

T A S M A N I A.



1867.

ANNO TRICESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 25.



AN ACT to further amend *The Waste Lands Act*,
1863. [11 October, 1867.]

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

Agricultural Areas.

1 The Governor in Council may from time to time reserve from sale and proclaim as an agricultural area such land as he sees fit; and the said area shall be divided into lots respectively containing not more than One hundred acres. Agricultural areas may be proclaimed and divided into lots.

2 Before any lot is disposed of in any area, a road shall be marked or laid out through each such area to a Cross Road, or to some place of shipment or navigable river. Road through area.

3 When any part of an agricultural area has been divided into lots, the Commissioner may advertise such lots in the *Gazette* and at least one newspaper, as open for lease at the expiration of One month from the date of such advertisement for a term of Twenty years, at an annual rental of Sixpence an acre for the first three years of such term, of One Shilling an acre for the next Two years of the said term, and of Two Shillings an acre for the residue of the said term; and it shall be lawful for the lessee at any time during the said term to purchase the land leased by him for the sum of One Pound an acre; and the first year's rent, Lots may be leased by tender for 20 years.

Waste Lands.

together with the Survey Fee payable in respect of such lot, shall be paid before any lease is granted; and every lease of any such lot shall contain a provision for the absolute forfeiture thereof in case the lessee fails to pay the rent or to comply with the provisions of this Act relating to such Lot: Provided that, in case Two or more applications are received for any one Lot, the Commissioner shall give notice to each applicant (but to none others) that on a day to be named in such notice, at least Fourteen days from the date thereof, such Lot will be leased to the highest tenderer.

Lease to contain condition of forfeiture for non-residence.

4 The lease of every lot shall contain a condition for the forfeiture thereof by the Lessee unless within One year he or some member of his family shall commence to reside upon such lot, and shall continue to reside thereon during the continuance of such Lease; and for the purposes of this Section a son or daughter, step-son or step-daughter, wife or widow of such Lessee shall be deemed to be a member of his family.

No person to hold more than One Lot.

5 No person shall be entitled to hold or be capable of holding at any one time more than One Lot of such Land 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 through agricultural areas.

6 For the purpose of making roads and bridges to and through any agricultural area the Governor in Council may raise a sum not exceeding Ten Shillings per acre of such area, by the issue and sale of Debentures; 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 Act.

Liquidation of Debentures.

7 All moneys received for and in respect of the Lands in any such area shall be applied towards liquidation of 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.

Selection of Land for Purchase.

Right to select for purchase extended.

8 Every person who has exercised his right of selection for purchase under the provisions of the Nineteenth Section of *The Waste Lands Act*, 1863, and has paid One-half of the purchase money for the Land so selected, may again exercise such right of selection for purchase as aforesaid, in the same manner as if he had never exercised his said right, and so from time to time, anything in the said Section to the contrary notwithstanding.

Pastoral Lands.

No compensation to future Tenants.

9 No person who hereafter becomes a tenant of the Pastoral Lands of the Crown shall be entitled to any compensation in case of the resumption of such Land by the Crown for sale, or any public purpose, or for any purpose which may hereafter be by law declared to be a "public purpose."

Mineral Lands.

Provisions of 27 Vict. No. 22,

10 The provisions contained in *The Waste Lands Act*, 1863, and this Act with reference to minerals shall be deemed to apply to all

Waste Lands.

minerals save and except Gold; and for the purposes of the said Act and this Act the term Gold shall have the meaning assigned thereto by the First Section of *The Gold Fields Regulation Act, 1859.* and this Act relating to minerals not to apply to Gold.

11 Every Lease of Land hereafter granted under *The Waste Lands Act, 1863*, or this Act, shall contain a reservation to the Governor of full power to cause search for minerals to be made upon such land by any person authorised by him in that behalf. Leases to reserve power to search for minerals.

12 It shall be lawful for the Commissioner, with the consent of the Governor in Council, to grant Leases for Mining purposes, on such terms and conditions as the Governor in Council sees fit, of any Land reserved by the Crown for roads or other internal communication, whether by land or water, and also any Land reserved along the margin of any river or stream or along the sea-shore, and also any Land forming part of the sea-shore or any Land below low-water mark adjacent to the sea-coasts of this Colony: Provided that no Lease granted under this Section shall extend to the total obstruction of any road or reservation, or the endangering of the use thereof: Provided also, that every Lease granted under the provisions of this Section shall contain a clause in the nature of a condition of forfeiture in case of the breach or non-performance of any of the conditions to be contained in such Lease. Leases of public reserves for Mining purposes.

13 Any applicant for a Lease for Mining purposes shall, after payment of One year's rent, be entitled to a right of search for One year for Ores in and upon the Lands comprised in his claim from and after the time at which the position and boundaries of the same are fixed: Provided that it shall not be lawful for such person to remove or to permit to be removed from such Lands any Ores, except small quantities for experimental purposes only, prior to his being entitled to a Lease and his declaration that he will accept the same. Applicant for Lease to have One year's right of search.

14 Any such Lease shall, at the will of the Commissioner, be voidable and forfeited if default is made by the Lessee in any or all of the following conditions to be inserted in every such Lease; that is to say,—if the rent be not paid yearly in advance;—if a sum equal to at least Six Pounds per acre be not expended in every Two years on the Land so leased for Mining purposes, or at the option of the Lessee if Three men be not employed for at least Nine months in each year of the term of the demise in working on the Land demised by such Lease and in searching for or raising Ores;—or if the Lessee permits any portion of the Land to be occupied for other than Mining purposes without the written permission of the Commissioner. How Leases forfeited.

15 It shall be lawful for the Governor in Council, on the application of any Lessee, to resume any portion of the Lands comprised in any such Lease for the purpose of laying out a Town or other purpose of public convenience; and at any sale of any of the Lands so resumed, the right of working for minerals may be reserved to the Crown, or to the Lessee from whom the Land so sold may have been resumed. Lands may be resumed for Townships, &c. Reservation of minerals.

16 Any Lessee desirous of obtaining a renewal of his Lease shall make application to the Commissioner for a renewal at least Twelve calendar months before the expiration of the current term of such Lease, and in default of such application the right of the Lessee to a renewal shall be forfeited. Renewal of Lease.

Waste Lands.

When fine for renewal to be fixed.

17 The amount of fine payable on any renewal of any Lease for Mining purposes shall be fixed by the Governor in Council at least Six calendar months before the expiration of the term of the Lease.

Regulations.

18 It shall be lawful for the Governor in Council from time to time to make, alter, and vary Regulations for making claims for Leases for Mining purposes, the forms of such Leases, and the sale of such Leases, and generally for giving effect to the provisions of *The Waste Lands Act*, 1863, and this Act relating to *Mineral Lands*: Provided that a copy of all such Regulations shall be published in the *Gazette*, and shall thereupon have the force of law: Provided also, that such Regulations shall not affect any rights acquired under and by virtue of any Leases for Mining purposes heretofore granted under any Act.

Road Fund.

One-fourth of net moneys received to form Road Fund.

19 The one-fourth part of all moneys received for or on account of purchase money, rent, or licence fees payable in respect of Waste Lands of the Crown, by the Eighty-sixth Section of *The Waste Lands Act*, 1863, directed to be set apart and form a fund for the purposes therein set forth, shall be deemed and taken to be the fourth part of all such moneys, after there has been deducted from such moneys the cost of the Survey Department.

Other works may be constructed out of Land Fund.

20 In addition to the purposes for which One-fourth part of all moneys to be received on account of purchase money, rent, or licence fees payable in respect of Waste Lands of the Crown is directed to be set apart by the Eighty-sixth Section of *The Waste Lands Act*, 1863, any part of such One-fourth not required for the purposes mentioned in the said Eighty-sixth Section may, with the consent of the Governor in Council, be applied in the construction of such works of public benefit and utility as he sees fit.

Lowest Upset Price.

Lowest Upset Price.

21 The lowest Upset Price of Waste Lands of the Crown in this Colony shall be One Pound per acre until the said Lands have been exposed for Sale by Public Auction, and not having been sold, have remained open for Sale by Private Contract for the period of Three Months, in accordance with the provisions of this or any other Act relating to the Waste Lands of the Crown, for the Sale of Lands by Private Contract; and if such Lands as aforesaid, at the expiration of Three Months from the day they are exposed for Sale by Public Auction, have not been sold by Private Contract, then the Commissioner with the approval of the Governor in Council may lower the Upset Price of such Lands to an amount not less than Ten Shillings per acre, when the same may be again put up for Sale by Public Auction.

Roads and Drains.

Governor may authorise Railways and Roads through Leased Lands.

22 The Governor may authorise Railways, Tramways, and Roads of such dimensions and on such conditions as he sees fit to be taken through any Waste Lands of the Crown which may hereafter be leased, and the Tenant shall not be entitled to claim compensation in respect of the land so taken for any of such works as aforesaid.

Drains may be cut through Leased Lands.

23 The Governor may by Licence, and upon such conditions as he sees fit, permit any person to cut drains through any Waste Lands of

Waste Lands.

the Crown which now are or hereafter may be leased, and the Tenant shall not be entitled to claim compensation in respect thereof.

24 If any tenant shall be desirous of giving up the Land occupied by him, in consequence of the exercise of the powers given to the Governor by either or both of the two last-mentioned Sections, he shall be at liberty to do so by giving Three months notice, and shall not be liable to the payment of any rent in respect of such Lands after the expiration of such notice.

Tenant of leased Land may give up Land upon notice.

Crown Reserves.

25 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 Grants under the Thirty-eighth Section of *The Waste Lands Act, 1863*: 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.

26 Land may, with the approval of the Governor in Council, be granted to Municipalities for Municipal purposes.

Grants to Municipalities.

Miscellaneous.

27 Every purchaser of Waste Land to an extent not exceeding One hundred acres under the credit clauses of *The Waste Lands Act, 1863*, and who satisfies the Commissioner of Crown Lands that he resides upon the land so purchased by him, may, upon payment of interest at the rate of Eight Pounds per centum per annum upon any instalment which is now due or may hereafter become due, claim to have the payment of such instalment postponed for any period not exceeding Three years: Provided that in every year such interest shall be paid within Sixty days after the time for payment of such instalment has arrived.

Extension of credit.

Repeal, &c.

28 Sections 10, 58, and 59 of *The Waste Lands Act, 1863*, and Sections 9, 10, and 11 of *The Waste Lands Act, No. 3*, are hereby repealed except as to all things duly done thereunder before the commencement of this Act.

Repeal.

29 This Act and *The Waste Lands Act, 1863*, and *The Waste Lands Act, No. 2*, and *The Waste Lands Act, No. 3*, except so far as the same may be altered or repealed by this Act, shall be read and construed together as one Act.

Acts to be read together.

30 This Act may be cited as "The Waste Lands Act, No. 4."

Short Title.

