Assessments, and all maps and tracings and other documents in the custody or power of any such person relating to the value of, or assessment on, or showing the position or boundaries of, any Property within the District, and to be examined on oath, and answer such questions as the Justices may put to him touching any of the matters aforesaid; and the Justices may order any such Assessment, map, tracing, or other document to be left in the possession of the Assessors for such time as the Justices think proper; and any such person disobeying any such order of the Justices, or refusing to answer any such question, shall forfeit a penalty not exceeding Ten Pounds. exceeding Ten Pounds.

Justices and Assessors may enter Property in execution of this Act.

14 It shall be lawful for any of the Justices, or for any Assessor, from time to time to enter into and upon any Property other than a dwelling-house for the purpose of making or carrying on any Valuation or revision authorised by this Act: Provided, that where it is necessary for any Justice or Assessor to enter any building other than a dwelling-house or walled garden, or chard or pleasure ground, and the Owner or Occupier appears or refused to allow such entry. Such Justice Owner or Occupier opposes or refuses to allow such entry, such Justice or Assessor shall give Three days' notice to the Owner or Occupier requiring to be permitted to enter the same; and at any reasonable time after Three days from the delivery of such notice it shall be lawful to make such entry, such Justice or Assessor doing as little damage as may be in the execution of the powers granted to them by this Act.

Assessors to lay Roll of Properties and their Value before Justices, who are to publish same.

Notice of holding Court of Appeal.

15 The Assessors, having completed the Valuation, shall forthwith transmit a Roll of the several Properties with their Valuations, made out, as nearly as may be, in the form in the Schedule, to the Clerk of Petty Sessions of the District, who shall immediately lay the same before the Justices, who shall cause the same, if necessary, to be fairly transcribed, and correct any formal errors or defects therein, and shall cause the same to be published in the Gazette, and in the District, with a Notice, specifying the time and place of holding the Court of Appeal hereinafter mentioned, to the effect that any person who considers himself aggrieved by such Valuation may appeal against the same to such Court, or may obtain redress without the necessity of appeal by satisfying the Assessor, on or before the Sixth day before the holding of such Court, that he has well-founded ground of complaint. founded ground of complaint.

Court of Appeal to be held for hearing Appeals against Valuations.

16 The Justices shall assemble in Special Session and hold a Court of Appeal, not less than Fourteen nor more than Twenty-one days after the publication of the Roll in the Gazette, for hearing Appeals against Valuations made by the Assessors, which Court may be adjourned from time to time; and at such Court, and at the latest on or before the 30th day of May, 1858, and on or before the Twentieth day after the first day of holding such Court in any other year in which a General Valuation of the District is made, all such Appeals and complaints shall be disposed of: and the decision of

such Appeals and complaints shall be disposed of; and the decision of

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such Court of Appeal shall be final: Provided that no Justice who may have acted as Assessor shall sit in any case of Appeal brought before the Justices in Special Session against any Assessment made by him as Assessor.

17 Any person affected by any such Valuation, or his Attorney or Grounds of Agent, may appeal against the same, either on the ground that his Pro- Appeal. perty is over-valued, or that he is erroneously stated in the Roll as the Proprietor or Occupier of any Property, of that the Property of some other person is under-valued or is omitted altogether from the said Valuation, or on any other ground whatsofver of the inequality, unfairness, or incorrectness of such Valuation.

18 No such Appeal shall be entertained by the said Court of Appeal Notice of Appeal unless notice in writing of such Appeal, specifying the grounds thereof, to be given is given by the Appellant to the Assessor, or, in the case of an appeal to the General Sessions as hereinafter mentioned, to the Clerk of the Peace, The 5 days & at least Five days previous to the day of holding such Court; and in Costsulating the case it appears to the Court that any such Appeal is frivolous or day well be wexatious, the Court may award such Costs not exceeding Five Pounds as such Court thinks just against the party so appealing, and such Costs to a clear day shall be recovered in a summary way on complaint of the Assessor or 3 but the State of the Reason as the case may be Clerk of the Peace as the case may be.

19 The Assessors shall attend at the Court of Appeal, and answer attend Court of Appeal, and answer attend Court of Appeal.

Assessors for attend Court of Appeal. or any matter relating thereto.

General Sessions of the Peace in relation to the summoning and compelling the attendance and examination of witnesses and the punishment of contempts; and the Clerk of Petty Sessions attending such Court process, &c. cess of the Court of Appeal.

21 The Court of Appeal shall hear and determine all Appeals, and Court to detershall have power to alter such Valuation or to confirm the same, and mine Appeals and also to correct any mistake and supply any omission which is proved to the Court to have been made in such Valuation.

22 As soon as all Appeals have been disposed of and the Valuation of Valuation Rolls the District thereby completed, the said Roll shall be authenticated by when completed and authenticate the signatures of Two at least of the Justices present at the Court of to be printed. Appeal, and the same shall thenceforth be the Valuation Roll for the District for the purposes of this Act; and such Valuation Roll shall forthwith be transmitted by the Justices to the Colonial Treasurer, who shall cause the same to be printed by the Government Printer, and a sufficient number of such printed copies bearing the imprint of the Government Printer to be furnished to the Clerk of Petty Sessions of the District, and, upon the application, to the Trustees of any Road District of which any portion is within the District for which such Valuation Roll was made up, and any other persons charged with the duty of assessing or collecting any Rates within such District; and the Colonial Treasurer shall, as soon as such Valuation Roll has been so printed, return the same to the Justices, who shall preserve the same among the Records of the Sessions of the District, and shall allow the thereof. same to be inspected at reasonable times, and copies or extracts to be made

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thereof, by all persons desiring to inspect or make copies or extracts of the same, on payment of a fee of One Shilling for each such inspection.

Valuation Rolls how long to be in force.

23 The first Valuation Rolls made up as aforesaid shall be in force for the several Districts for which they are made up from the 1st day of January, 1858, until a new Valuation Roll is made up for the District; and the Valuation Roll last made shall always be the Valuation Roll

in force under this Act until a new due is made up.

L'afex ellere a Justices authorised to revise (V) BU Valuation

The Justices shall yearly, between the 1st day of November and the 31st day of December in every year after such Valuation has been completed and in operation in the District, revise the Valuation Roll of completed and in operation in the District, revise the Valuation Roll of each District, and shall insert the name of any person, or the description and valuation of any Property, which ought to be included in or has been omitted from such Valuation Roll, and shall make all insertions, additions, alterations, or amendments in the Valuation Roll which may appear to be necessary by reason of the change of ownership, occupation, limits, or value of any Property, or the acquisition or creation of new Property, since the last preceding Valuation or Revision; and may cause to be made any specific or particular Valuation which may be necessary for any of such purposes, but shall not for the purpose of such Revision cause to be made a General Valuation of the Property throughout the District; and every such insertion, addition, alteration, and amendthe District; and every such insertion, addition, alteration, and amendment shall be valid and effectual for all purposes, but shall not be made until Notice thereof is published in the *Gazette*, and in the District, in order that all persons thereby affected may have opportunity afforded to them to appeal to the then next Court of General Sessions of the Peace, held by adjournment of otherwise in the District not less than Fourteen days after the publication of such Notice, against such insertion, addition, alteration, or amendment being made; and every such person shall be entitled to appeal to such General Sessions of the Peace in the same manner as persons are hereinbefore entitled to appeal to the Court of Appeal: Provided that, if at any time it appears to the Justices that any Property or the name of any Owner or Occupier which ought to be included in the Valuation Roll has been omitted therefrom, the Justices shall cause any Valuation to be made which may be necessary, and insert such Property or the name of such Owner or Occupier in the Valuation Roll, subject to the foregoing provisions as to the publication of Notice and the right of Appeal; and the Justices shall forthwith, after any such Revision or insertion is made, transmit a Statement thereof, signed by Two Justices, to the Colonial Treasurer, who shall cause the same to be printed and furnished in like manner as the Valuation Roll is printed and furnished.

Justices may cause new Valuation to be made if existing Valuation becomes an unfair standard of value.

25 Whenever the Justices are of opinion that, from a general change in the value of Property in the District or other circumstances, the Valuation Roll in force is no longer a fair standard of value, they shall cause a new Valuation of the property in such District to be made in the manner, as nearly as may be, prescribed in relation to the first Valuation to be made under this Act; and all the provisions of this Act shall equally apply to the making of such lew Valuation, and to all matters incident thereto, in the same manner, as nearly as may be, that such provisions apply to the making of such first Valuation, and the matters incident thereto.

Governor in Council may in

26 Whenever the Governor in Council is of opinion that, from the general change of the Value of Property throughout the Colony or in

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any particular District, or from other circumstances, the Valuation Rolls like manner cause in force for the Colony generally, or the Valuation Roll in force for such new Valuation to be made District, are or is no longer a fair standard of value of the Property in the Colony generally or in such District, it shall be lawful for the Governor in Council, by notice in the Gazette, to require that a new Valuation of the Colony generally or of such District, as the case may be, shall be made up, and thereupon the Justices throughout the Colony or in the District, as the case may be, shall, within One month after the publication of any such notice, proceed to make up such new Valuation in the manner, as nearly as may be, prescribed in relation to the first Valuation to be made under this Act; and all the provisions of this Act shall apply to the making up of such new Valuation, and to all matters incident thereto, in the same manner, as nearly as may be, that such provisions apply to the making up of such first Valuation and the matters incident thereto.

27 The Justices are hereby authorised, after the completion of any Compensation to Valuation, to allow to the Assessors such reasonable Compensation Assessors. for their services as such Justices think fi

28 After the completion of any Valuation under this Act, the Justices shall cause an Account to be made up of the Costs and Expenses attending the same, including such Compensation to the Assessors as aforesaid, and shall ascertain and fix the just amount thereof, and out of General shall certify the same to the Colonial Treasurer, together with the Valuation Roll, or as soon after as may be; and the Governor is hereby authorised to issue Warrants to the Colonial Treasurer to pay the same out of the General Revenue. the same out of the General Revenue.

29 Where by any Law any Assessment is authorised to be made, or All public Assessany Rate or Tax to be imposed, according to or upon the annual Rent or Value of any Property, the annual Value of such Property as appearing from any Valuation Roll in force for the time being under this Act on Valuation comprising such Property shall always be deemed and taken to be the established by this just amount of annual Rent or Value for the purposes of such Assessment, Act. Rate, or Tax, and the same shall be made, imposed, and levied according to such annual Value accordingly, any Law or usage to the contrary notwithstanding.

30 In all questions and proceedings under any Law relating to the Valuation Roll Franchise or to the Representation of the People in Parliament, and in all other proceedings whatsoever, it shall be sufficient to refer to an entry otherwise. in the Valuation Roll in force for the time being under this Act for any District; and such entry shall be received as conclusive proof that the gross annual Rent or Value of the Property specified therein is at the date of the reference, and has been from the commencement of the period to which such Valuation Roll applies, of the Amount therein set forth; and such entry may be proved by production of a copy of the Valuation Roll bearing the imprint of the Government Printer.

tration Courts and

31 All penalties imposed by this Act may be recovered in a Recovery and summary way before any Two Justices of the Peace, and shall form part appropriation of penalties. of the General Revenue.

32 The validity of any Valuation shall not be affected by reason that Provides for irreany of the provisions of this Act have not been complied with; and if in any case any matter is not completed within the time prescribed, the Governor in Council may, if he thinks fit, extend the time for commany be extended. pleting the same.

In default of Justices, Governor may execute Act.

may execute Act.
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execute

33 In case the Justices do not meet for the purposes of this Act within One Month, or do not appoint Assessors within Six Weeks after the commencement of this Act, it shall be lawful for the Governor in Council to appoint Assessors for the District, who shall have all the powers and perform all the duties of such office in the same manner as if they had been appointed by the Justices as hereinbefore provided; and in case the Justices or Assessors at any time make default in the execution of any powers conferred, or the performance of any duties prescribed by this Act, it shall be lawful for the Governor in Council to execute such powers or to appoint such other persons to execute all or any of such powers or to perform all or any of such duties, as the Governor in Council thinks fit, and generally to adopt such measures as may be necessary for effectuating the purposes of this Act; and the persons so appointed shall have all the powers under this Act of the persons in whose place or on whose default they are appointed.

Limitation of actions.

Notice.

Tender of amends.

General issue.

Costs.

against any Justice, Assessor, or other person for any thing done in pursuance of this Act until after One month's notice thereof given to such Justice, Assessor, or other person, nor after sufficient satisfaction or tender of amends has been made to the party aggrieved, nor after the expiration of Three months after the fact committed; and the Defendant in any such action or proceeding may plead the general issue, and give this Act and the special matter in evidence; and if it appears that the matter on which the cause of act on or proceeding arose was done in pursuance or by the authority of his Act, or that the action or proceeding was commenced before One month's notice thereof was given as aforesaid, or after a sufficient satisfaction made or tendered as aforesaid, or after the time limited for commencing the same as aforesaid, then the Jury shall find for the Defendant; and upon such verdict, or if the Plaintiff is nonsuited or discontinues the action or proceeding, or if upon demurrer or otherwise judgment is given against him, the Defendant shall recover double costs, to be taxed as between attorney and client, and have such remedy for the same as any Defendant has in other cases of costs given by law.

Act not to extend to unoccupied to unoccupied Crown Lands.

35 Nothing in this Act contained shall extend to unoccupied Waste Lands of the Crown.

Short Title.

36 In referring to this Act it shall be sufficient to use the expression The Property Valuation Act.

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SCHEDULE.

DECLARATION TO BE MADE BY ASSESSOR.

Sect. 8.

I [A.B. name of Assessor] do solemnly and sincerely declare that I will faithfully, truly, fairly, impartially, and honestly, according to the best and utmost of my judgment and ability, make the Valuation referred to me of the Property in the District of [name of Police District], and perform all other the duties by Law imposed on me as an Assessor under The Property Valuation Act.

A.B.

Made and subscribed in the presence of

J.P., a Justice of the Peace.

FORM OF NOTICE CALLING UPON A PROPRIETOR, &c. OF PRO- Sect. 12. PERTY TO STATE PARTICUIARS OF SUCH PROPERTY.

District of [name of Police District.]

To [name of Proprietor, reputed Proprietor, Tenant, or Occupier, as

the case may be.]

You are hereby required, within Fourteen Days from the date of this Notice, to furnish to me at [office or place of a ode of Assessor] a written statement signed by you of the following particular or particulars) respecting [here describe property as a farm called Newlands situate near Longford of which you are the Occupier] which is [or are] required by me to enable me to ascertain and assess the annual value of Property within the said District of [name of Police District] and make up the valuation thereof in the manner directed by The Property Valuation Act; that is to say,

[Here insert Questions respecting the Particulars required by the Assessor. Examples of the Questions are given in the margin.]

And take notice that if you fail to furnish me with such statement within the time specified you will forfeit a penalty of Twenty Pounds; and that if you knowingly make any false statement in any of the particulars stated by you, you will forfeit a penalty of Fifty Pounds.

Dated this day of 185[7].

What is the rent actually paid for the Property?

Upon what, if any, conditions do you hold the Property?

What in your estimation is the annual value of the Property?

What is the rent actually paid for the Property?

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What is the rent actually paid for the Property?

Upon what, if any, conditions do you hold the Property?

What in your estimation is the annual value of the Property?

What in your estimation is the annual value of the Property?

Assessor for the District of [name of Police District.]

Who is the owner of the property?
What is the rent ac-

What are the Christian names and surname of the Owner of

the Property?
What is the area of the Property?

How much of the Property is under cul-tivation? Whatare your Chris-tian names and sur-

name?

Describe the buildings on the Property fully?

What number and description of Stock are usually supported

on the Property?
What is the produce
of its Mines or Quarries?

And so forth.

FORM OF VALUATION ROLL.

VALUATION ROLL for the District of [name of Police District.]

| JAMES BARNARD GOVERNMENT PRINTER, T | Description of the Property. | Situation of the Property. | Name and Residence of the Occupier of the Property. | Name and Residence of the Proprietor of the Property. | Area of the Property. | Annual Value of the Property. | |
|--|--|--------------------------------|---|--|-----------------------|----------------------------------|-----------------|
| | Farm called Newlands, [or part of the Property called Newlands.] | Near Longford. | John Rawlings. On the property. | William Moore. No. 12, Elizabeth-street, Laun- ceston. | 1000 Acres. | £ s. d. 200 0 0 | 21° VICT |
| | Sheep-run. | Ditto. | James Reid. No. 22, Davey-street, Longford. | The said James Reid. | 3000 Acres. | 150 0 0 | rori <i>l</i> i |
| ASM | Ditto: | Ditto. | Ditto. | The Queen. | 1000 Acres. | 20 0 0 | - |
| ania. | House, garden, and grounds. | Byron-street, Longford. | William Hooper. On the property. | The said William Hooper. | Less than One Acre. | 50 0 0 | No. 19 |
| | House and shop. | No. 20, Daveystreet, Longford. | Robert Lambert. On the property. | Thomas Wright. Longford. | Ditto. | 7 5 0 0 | 9. |
| j. | Shop and store. | Longford. | Empty. | William Burman. No. 13, Brisbane-street, Launceston. | Ditto. | 90 0 0 | |