

T A S M A N I A.



1903.

ANNO TERTIO

EDWARDI VII. REGIS,

No. 39.

AN ACT to regulate the Sale and Disposal of A.D. 1903.
the Lands of the Crown in the State of
Tasmania. [6 January, 1904.]

WHEREAS it is expedient to consolidate and amend the Acts PREAMBLE.
regulating the Sale and other Disposal of the Lands of the Crown in
Tasmania, and to make further provision relating thereto :

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.

1 This Act may be cited as “The Crown Lands Act, 1903.” Short title.

2 This Act shall come into operation and take effect on and after Commencement,
the First day of *January*, One thousand nine hundred and four.

4s. 8d.]

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 Interpretation.

3 In the construction of this Act, unless the context otherwise determines—

“Crown Lands” and “Lands of the Crown” mean lands which are or may become vested in the Crown, and which are not by Proclamation excepted from sale and reserved for any public purpose, or granted or lawfully contracted to be granted in fee simple; and includes all lands which are or may be held for mining, pastoral, or other purposes under any lease, licence, or other right from the Crown :

“Lands” or “Land” means “Crown Lands” or “Crown Land” :

“The Commissioner” means the Commissioner of Crown lands for the time being, as defined by this Act :

“Surveyor” means a duly qualified surveyor authorised by the Governor to effect surveys :

“Substantial Improvements” means and includes dams, wells, cultivation, fencing, clearing or draining of land, the erection of a habitable dwelling, or farm, or other buildings upon and permanently attached to the soil of such land :

“Run” means lands leased for pastoral purposes :

“Gazette” means *The Hobart Gazette* :

“Residence Area” means the surface of any Crown land held under a Residence Licence :

“Business Area” means the surface of any Crown land occupied under a Business Licence :

“Mining Field” means any Crown land duly proclaimed a mining field under “The Mining Act, 1900,” or any Act repealed thereby, or any Amendment thereof :

“Town” means a Town duly proclaimed under the provisions of “The Police Act, 1865,” or “The Town Boards Act, 1896” :

“Occupy” means to habitually reside :

“Person” includes Company :

“Prescribed” means prescribed by Regulation made under this Act.

Meaning of
 certain terms in
 other Acts.

4 In any other Act relating to the sale and disposal of Crown lands the following expressions shall hereafter have the respective meanings hereby assigned to them, that is to say :—

“Waste Lands” and “Waste Lands of the Crown” shall mean “Crown Lands” and “Lands of the Crown,” as defined by this Act.

“The Waste Lands Act, 1870,” or the Crown Lands Act, 1890,” shall mean this Act.

“Surveyor-General” shall mean the Surveyor-General as defined by this Act.

34 Vict. No. 10.
 54 Vict. No. 8.

Repeal of existing
 Acts.
 Schedule (1.).

5 On and after the day on which this Act comes into operation, the Acts of the Parliament of *Tasmania* set forth in the Schedule (1.)

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hereto shall be and are hereby repealed : Provided that such repeal shall not affect any obligation imposed upon the Governor by any Act hereby repealed to expend any money set apart for the purpose of making and constructing roads, or to raise any money by the issue and sale of Debentures for the purpose of making roads. And, excepting so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things done under any repealed Act, and of any force or effect at the date on which this Act comes into operation by virtue of any Act hereby repealed, as if made or done hereunder.

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Application of Act to matters and things done.

6—(1.) All leases, licences, and contracts made or entered into and all applications on which the Survey Fee has been paid under the authority or in pursuance of any Act hereby repealed, and in force on the day on which this Act comes into operation, shall continue and be as valid and effectual as if this Act had not been passed, and, except as herein otherwise provided, shall be regulated and governed by the Act under the authority or in pursuance of which the same were made or entered into.

Leases, &c. continued.

(2.) All applications made for the selection of Land under any of the Acts hereby repealed, and upon which the payment of the survey fee has not become due, shall be continued, and shall be deemed to have been made under this Act, and shall be subject to all the conditions of this Act.

Applications continued.

7 All Regulations duly made under any Act hereby repealed and in force on the day in which this Act comes into operation shall, so far as the same are not inconsistent with this Act, continue and be deemed to be the Regulations under this Act until they are altered or repealed by the Governor under the authority of this Act.

Regulations continued.

8 This Act is divided into Fifteen parts, as follows :—

Division of Act into parts.

Part I.—Introductory and General Provisions.

Part II.—Selection and Purchase of Land.

Part III.—Survey of Land purchased on Credit.

Part IV.—Sale of Land.

Part V.—Mining Areas.

Part VI.—Conditions of Purchase.

Part VII.—Areas for Special Settlement.

Part VIII.—Sale of Land in Mining Towns.

Part IX.—Leases.

Part X.—Licences.

Part XI.—Resumption of Land.

Part XII.—Unlawful Possession of Lands.

Part XIII.—Construction of Roads and other Public Works.

Part XIV.—Regulations.

Part XV.—Miscellaneous.

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PART I.

INTRODUCTORY AND GENERAL PROVISIONS.

Constitution of
Counties, &c.

9—(1.) The Governor is hereby empowered from time to time, by Proclamation in the *Gazette*—

i. To define the boundaries of any Counties in the State of Tasmania :

ii. To subdivide Counties into Parishes, and give and change the names of such Parishes or subdivisions.

Commissioner of
Crown lands.

10 The Minister of Lands and Works for the time being shall be the Commissioner of Crown Lands, and as such shall have the disposal of all Crown Land subject to the provisions of this Act.

Surveyor-
General.

11 The Governor is hereby empowered from time to time to appoint a Surveyor-General, who shall also be Secretary for Lands, and shall have the direction and conduct of all surveys for any public purposes, whether under this or any other Act, and shall perform such duties as may be assigned to him by the Commissioner, and the Governor may from time to time suspend or remove from office any person appointed Surveyor-General under this Act.

Conservator of
Forests.

12 The Governor may from time to time appoint a Conservator of Forests, who shall perform such duties as may be assigned to him by the Commissioner, and the Governor may from time to time suspend or remove from Office any person appointed Conservator of Forests under this Act.

Surveyors may
be appointed.

13 The Commissioner of Crown Lands, with the approval of the Governor may from time to time appoint duly qualified Surveyors, who shall be authorised to make surveys for any public purpose in such manner as may be prescribed.

Appointment of
surveyor may be
cancelled.

14 If the Board of Examiners for Land Surveyors shall report in writing to the Commissioner that any surveyor has been guilty of improper practices, the Commissioner may, with the approval of the Governor, cancel the appointment of such Surveyor, who shall thereupon cease to be an authorised surveyor; and any licence or certificate issued to him by the said Board shall be void and of no effect: Provided that no such report shall be received by the Commissioner or acted upon by him unless accompanied by a certificate from the Board that the surveyor accused of improper practices had been furnished with a statement in writing of the matters alleged against him, and that he had been afforded full opportunity of being heard in his own defence.

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15 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 His Majesty or the Commissioner in respect of any Crown 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 may be prescribed; and such Bailiff shall have power to seize and detain any timber, bark, wood, gravel stone, limestone, salt, guano, shells, sand, loam, brick earth or bricks made therefrom, or any other substance whatever, which has been unlawfully removed, or which he has good cause to suspect to have been unlawfully removed, from any Crown Lands or any Crown Reserve, and the same shall be forfeited to His Majesty upon proof to the satisfaction of a Justice of the Peace of such unlawful removal as aforesaid; 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.

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Bailiffs of Crown
Lands.

16—(1.) The lands of the Crown in the State of *Tasmania* shall be disposed of in the mode prescribed by this Act and the Regulations hereinafter mentioned, and not otherwise.

Land to be dis-
posed of only
according to Act;
may be withdrawn
from sale, &c. by
Proclamation.

(2.) Notwithstanding anything herein contained, the Governor may at any time by Proclamation in the *Gazette* withhold or withdraw any land from the operation of this Act or any part thereof; and may, in manner aforesaid, revoke or alter such Proclamation, or may rescind the same as to any part of the land included therein, and thereupon the land the subject of such further Proclamation shall be subject to the operation of this Act or any special part thereof, at any time to be named in such Proclamation, not being less than Thirty days from the date thereof.

17 For the purposes of this Act Crown Lands shall be divided into classes as follows:—

Lands to be
divided into
classes.

- i. Town Lands, comprising all lands situate within any City, and all lands within a distance of Five miles from the nearest point of any part of the boundaries of any City, and all lands situate within the boundaries of any Town.
- ii. Rural Lands comprising:—
 - (a) First class Agricultural Lands:
 - (b) Second class lands:
 - (c) Third class lands.

18 It shall be lawful for the Commissioner to decline to enter into a contract or to refuse any application for the sale and purchase of any Crown Land in any case in which the land selected or applied for is known to the Commissioner, or is reported by an Inspector of Mines, or

Applications to
purchase Aurifer-
ous Mineral or
Timber Lands
may be refused.

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a Commissioner of Mines, to be auriferous or to contain minerals, or which, in the opinion of the Commissioner, is likely to be required as a Timber Reserve, or for obtaining timber therefrom for sawmilling purposes.

Timber reserves.

19 The Governor may, by Proclamation in the *Gazette*, except from sale and reserve to His Majesty such land as he sees fit for the preservation and growth of timber, and may from time to time, after Thirty days' notice given in the *Gazette*, alter or revoke any such Proclamation.

Governor may prohibit felling timber, &c.

20 Notwithstanding anything contained in this Act or in any Regulations made hereunder, the Governor may, by Proclamation in the *Gazette*, declare that no person, although he be duly licensed or otherwise authorised, shall cut or remove timber, or any particular description of timber or bark, from such portions of Crown Lands as are named in such Proclamation, or shall exercise thereon the powers or any of them conferred by any Lease or Licence granted under this Act or any Regulations made hereunder.

Commissioner may issue Lease to cut Timber.
Term not to exceed Twenty years.

21 It shall be lawful for the Commissioner from time to time to issue to any person a Lease of Crown Land which may have been proclaimed by the Governor a Saw Mill Reserve under this Act for the purpose of obtaining timber therefrom for sawmilling purposes.

Every such Lease shall be issued in respect of an area not exceeding One thousand acres to any such person for any term not exceeding Twenty-one years, and shall be subject to such regulations, conditions, and stipulations as may from time to time be prescribed; but no Lease shall be granted of a greater area than One hundred acres for the taking of timber within Five miles of any Town situated in any Mining Field.

Contracts, &c. to be made with Commissioner.

22 All contracts for the sale of Crown lands and all Leases of such lands under this Act shall be made by and with the Commissioner, and all Licences shall be issued by 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.

Actions by and against Commissioner.

23—(1.) Any action, suit, or other proceedings at law or in equity in respect of any contract, lease, licence, or other agreement whatsoever entered into by or with the Commissioner under the provisions of this or any former Act relating to the sale and disposal of Crown lands, may be commenced and prosecuted by or against the Commissioner as the plaintiff or defendant therein, as the case may be, without otherwise naming him; and the Commissioner shall recover or be liable to, as the case may be, the damages and costs of any such action, suit, or other proceeding.

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(2.) 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 the 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.

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

Reserves for Public Purposes.

24 The Governor may, by Proclamation in the *Gazette*, except from sale and reserve to His Majesty such lands as may be required for—

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

- I. Public Roads or other internal communications, whether by land or water.
- II. Military or Defence purposes :
- III. Sites for the erection of Public Libraries, Public Halls, Museums, Literary or Scientific Institutions, Hospitals or Almshouses for aged or infirm poor, or places for the interment of the dead :
- IV. Sites for Public Wharves or Quays, Breakwaters, or Landing-places on the sea-coast or shores of navigable streams :
- V. Sites for Trigonometrical Stations or for other purposes connected with the Survey of the State of *Tasmania* :
- VI. Places for the recreation and amusement of the inhabitants of any City, Town, or Settlement :
- VII. The construction of Irrigation Works or of Dams, Reservoirs, Aqueducts, Watercourses, Drains, Sewers, or other works for the supply of water to, or the sanitation of, any City, Town, or District :
- VIII. Any other purpose of public safety, convenience, health, or enjoyment :

And the Governor may thereafter, for the purpose of giving effect to any such Proclamation as aforesaid, vest for such term as he thinks fit any lands so excepted from sale and reserved for any of the purposes aforesaid, in any person or body of persons, corporate or unincorporate.

Vesting.

Provided always, that any lands included in any such Proclamation as aforesaid, and afterwards found to be not required or not suitable for the purpose or purposes for which they were thereby reserved, may at any time before they are vested as aforesaid be made by the Governor, by a subsequent Proclamation in the *Gazette*, subject again to the provisions of this Act, or may, in like manner, be exempted by the Governor from the operation of the Proclamation by which they were previously reserved, and may by such subsequent Proclamation be reserved for any of the purposes aforesaid other than the purpose or purposes for which they were previously excepted from sale and reserved as aforesaid.

Proviso.

25 In every instrument by which any such land is disposed of for any of the purposes mentioned in the last preceding Section, such purpose shall be expressly stated, and such instrument shall

Instrument disposing of land to contain certain

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—
 clause of forfeiture
 on breach of
 condition.

Notice of pro-
 posed disposal to
 be published in
Gazette.

Reserve of land
 for school pur-
 poses.

Governor
 not to
 reserve sites of
 places for Public
 Worship, &c.

Commissioner
 may reserve
 land for Public
 Reserves.

Certain reserva-
 tions may be
 revoked.

contain a condition providing that the land shall be appropriated only to such purpose, and such other conditions, reservations, exceptions, and limitations as the Governor shall see fit to impose. and subject as hereinafter mentioned to the absolute forfeiture of the said land to His Majesty upon breach or non-observance of any such condition, reservation, exception, and limitation; and upon such forfeiture the land so forfeited shall be disposable under this Act as Crown land.

Before any such condition of forfeiture as is mentioned in this Section shall take effect the Commissioner shall publish a Notice in the *Gazette*, requiring the person or body of persons, corporate or unincorporate, in whom such land shall be vested, to show cause to the Governor, within Sixty days from the date of the publication of such Notice, why such forfeiture should not take effect, and it shall be lawful for the Governor to waive such forfeiture if he is satisfied of the sufficiency of the cause shown, but not otherwise.

26 The Governor may, by notice in the *Gazette*, except from sale and reserve as a School Allotment any portion of the lands of the Crown wherever situate, not exceeding Five acres in extent; and upon such land being occupied for Educational purposes the same may be vested in the Minister of Education, as provided in this Act.

27 It shall not be lawful for the Governor to except from sale and reserve to His Majesty, or to dispose of, except by sale under this Act, any Crown Lands as sites of places for Public Worship or for any other Religious purposes.

Nothing contained in this Section shall be held to apply to any lands which have before the Seventeenth day of *September*, 1868, been reserved for sites of places of Public Worship of any Religious denomination.

28 In any Town that may hereafter be surveyed and subdivided for sale, before any Lots are put up for auction the Commissioner may except from sale any area not exceeding Twenty acres of land for recreation purposes, in one or more blocks, and such other blocks for such other public purposes as he may deem necessary in accordance with the provisions of this Act.

29 When any land has been reserved for Public Roads, Streets, or other internal communication, and has not been used by the public or is no longer required for any of the purposes aforesaid, the Governor may, by Proclamation published in the *Gazette*, revoke such reservation; but the Governor may, at any time within Sixty days after the date of such Proclamation, if he sees fit, by another Proclamation published in the *Gazette*, withdraw and rescind such revocation or any part thereof; and after the expiration of such period of Sixty days from the date of such Proclamation, if the same shall not be revoked, the Commissioner, with the consent of the Governor, may sell by private contract such land as Crown Land to the owner of

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the adjoining lands at such price as the Governor may fix, but in no case shall such price be less per acre, than the purchase price of such adjoining land, and if such owner declines to purchase such land, the Commissioner, with the like consent, may sell the same by public auction. A.D. 1903.

PART II.**SELECTION AND PURCHASE OF LAND.**

30 The following persons shall not be eligible to select or purchase land under this Part of this Act:— Who may not select.

- i. Any person who is the purchaser of Two hundred acres of first-class agricultural land, or of Five hundred acres of second-class land, or of One thousand acres of third-class land, in one or more lots, on credit under this Act, and for which the whole of the purchase-money has not been paid :
- ii. Any person who is the purchaser of Three hundred and twenty acres of Land, in one or more lots, on credit under the provisions of any previous Act regulating the sale and disposition of Crown Lands, and for which the whole of the purchase-money has not been paid :
- iii. Any person who, during the immediately preceding Three years, has purchased land under this Act or any Act hereby repealed, unless such person has complied with all the conditions imposed by such Act. Provided that where a selector has purchased any area of First-class land not exceeding One hundred acres he shall be eligible to select an area not exceeding one-half the maximum area of Second-class or Third-class land, and in all such cases habitual residence on one of the selections shall be deemed to be compliance with the provisions of this Act relating to occupation.

31 Any person of the age of Eighteen years and upwards, not disqualified under the preceding Section, may, subject to the provisions of this Act, select and purchase under this Act:— Who may select land.

- (a) At the price and upon the terms set forth in the Schedule (2.) hereto, one Lot of first class agricultural land not exceeding Two hundred acres nor less than Fifteen acres. Schedule (2.).
- (b) At the price and upon the terms set forth in Schedule (3.) hereto, one lot of second-class land not exceeding Five hundred acres nor less than Thirty acres. Schedule (3.).
- (c) At the price and upon the terms set forth in Schedule (4.) hereto, one lot of third-class land not exceeding One thousand acres nor less than Sixty acres. Schedule (4.).

32 Every person who has purchased any land under the preceding Section may make a further purchase provided that the total area held by him by virtue of such purchase does not exceed in the case of:— Additional purchases of land may be made.

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- (a) First class agricultural land, Two hundred acres :
 (b) Second class land, Five hundred acres :
 (c) Third class land, One thousand acres :

Nor consist of more than Three Lots, and, if such Lots adjoin the total frontage on any road or stream shall not exceed the maximum frontage that would be allowed if the selections had been made in one Lot.

Additional selections shall be subject to all the conditions of original selections.

Homestead Areas.

Who may select a Homestead Area.

Schedule (5).

Applicant to pay part of survey fee and receive certificate.

Effect of Certificate.

Time allowed for taking possession.

Penalty for not taking possession.

In cases of sickness and other special cases absence allowed.

Land to be occupied and improvements effected thereon before issue of Grant.

33 Any person of the age of Eighteen years and upwards, who has not purchased land under this Act, or under any Act hereby repealed, may select and purchase, at the price and upon the terms set forth in the Schedule (5.) hereto, one Lot of first class agricultural land not exceeding Fifty acres nor less than Fifteen acres, and upon paying One-fifth of the prescribed expense of surveying such land, as set forth in Part III. of this Act, shall be entitled to receive a certificate in the form prescribed, and such certificate shall, subject to the provisions of this Act, authorise the person obtaining it, to enter upon and take possession of the land described therein, and to hold possession of, occupy, and improve such land to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed thereon.

34 Every person who has purchased land under the last preceding Section shall, within Twelve months from the date of the certificate mentioned in the last preceding Section, take, in his own person, possession of the Land and reside thereon ; and if possession be not taken as aforesaid, the Certificate mentioned in the last preceding Section shall be cancelled, and the land shall be forfeited and open to application by another person, or to other disposition in the discretion of the Commissioner.

35 In cases of illness vouched for by sufficient evidence to the satisfaction of the Commissioner, or in other special cases, the Commissioner may, in his discretion, by writing under his hand, grant permission to the selector to be absent from his land without prejudice to his right therein, for such period as the Commissioner shall specify in such written permission.

36 The purchaser of any land under Section Thirty-three of this Act shall occupy such land by habitually residing thereon for the full term of Five years—such term of Five years shall commence to run One year after the date of contract sale and purchase of, and shall be continuous—and shall effect substantial improvements on such land to the value of One Pound per acre of the whole of the land before a Grant Deed shall be issued therefor. And in default of such selector so occupying and improving such land as aforesaid for Three months consecutively, except as hereinbefore provided, such land,

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together with all improvements thereon, shall become absolutely forfeited, and shall thereupon revert to the Crown. A.D. 1903.

Contracts.

37 The Commissioner and the applicant for any land for purchase upon credit shall after the same has been surveyed mutually enter into a contract for the sale and purchase of such land at the price upon the terms, and subject to the conditions contained in this Act in relation to the sale of such land. Contract to be entered into or sale of land.

38 No person shall become the purchaser of any Crown Land under this Part of this Act who is in respect of the land which he applies to purchase, or any part thereof, a servant of or an agent or trustee for any other person, or who at the time of his application has entered into any agreement express or implied to permit any other person to acquire by purchase or otherwise any such land or part thereof; and all contracts, agreements, and securities made, entered into, and given with the intent of evading, or which (if the same were valid) would have the effect of evading the provisions of this Section, shall be illegal and absolutely void both at Law and in Equity; and if any person shall, in evasion of the provisions of this Section, become the purchaser of any land, all the right, title, and interest of the purchaser or of his assignee having notice of such evasion, and all moneys paid in respect of such land, and the land itself, with all improvements thereon, shall, on notification to that effect in the *Gazette*, be absolutely forfeited, and the said land shall again become Crown land. Contracts by purchasers void in certain cases.

39 Any person who shall enter into any such contract or agreement declared to be illegal and void by the last preceding Section of this Act shall be guilty of a Misdemeanour, and on conviction thereof be liable to be fined in any sum not exceeding One hundred Pounds or to be imprisoned for any term not exceeding Two years. Entering into illegal contract a Misdemeanour.

40 No application to select and purchase land under this Part of this Act shall be received from or in the name of, or for or on behalf of, any person under the age of Eighteen years, and every applicant shall state in his application that he is of the age of Eighteen years or upwards; and if at any time prior to the selector parting with his interest in such land such statement be proved to the satisfaction of the Commissioner to be untrue the purchase shall be void, and all moneys paid by or on account of such purchaser shall be forfeited to His Majesty, and the land shall revert to the Crown. Applicant for purchase must be of the age of Eighteen years at least.

41 Every purchaser of Crown Land between the ages of Eighteen and Twenty-one years who either personally or by his agent shall enter into any agreement for or in relation to the performance of any work or rendering of any services on such purchase or in relation thereto, or shall enter into any agreement for or in relation to the loan of money or the sale or purchase of any goods and chattels of any description Purchasers under Twenty-one years of age to be liable upon contracts.

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whatsoever, or into any agreement connected with the occupation, management, or general purposes of such purchase not contrary to this Act, shall be subject to the same liabilities and have the same rights in respect of such agreement as if he were of the full age of Twenty-one years.

PART III.**SURVEY OF LAND PURCHASED ON CREDIT.**

Applicant to pay
Survey fee.

42—(1.) When a selection of land is approved by the Commissioner the applicant shall pay the expense of surveying such land in the following manner, that is to say :—To the amount of the prescribed Survey fee a Sum of Two Shillings and Sixpence for every Pound sterling or part thereof shall be added thereto by way of interest, and the applicant shall upon demand pay one fifth of the whole amount, and shall pay the balance by Four equal annual payments upon the terms set forth in Schedule (9.).

(2.) The First of such annual payments to be made One year after the date of the contract of the sale and purchase of such land.

Purchaser may
pay off Survey
Fee at any time.

(3.) It shall be lawful for any purchaser at any time, and before default is made in payment of any part of the survey fee to pay off the whole or any balance then remaining unpaid of such survey fee, and in every such case a deduction shall be allowed in the sum added to the survey fee by way of interest proportionate to the amount then due.

Penalty for non-
payment of
Survey fee.

43 The non-payment of any sum demanded as payment of part of any Survey fee shall have the same operation upon the rights and privileges of the purchaser as failure to pay any instalment of the purchase-money of the land purchased by him, and any portion of any Survey fee remaining unpaid after the same has become due may be recovered as a Debt due to the Crown.

Land to be
surveyed.

44 Upon payment of One-fifth of the Survey fee as herein provided by the applicant the Commissioner shall cause the land to be surveyed in the prescribed manner, but the payment by the applicant of the whole or any part of such Survey fee shall not confer upon him any estate or interest in such land or any title thereto.

Account to be
opened for
payment of
Survey Fee.

45—(1.) On and after the date upon which this Act comes into operation an account shall be opened in the Books of the Treasury called "The Survey Advance Account," and all moneys received by the Treasurer as survey fees for land selected for purchase on credit under this Act shall be credited to such account, and all moneys used for defraying the cost of surveys of such land shall be debited to such account.

(2.) All moneys credited to such account shall be paid quarterly by the Treasurer into and form part of the Public Debts Sinking Fund, and the Commissioners of the Public Debts Sinking Fund shall out of



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the moneys at their disposal pay to the Treasurer quarterly a sum equal to the amount standing to the debit of such account, and such Commissioners are hereby empowered to make such payments accordingly. A.D. 1903.

PART IV.

SALE OF LAND.

(1.)—*Sale by Auction.*

46 The following Crown Lands may be sold by public auction, in the manner and subject to the conditions hereinafter prescribed:—

1. All Rural Lands not held by any purchaser under Part II. of this Act, and not excepted from sale under this Act:
2. All Town Lands.

Certain lands may be sold by auction.

47 The lowest upset price of Crown Land offered for sale by auction is hereby fixed at One Pound per acre for first-class agricultural land, at Ten Shillings per acre for second-class land, and at Five Shillings per acre for third-class land. Upset price.

48 Save as hereinafter provided, all lands to be offered by auction shall, before sale, be surveyed and delineated in the public charts of the State, in such lots as are subsequently offered and put up for sale. Lands to be sold by auction to be previously surveyed.

49 The area of any lot of land put up for sale by auction shall not exceed Two hundred acres of first-class agricultural land, nor exceed Five hundred acres or be less than Thirty acres of second-class land, nor exceed One thousand acres or be less than Sixty acres of third-class land. Area of lots to be sold.

50 No land shall be sold at auction within a Mining Area as second-class land within a distance of One mile from the nearest point in the boundary of any Town, and no land shall be sold as third-class land within any Mining Area. Limit of land in Mining Area.

51 No person under the age of Eighteen years shall be entitled to purchase any land at auction under the provisions of this Act, nor shall any person hold on credit at any one time more than Two hundred acres of first-class Agricultural land, Five hundred acres of second-class land, or One thousand acres of third-class land. Limit of land to be purchased at auction.

52 Within Three Months and not less than One Month next preceding the sale of any lands by auction, the Commissioner shall, by notice in the *Gazette*, declare the time and place at which such sale will be held, and what are the lands to be offered for sale at such auction, and the upset prices at which they will be offered for sale; and in every such notice the lands specified therein shall be distinguished by their proper classes, in accordance with the provisions hereinbefore contained; and such lands, when once advertised as aforesaid, shall not be open for purchase until after the day of sale or Notice of sale by auction to be published.

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Plans to be
provided.

any postponement thereof; and lithographed or other plans of the lands intended to be sold, showing the several lots for sale, shall, Fourteen days before the day of sale, be sent by the Commissioner to the Auctioneer instructed to sell, and to the Police Office nearest to such lands or such place as he shall think fit for the use of intending purchasers; and every person shall, upon application, be entitled to receive a copy of such plans.

Upset prices how
to be ascertained.

53 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, together with the cost of Survey and of the Grant Deed; and the Commissioner shall submit such notice for the consideration of the Governor, who may vary such estimate, or approve thereof, and the upset prices named in such notice when so varied or approved of, shall be the upset prices of the lands 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: but the upset price of any land shall never be lower than the lowest upset price fixed by this Act, together with the cost of Survey and of the Grant Deed.

Land not to be
sold at auction at
less than adver-
tised upset prices.

54 No lands shall be sold at 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.

Penalty on
highest bidder
not paying
amount of
deposit.

55 If and whenever any person shall, by being the highest bidder at auction, become liable for the payment of deposit, and such person shall fail to pay the amount necessary under such bid on the day on which such auction is held, such person shall be guilty of a breach or agreement under this Act, and, upon conviction, shall forfeit and pay a penalty of double the amount of such deposit in respect of which default has been made.

Agreement not to
bid, &c., at sale
to be illegal.

56 Every agreement, whether in writing or otherwise, whereby any person shall promise or agree, either directly or indirectly, to give or allow any sum of money, reward, benefit, or thing to any other person in consideration of such other person's not bidding at any sale by public auction under this Act, or of his not competing at such auction, or in consideration of his bidding to a limited amount only, or of his withdrawing from competition at any such auction, or in consideration of his doing any other act or thing which in any way might tend to prevent free and open competition at any such auction, shall be wholly illegal and void.

Penalty on
person proposing
to intending
purchaser to bid
in any particular
manner, &c.

57 Whenever any person shall offer or propose to any intending purchaser or lessee at any such auction to bid in any particular manner, or not to bid, or not to bid except in some particular manner, or to bid to a certain limited extent only, or to bid for certain lands or leases only,

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in consideration of such intending purchaser or lessee bidding or not bidding for any land or lease to be offered for sale at such auction, such person shall be held to have committed an offence under this Act, and shall, upon conviction, forfeit and pay a penalty not exceeding One hundred Pounds. A.D. 1903.

58 Whenever any person shall offer or propose to any intending purchaser or lessee at any such auction to enter into any agreement which would be illegal and void under this Act, or shall offer or propose to make any agreement or arrangement for making which any forfeiture or penalty is provided under this Act, or shall make any such offer or proposal as mentioned in the last preceding Section, under, by means of, or accompanied with any threats or representations respecting the future biddings, purchases, or competition, or respecting any particular course of proceeding of such person at any such auction, he shall, upon conviction, forfeit and pay a penalty not exceeding Two hundred Pounds. Penalty on person offering to enter into illegal agreement.

59—(1.) In any proceeding under this Act all parties to any agreement, and all persons making or receiving any offer or proposal, with or without threats, as hereinbefore described, shall be compellable to give evidence upon all matters touching or relating to such agreement, offer, or proposal. Parties to agreement compellable as witnesses.

(2.) No information shall be laid against any person for any offence under this Act in connection with or in consequence of any agreement, offer, or proposal, if such person, being summoned as a witness, shall answer all questions that may be asked of him in relation to such agreement, offer, or proposal. Protection of witness.

(2.)—Sale by Private Contract.

60 All Crown Lands, not being within Five miles of any City may be sold by private contract upon the terms and subject to the conditions hereinafter prescribed, and not otherwise. Crown Lands may be sold by private contract in certain cases.

61—(1.) Within Twenty-one days after every sale by auction of Town Lands, not within Five miles of any City, and within a like period after every sale by auction of Rural Lands, and afterwards quarterly or oftener if he thinks fit, and until the same lands are again offered for sale by auction, the Commissioner may cause a list of all such lands as were offered for sale by auction and not sold, with the upset prices at which they were offered for sale, 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; and if more than one application is made at the same time to purchase the same lot, such lot shall Land unsold at auction may be sold by private contract.

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not be sold by private contract, but shall be again submitted by public auction as soon as may be after such applications are made.

(2.) This Section shall apply to any Crown Lands which before the commencement of this Act have been offered for sale by auction and not sold.

PART V.**MINING AREAS.**

Governor
may declare Gold
Field, &c. a
Mining Area.

62 The Governor is hereby empowered, from time to time as it may appear expedient so to do, to proclaim any portion of Crown Land which has been proclaimed a Gold Field, or a Mining Field, or has been excepted from the operations of this Act, or any part thereof, or any Act hereby repealed, or by virtue of the provisions of any Law relating to the management of Mineral Crown Lands, or by virtue of this Act, as and to be a Mining Area for the purposes of this Act, and any such Proclamation from time to time to alter or revoke; and during the time that any such Proclamation shall be in force no Crown Land situate within the limits of any such Area shall be sold or disposed of otherwise than as is hereinafter set forth.

64 Vict. No. 61.

Provided, however, that any land proclaimed a Mining Area under this Section shall be subject nevertheless to all the provisions of "The Mining Act, 1900," and shall be available for all the purposes of such Act.

Land within
Mining Areas to
be open for
selection.

Schedule (2.).

63 Any person of the age of Eighteen years and upwards may select and purchase, subject to the provisions hereinafter contained, One lot of first-class Agricultural Land, within any Mining Area, not exceeding One hundred acres, at the price and upon the terms set forth in the Schedule (2.) hereto: Provided that when any such Crown Land within any such mining area is within a distance of One mile from the nearest point in the boundary of any town, such land may be selected and purchased in lots of not less than Ten nor more than Twenty acres.

Land within
Mining Areas to
may be sold
by auction.

64—(1.) Crown Lands within any such Mining Area not purchased under the provisions herein contained may be sold by the Commissioner by public auction, in the manner provided by Part IV. of this Act.

(2.) No land within a distance of One mile from the nearest point in the boundary of any town shall be sold under this section as second-class land.

Limit of Area.

(3) All such land shall, previously to being submitted to public auction, be surveyed in lots of not more than One hundred acres, and, in the case of first-class lands, of not less than Ten acres, and, in the case of second-class lands, of not less than Thirty acres each.

Schedules (6.) and
(7.).

(4.) The upset price of land submitted to auction in any such Mining Area shall be fixed by the Governor, and, in the case of first-class land, shall not be less than One Pound per acre, payable in Fourteen years, in like proportion to the scale set forth in the Schedule (6.)

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hereto ; and in the case of second-class land, shall not be less than Ten Shillings per acre, payable in Fourteen years, in like proportion to the scale set forth in the Schedule (7.) hereto. A.D. 1903.

65 Any land selected and purchased, or bought at public auction within any such mining area, shall be occupied by the selector or purchaser thereof, or by some member of his family, or someone employed by him or on his behalf, by habitually residing on such land for at least Three years before a grant shall be issued therefor, and in default of being so occupied such land shall be liable to be forfeited to the Crown. Such term of Three years shall commence to run One year after the date of the contract of sale and purchase, and shall be continuous. Residence for Three years.

66 Any land which may have been selected and purchased or bought at public auction within any such mining area under this Act, shall be open to any person to search or mine for gold or other metals or minerals thereon in manner hereinafter set forth : Provided that no land used as a yard or garden, or upon which any house or building is erected, or which is within a radius of two chains of such house or building, shall be available for the purposes of this Section. Land sold under this Act open to search for gold, &c.

67 Any person desiring to search or mine for gold or for any other metal or mineral on any land which may have been selected and purchased, or bought at public Auction, within any such mining area, shall apply in writing to the Secretary for Mines, or the Commissioner of Mines residing nearest thereto, for permission to search or mine, as the case may be, on so much of such land as shall be specified in such application. Persons desiring to search to apply to the Secretary of Mines or a Commissioner.

68—(1.) Upon the receipt of any such application the Secretary for Mines, or the Commissioner of Mines, as the case may be, to whom the same is made shall forthwith give notice of such application to the occupant of such land, if any, by forwarding the same through the post to the address of such occupant, and also to the owner of such land by forwarding the same through the post to the address of the owner of such land, and if such owner cannot be found such notice shall be published in the *Gazette*, and such notice shall require such owner to nominate and appoint some person to assess from time to time the amount of compensation which ought to be paid to such owner for the damage which he will be liable to sustain by reason of such searching or mining, and such Secretary for Mines or Commissioner of Mines, as the case may be, shall in and by such notice nominate and appoint some other person for the like purpose, and the person so nominated and appointed shall with the Secretary for Mines or Commissioner of Mines, as the case may be, be called the Assessors, who shall from time to time at such time and place as the Secretary for Mines or Commissioner of Mines, as the case may be, may appoint for that purpose, assess or determine the amount which shall from time to time Notice to be given to occupant or owner of land of application to search thereon. Appointment of persons to assess compensation to be made.

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be paid by the applicant to such owner, and the amount so firstly assessed and determined shall be paid to such owner before any mining operations shall be commenced on such land.

(2.) If such owner shall neglect or refuse for Fourteen days after service upon him of the notice hereinbefore mentioned to nominate and appoint any person to assess as aforesaid, then it shall be lawful for the Secretary for Mines or Commissioner of Mines, as the case may be, to nominate and appoint some person for and on behalf of such owner.

(3.) Every person who attends and acts as an Assessor as aforesaid shall be entitled to receive any sum which the Secretary for Mines or Commissioner of Mines, as the case may be, may order, not exceeding Two Pounds, which sum or any part thereof shall be paid by the applicant to such Assessor.

19 Vict. No. 8.

(4.) For the purposes of this Section the Secretary for Mines or Commissioner of Mines, as the case may be, may exercise all the powers conferred upon a Justice of the Peace by *The Magistrates Summary Procedure Act* for procuring and enforcing the attendance of witnesses before him, and may administer oaths and hear, receive, and examine evidence; and the determination of any two of the Assessors upon any question shall be final.

Matters to be considered in estimating compensation.

69 In estimating the amount of compensation to be paid as aforesaid, the value of all surface improvements made upon such land shall be considered, and the loss which such purchaser will be liable to sustain if such applicant shall occupy any of the said land for the purpose of residence in connection with the object of mining, or shall put up any building or other erection thereon, or shall cut down and remove from such land for any purpose any trees growing thereon, or shall cut or construct or use races or dams for mining purposes through or upon any part of the said land; and the Assessors shall determine the locality in which, and the area over which mining operations shall be carried on upon such land; but it shall not be lawful for the Assessors to estimate the value of any gold or other metal or any mineral which such land may be supposed to contain.

Land may be resumed when mining operations discontinued

70 When and so soon as mining operations shall be discontinued upon such land, and the Secretary for Mines or Commissioner of Mines, as the case may be, has certified that mining operations have been discontinued upon such land, and the Secretary for Mines or Commissioner of Mines, as the case may be, has so certified, the person for the time being who is the owner of such land shall, without making compensation to any person whomsoever, be entitled to resume possession of so much of such land as shall have been occupied under this Act for mining purposes.

Regulations applicable for purposes of this Act.

71 So far as the same can be applied to the purposes and objects of this Act, all Regulations made under any Act or Acts relating to mining for gold or other metals or minerals, and in force when this Act takes effect, and all Regulations made under the said Acts hereafter, shall be applicable to and for the purposes and objects of this Act.

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72 It shall be lawful for the Commissioner, where he has reason to believe, on the report of the Secretary for Mines or of the Surveyor-General, that any Crown Land selected or applied for under this Act is auriferous or contains minerals, to sell such land subject to the conditions contained in this Part of this Act, in addition to such other conditions subject to which such land may have been selected or applied for.

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Land may be sold open to search for Gold, &c.

73 Any person who has duly notified his desire to mine on land selected, or purchased or bought at auction, within any such mining area, and who has paid the assessed amount of compensation, payable for damage by reason of such mining, to the owner of such land, or, if such owner cannot be found, who has deposited such amount of compensation with the Secretary for Mines, may obtain a lease, subject as hereinafter provided, for mining operations, of the land specified in his application under and in accordance with the provisions of Part III. of "The Mining Act, 1900," or any statutory modification thereof in the same manner in all respects as if it were unalienated Crown Land. The prescribed rent for leases under "The Mining Act, 1900," shall be payable to the Crown by the person entitled to the lease immediately upon such land being taken possession of for mining operations; but rent shall cease to be payable in respect of such land taken and so soon as mining operations shall be discontinued thereupon.

Lease to be obtained and rent paid.

64 Vict. No. 61.

PART VI.**CONDITIONS OF PURCHASE.***(1.)—Town Lands.*

74 Upon the sale of any Town lands, under Part IV. of this Act, the purchaser may pay the purchase-money in cash, or if at the time of sale such purchaser declares that he is desirous of being allowed credit, credit shall be allowed upon the terms hereinafter mentioned: Provided that nothing in this Act contained shall authorise the sale of any Town land on credit where the price is less than Fifteen Pounds.

Payment of purchase-money on sale by auction of Town land.

75 From and after the commencement of this Act, upon the sale of Town lands, whether by auction or private contract, 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-fourteenth of such purchase-money at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by Thirteen annual instalments of One-fourteenth of the purchase-money, the first instalment to be paid at the expiration of One year from the time of sale.

Terms of credit on sale by auction or private contract of Town lands.

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Improvements
to be effected
before issue of
grant.

76 No purchaser of Town land upon credit under Part IV. of this Act, shall be entitled to pay off the balance then remaining unpaid of the purchase-money, nor shall a Grant Deed be issued for such land until such purchaser has made substantial improvements upon such land to the value of a sum equal to the purchase-money contracted to be paid for such land.

(2.) First-class Agricultural Land.

Payment of
purchase-money
on sale by auction
of first-class
Agricultural
Land.

77—(1.) Upon the sale of any first-class agricultural land, whether by auction or private contract, under Parts IV. or V. of this Act, the terms of purchase shall be as follows :—A sum equal to One-third of the price shall be added thereto by way of premium for allowance of credit, and the amount of the price and premium shall become the purchase-money of the land, and the purchaser shall pay a deposit of One-fortieth of the purchase-money at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by Fourteen annual instalments, in the manner set forth in Schedule (6.) hereto, the first instalment to be paid at the expiration of One year from the time of sale.

Schedule (6.).

Payment of
purchase-money
on first-class
Agricultural
Land selected for
purchase.

(2.) Upon the sale of any first-class agricultural land purchased under Sections Thirty-one or Sixty-three of this Act, the terms of purchase shall be as follows :—A sum equal to One-third of the price shall be added thereto by way of premium for allowance of credit, and the amount of the price and the premium shall become the purchase-money of the land, and the purchaser shall pay a deposit of Eight Pence per acre or part thereof at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by Fourteen annual instalments, at the rate of One Shilling per acre or part thereof during the First and Second years, and at the rate of Two Shillings per acre or part thereof during each of the remaining Twelve years, in the manner set forth in the Schedule (2.) hereto ; the first instalment to be paid at the expiration of One year from the time of sale.

Schedule (2.)

(3.) Second-class Land.

Payment of
purchase-money
on sale by auction
of Second-class
Land.

78—(1) Upon the sale of any second-class land, whether by auction or private contract, under Parts IV. or V. of this Act, the terms of purchase shall be as follows :—A sum equal to One-third of the price shall be added thereto by way of premium for allowance of credit, and the amount of the price and premium shall become the purchase money of the land, and the purchaser shall pay a deposit of One-fortieth of the purchase money at the time of sale, and shall contract to pay and shall pay the residue of the purchase money by Fourteen annual instalments, as set forth in the Schedule (7.) hereto, the first instalment to be paid at the expiration of One year from the time of sale:

Schedule (7.).

Payment of
purchase-money
on Second-class
land selected for
purchase.

(2.) Upon the sale of any Second-class land purchased under Section Thirty-one of this Act, the terms of purchase shall be as follows :—A sum equal to One-third of the price shall be added thereto by way of premium for allowance of credit, and the amount of the

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price and the premium shall become the purchase-money of the land, and the purchaser shall pay a deposit of Four Pence per acre or part thereof at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by Fourteen annual instalments, at the rate of Sixpence per acre or part thereof during the First and Second years, and at the rate of One Shilling per acre or part thereof during each of the remaining Twelve years, in the manner set forth in the Schedule (3.) hereto; the First instalment to be paid at the expiration of One year from the time of sale.

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Schedule (3.).

(4.) Third-class Land.

79—(1.) Upon the sale of any third-class land whether, by auction or private contract, under Part IV. of this Act, the terms of purchase shall be as follows:—A sum equal to One-third of the price shall be added thereto by way of premium for allowance of credit, and the amount of the price and premium shall become the purchase-money of the land, and the purchaser shall pay a deposit of One-fortieth of the purchase money at the time of sale, and shall contract to pay and shall pay the residue of the purchase money by Fourteen annual instalments, in the manner set forth in the Schedule (8.) hereto, the first instalment to be paid at the expiration of One year from the time of sale.

Payment of purchase money on sale by auction of third-class Land.

Schedule (8.).

(2.) Upon the sale of any third-class land purchased under Section Thirty-one of this Act, the terms of purchase shall be as follows:—A sum equal to One-third of the price shall be added thereto by way of premium for allowance of credit, and the amount of the price and the premium shall become the purchase-money of the land, and the purchaser shall pay a deposit of Two Pence per acre or part thereof at the time of sale, and shall contract to pay, and shall pay, the residue of the purchase-money by Fourteen annual instalments, at the rate of Threepence per acre or part thereof during the First and Second years, and at the rate of Sixpence per acre or part thereof during each of the remaining Twelve years, in the manner set forth in the Schedule (4.) hereto; the first instalment to be paid at the expiration of One year from the time of sale.

Payment of purchase-money on Third-class Land selected for purchase.

Schedule (4.).

(5.) Completion of Purchase.

80 It shall be lawful for the purchaser of any land upon credit, at any time during the period of credit allowed, and before default is made in payment of any instalment of the purchase money, to pay off the balance then remaining unpaid under the contract of sale; and in every such case a deduction shall be allowed in the sum added to the price of the land by way of premium for the allowance of credit proportionate to the then unexpired period of credit: Provided that the purchaser of any land upon credit shall not be entitled to pay off the balance then remaining unpaid until such purchaser has made substantial improvements upon such land to the value of a sum equal to the price of the land if first-class agricultural land, or a sum equal to One-half of the price if second-class land, or a sum equal to One-fourth of the price if third-class land, and such purchaser has complied with the conditions of residence upon such land as imposed by this Act.

Purchaser on credit may pay off at any time.

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(6.) *Improvements.*

Improvements to be effected on first-class Land.

81 At the expiration of One year from the date of the contract of sale and purchase of any first-class agricultural land, the purchaser of such land shall begin to effect substantial improvements on the land purchased by him, and shall continue in each year during Eight consecutive years thereafter to effect substantial improvements on such land of the value of not less than Two Shillings and Sixpence per acre for every acre of the land so purchased by him ; and in default of making such improvements such land shall be forfeited to the Crown: Provided that every purchaser having expended more than Two Shillings and Sixpence per acre in any year shall be entitled to credit against his liability in any subsequent year for such extra expenditure ; and the total amount so to be expended in such improvements need not exceed the sum of One Pound per acre.

Proviso.

Residence on first-class agricultural land necessary.

82 Any first-class agricultural land purchased on credit under the provisions of Section *Thirty-one* of this Act, or by auction or private contract under Part IV. of this Act, shall be occupied by the purchaser thereof, or by some member of his family, or by some one employed by him on his behalf, by habitually residing on such land for at least Five years before a grant be issued therefor, and in default of being so occupied, such land shall be liable to be forfeited to the Crown. Such term of Five years shall commence to run one year after the date of contract of sale and purchase and shall be continuous: Provided that the purchaser of any first-class agricultural land under this Act shall have effected substantial improvements on such land to the value of a sum equal to the price of such land before a Grant Deed shall be issued therefor, and in default of such improvements having been made as aforesaid, the land, together with all improvements, shall become absolutely forfeited, and shall revert to the Crown.

Grant not to issue until improvements effected.

Improvements to be effected on Second-class Land.

83 At the expiration of One year from the date of contract of sale and purchase of any second-class land, the purchaser of such land shall begin to effect substantial improvements thereon, and shall continue in each year during the Five consecutive years thereafter to effect substantial improvements on such land of the value of One Shilling for every acre of the land so purchased by him, and in default of making such improvements such land shall be forfeited to the Crown: Provided that every purchaser having expended more than One Shilling per acre in any year shall be entitled to credit against his liability in any subsequent year for such extra expenditure ; and the total amount so to be expended in such improvements need not exceed a sum equal to One-half the price of such land.

Proviso.

Residence on second-class land necessary.

84 Any second-class land purchased on credit under the provisions of Section *Thirty-one*, or by auction or private contract under Part IV. of this Act, shall be occupied by the purchaser thereof, or by some member of his family, or by some one employed by him on his behalf, by habitually residing on such land for at least Five years before

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a grant shall be issued therefor, and in default of being so occupied such land shall be liable to be forfeited to the Crown. Such term of Five years shall commence to run one year after the date of contract of sale and purchase, and shall be continuous: Provided that the purchaser of any second-class land under this Act shall have effected substantial improvements on such land to the value of a sum equal to One-half the price of such land before a Grant Deed shall be issued therefor; and in default of such improvements having been made as aforesaid, the land, together with all improvements, shall become absolutely forfeited, and shall thereupon revert to the Crown.

A D. 1903.

Grant not to issue until improvements effected.

85 At the expiration of One year from the date of contract of sale and purchase of any third-class land under this Act, the purchaser of such land shall begin to effect substantial improvements thereon, and shall continue in each year during the Five consecutive years thereafter to effect substantial improvements on such land of the value of Sixpence for every acre of the land so purchased by him, and in default of making such improvements such land shall be liable to be forfeited to the Crown: Provided that every purchaser having expended more than Sixpence per acre in any year shall be entitled to credit against his liability in any subsequent year for such extra expenditure; and the total amount so to be expended in such improvements need not exceed a sum equal to One-fourth of the price of such land.

Improvements to be effected on third-class Land.

Proviso.

86 Any third-class land purchased on credit under the provisions of Section Thirty-one, or by auction or private contract under Part IV. of this Act, shall be occupied by the purchaser thereof, or by some member of his family, or by some one employed by him on his behalf, by habitually residing on such land for at least Five years before a grant shall be issued therefor, and in default of being so occupied, such land shall be liable to be forfeited to the Crown. Such term of Five years shall commence to run one year after the date of contract of sale and purchase, and shall be continuous: Provided that the purchaser of any third-class land under this Act shall have effected substantial improvements on such land to the value of a sum equal to One-half of the price of such land before a Grant Deed shall be issued therefor; and in default of such improvements having been made as aforesaid during the first Five years of the purchase, the land, together with all improvements, shall become absolutely forfeited, and shall thereupon revert to the Crown.

Residence on third-class land necessary.

Grant not to issue until improvements effected.

87 It shall be lawful for the Governor to issue a grant for any land purchased under any former Act relating to the sale and disposal of Crown Land, notwithstanding improvements have not been effected upon such land to the value of One Pound per Acre if the Commissioner is satisfied that such land, if purchased under the provisions of this Act, would have been classed as second or third class land, and that the improvements effected upon such land comply with the improvements required by this Act with regard to second or third class land respectively.

Improvements on Lands purchased under former Acts.

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Governor may
postpone time for
improvements.

88 Whenever any purchaser of land has become liable to have his land forfeited on account of his failure to make such substantial improvements as are provided by this Act, it shall be lawful for the Governor to postpone the time within which such improvements shall be made for any period not exceeding Two years, upon being satisfied that such purchaser has become unable to make such improvements, or upon it being shown to the Governor that the enforcement of the conditions as to making such improvements would inflict hardship upon the purchaser.

Purchaser on
credit to furnish
Declaration as to
expenditure.

89—(1.) Every purchaser of Crown Land on credit shall, upon receiving notice, furnish to the Commissioner in the form prescribed a Statutory Declaration showing—

- (a) Particulars of the improvements effected upon the land purchased by him.
- (b) The value and cost of such improvements.
- (c) Particulars as to the residence of the purchaser or any other person on such land.
- (d) Such other particulars as may be prescribed.

Penalty for
not furnishing
Declaration.

(2.) If such statutory declaration shall not be furnished as aforesaid or if when furnished, shall not contain the particulars required to be shown therein, the purchaser or person making default shall be guilty of an offence against this Act, and on conviction shall be liable to a penalty not exceeding Twenty Pounds.

(3.) A certificate, purporting to be under the hand of the Commissioner, that such declaration has not been furnished to him by the person liable to furnish the same, or that the declarations attached thereto are the only declarations that have been furnished to him, shall be *prima facie* evidence in all proceedings of the truth of the facts therein stated.

Transfer of Land.

Purchaser not to
transfer until
Grant issued.

Proviso.

90 Except as herein provided, it shall not be lawful for the purchaser of any land under this Act to assign or transfer his interest in such land until a Grant Deed has been issued therefor by the Governor. Provided that any such purchaser may, with the consent of the Commissioner in writing, transfer his interest in any such land to any person who is entitled to select land under the provisions of this Act; and in every case the transfer shall be subject to the performance by the transferee of the same conditions as the purchaser was liable to perform land fulfil.

Estate in Land.

Estate of pur-
chaser on credit in
Land purchased.

91 Every purchaser of Crown Lands upon credit shall, subject to the provisions and conditions of this Act, have power to sell or devise, or otherwise transfer or dispose of, or deal with, his interest in the land so purchased by him as freely as if such interest were an estate in fee simple.

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92—(1.) It shall be lawful for the Commissioner to cancel any contract for the sale and purchase of any Crown land held upon credit under this Act or any previous Act regulating the sale or disposal of Crown lands, upon receiving a written request so to do from the purchaser thereof, signed and attested before a Justice of the Peace, and the payment of all arrears of purchase money and interest thereon at the rate of Five pounds per centum per annum.

Contract for purchase of land may be cancelled by request.

(2.) In every case in which a purchaser of Crown Lands on credit becomes entitled to have his contract cancelled, as hereinbefore provided, the Commissioner may, by notice published in the *Gazette*, notify that such contract has been cancelled, whereupon all moneys paid in respect of the purchase of the land, the subject of such contract, shall be forfeited, and the land shall be freed from the contract of sale, and shall revert to the Crown and become disposable as Crown Land under this Act.

Notice to be published.

93 In all cases where land has been sold upon credit under the provisions of this or any other Act relating to the sale and disposal of Crown Lands, 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, it shall be lawful, at any time thereafter, for the Governor on the application of the Commissioner, to declare that the land in respect of which such default has been made is forfeited to the Crown, and thereupon 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.

On failure in payment of any instalment Land may be forfeited.

94 No land shall be declared forfeited to the Crown under the preceding Section until Thirty days' notice of the intention of the Commissioner to have such land declared forfeited has been given by advertisement in the *Gazette*, and also to the purchaser thereof in such manner and form as may be prescribed.

Notice of intention of forfeiture to be given.

95 The Commissioner may, if satisfied that otherwise the conditions of the purchase have been complied with, or that forfeiture would inflict hardship upon the purchaser, delay application to the Governor for forfeiture, and the Commissioner shall charge interest at the rate of One Penny in the Pound sterling or part thereof, of the amount of purchase money in arrear, for every month or part thereof, during which such application for forfeiture has been so delayed, commencing from the date when the payment of the instalment or part of the purchase-money first became due, but no such purchaser shall be permitted to owe more than two instalments on such land at any one time.

Instalments in arrear to bear interest.

96 No Town Lands shall be declared forfeited for non-payment of purchase-money in arrear if the said purchase-money and interest

Town Lands may be redeemed from forfeiture.

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be paid, together with a fine of One Penny for every Pound sterling of the amount of purchase-money in respect of which default has been made in payment thereof, and Five Shillings to cover cost of advertising, within Thirty days from the date of the first publication of notice of the intention of the Commissioner to have such land forfeited.

Rural Land may be redeemed from forfeiture.

97 No Rural Land shall be declared forfeited for non-payment of purchase-money and interest if the purchaser shall pay the amount of the purchase-money in arrear, together with a fine of One Penny for every acre of land in respect of which default has been made, and Five Shillings to cover cost of advertising, within Thirty days from the date of the first publication of such notice.

Land reverting to the Crown to be sold by auction.

98—(1.) In case such land reverts to the Crown in manner hereinbefore provided, the same shall be put up for sale by auction as Crown Land, at such time and place as the Commissioner shall direct:—

(a) In the case of Rural Land at an upset price per acre of not less than One Pound for first-class agricultural land, or Ten Shillings for second-class land, or Five Shillings for third-class land as the case may be.

(b) In the case of Town Land, at such upset price as the Commissioner may think fit.

(2.) The purchase-money to be paid in cash at the time of sale, or, if the purchaser at the time of sale declares that he is desirous of being allowed credit, he shall be allowed credit on the terms mentioned in this Act.

(3.) In case the land so sold realises more than the upset price, the Governor, on the application of the person having made default as aforesaid, may if he think fit authorise the repayment to such persons out of the Consolidated Revenue Fund of any portion of the purchase-money not exceeding the amount of the deposit and instalments paid by such person; and in case such land shall not be sold at such auction the same shall become Crown Land disposable under this Act as if no contract of sale had ever been made.

Devolution of Land purchased.

Interest of purchaser on credit may be sold in execution.

99 Subject to the provisions of this Act, the interest of any purchaser of Crown Land on credit, may be taken in execution and sold by the proper officer.

Interest of Bankrupt to pass to Trustee.
34 Vict. No. 32.

100 If any purchaser of Crown Land on credit becomes Bankrupt or if the affairs of any such purchaser are liquidated by arrangement 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 Act, upon such Trustee producing to the Commissioner the order adjudicating 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; and

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such Trustee or his assignee shall hold such land subject to the performance by such Trustee or assignee of the same conditions as the purchaser was liable to perform and fulfil.

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101 If any purchaser of Crown Land shall die before the whole price of the Land purchased by him is paid, and all the conditions herein attached to such purchase are fulfilled, the Land so purchased shall be held by his trustees, executors or administrators, as the case may be, subject to the fulfilment by them of all unfulfilled conditions, but in trust for and for the benefit of the persons rightly entitled. But a *boná fide* transfer for value by such trustees, executors or administrators, authorised by any will or by their powers or duties as trustees, executors or administrators, shall be held to transfer all the interest of such purchaser, subject to the payment of any unpaid balance of purchase-money and interest, if any; and every such transfer shall be subject to the performance by the transferee of the same conditions as the original purchaser was liable to perform and fulfil.

Where purchaser dies before price of land paid, land to be held by executors, &c.

102 Any sale or other disposition whatsoever of the estate, right, title, or interest of any such purchaser during his lifetime by the Sheriff or any other officer or person by virtue or under the authority of any writ of execution or other process of any Court, or by any person under any decree or order of any Court otherwise than in Bankruptcy, shall pass to a purchaser only such estate, right, title, or interest as the original purchaser himself was entitled to at the date of such sale or disposition, decree or order respectively, and subject to all conditions annexed by this Act remaining unfulfilled at such date as aforesaid.

Interest, &c. of purchaser to pass on sale, &c.

103 When any purchaser of Crown Land dies intestate leaving a widow, or widower, or child, who through poverty is unable to administer the estate of the deceased purchaser, a grant of such land shall issue to the widow, or widower, or child, as the case may be, upon payment of the residue of the purchase-money, but subject to the same estates and interests therein as if Letters of Administration had been taken out in respect thereof; and until payment of such residue of such purchase money such widow, or widower, or child shall hold such land upon the same terms and subject to the same conditions as the original purchaser held such land.

Grant may be issued to widow, &c., upon payment of purchase-money.

104 In any case in which any Crown Land has been purchased on credit under the provisions of this Act, or any Act relating to the sale and disposal of Crown Lands, and the person in whose name the land has been selected, or with whom the Commissioner has entered into a contract for the sale thereof as provided in this Act or in any such Act, or the person to whom the original purchaser or selector has transferred his interest in any such land as aforesaid in accordance with the provisions of this Act or any such Act, has died before the whole of the purchase-money has been paid for such land, and the balance of such purchase-money has been subsequently paid by any other person or

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

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persons in pursuance or on the faith of any agreement made with the original selector or purchaser, or any assignee of the interest in such land of such original selector or purchaser, for the transfer thereof to the person or persons paying such balance of such purchase-money as aforesaid, it shall be lawful for the Governor, upon being satisfied that any such person or persons as last aforesaid is or are entitled in equity and good conscience to a grant of such land, to convey and alienate the same to such person or persons in fee simple by a deed of grant in the manner provided in this Act.

Proviso.

Provided, that before the Governor shall issue any such deed of grant the Commissioner shall publish a notice in the *Gazette* setting forth a description of the land and the name or names of such person or persons to whom it is intended to issue such Deed of Grant, and notifying that in default of any caveat being lodged with the Commissioner within Thirty days from the date of such Notice the Governor will issue a Deed of Grant of such land to such person or persons.

Grant Deed.

Lands to be conveyed by Grant ;

105—(1.) Under and subject to the various provisions contained in this Act or in any Regulations made hereunder, the Governor is hereby authorised, in the name and on behalf of His Majesty, to convey and alienate in fee simple, or for any less estate or interest, any Crown lands, which conveyances or alienations shall be made by Deed of Grant under the hand of the Governor and the Public Seal of the State of *Tasmania*, 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 : but 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 and the conditions of this Act fulfilled.

provided
purchase-money
first paid.

(2.) 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, and delivered to the Recorder of Titles, who shall register and deal with the same in the manner provided by *The Real Property Act*.

25 Vict. No. 16.

Reservation in
Grants of right
to mine for
gold, &c.

106 Every Grant Deed of any Crown Land sold under this Act, shall contain a reservation to the Crown, or to any lessees from the Crown, of the right to mine for gold or other metals or minerals under such land at a depth of not less than Fifty feet from the natural surface thereof : Provided that any person causing any injury or damage to such land or any buildings thereon by mining thereunder, shall be liable for such injury or damage to the owner of the surface of such land. The Grant Deed shall also contain a reservation to the Crown or to any Local Body of the right at all times of making

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and constructing in or on the said land such and so many drains, sewers, and waterways for sanitary or other purposes as may be deemed expedient, and also the right of altering, amending, cleansing, or repairing such drains, sewers, and waterways. A.D. 1903.

PART VII.

AREAS FOR SPECIAL SETTLEMENT.

107 If the Surveyor-General shall at any time report to the Commissioner that there exists an area of first-class agricultural land, not being less than One thousand acres in extent, the Commissioner may withdraw from selection, under the provisions of this Act, such area and such further area of second and third class land adjoining or contiguous to such area as he may think desirable for the purposes of this Part of this Act. Commissioner may withdraw area of land from the operation of this Act.

108 The Commissioner may expend such moneys as may be required for all or any of the following purposes:— Moneys may be expended.

- i. For subdividing the withdrawn area into blocks suitable for the purposes of this Part of this Act, and for surveying such blocks:
- ii. For cutting tracks, surveying, and constructing a road or roads to or within the withdrawn area.

109 The moneys to be expended in surveying and constructing such roads shall not exceed a sum equal to Ten Shillings for every acre of first-class agricultural land, Five Shillings for every acre of second-class land, and Two Shillings and Sixpence for every acre of third-class land, included in the withdrawn area. Limit of amount to be expended.

110 It shall be lawful for the Treasurer for the time being of the State of *Tasmania*, to advance to the Commissioner, out of any moneys for the time being standing to the credit of the Crown Lands Fund, such moneys as may be required by the Commissioner for effecting the objects of this Part of this Act, in respect of any withdrawn area, and moneys so advanced shall be repaid in the manner hereinafter appearing. Moneys may be advanced out of the Crown Lands Fund.

111 After the withdrawn area has been sub-divided into suitable blocks, and such blocks surveyed and classified as provided by this Act, and the said roads have been wholly or in part constructed, the Com- Blocks to be sold by auction.

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Blocks unsold by auction may be sold privately.

missioner shall submit for sale by auction in the manner provided in Part IV. of this Act the blocks so surveyed, and any of the blocks that may not be sold by auction may be declared by the Commissioner by notice in *Gazette* to be open for purchase by private contract in the manner provided in Part IV. of this Act.

Blocks to be subject to provisions of this Act.

112 All blocks sold as provided in the last preceding Section shall be paid for and held subject to the provisions and in the terms of this Act, for the purchase of first-class agricultural land, second-class land, or third-class land, as the case may be.

Application of purchase-money.

113 All moneys received by the Commissioner from time to time in respect of the purchase-money of the said blocks so sold as aforesaid shall be immediately paid by the Commissioner to the Treasurer in part repayment of the moneys so advanced by the Treasurer as aforesaid until the whole of the moneys so advanced in respect of any withdrawn area have been repaid and the balance of such purchase-money shall form part of the Consolidated Revenue Fund.

Provisions of Sections 173 to 175 of this Act not to apply.

114 The provisions of Sections One hundred and seventy-one to One hundred and seventy-three inclusive of this Act shall not apply to any lands included in or that may have been included in any area withdrawn and dealt with under this Part of this Act.

PART VIII.

SALE OF LAND IN MINING TOWNS.

Residence and Business Areas may be sold by auction.

115 Subject to the provisions of this Act, the Commissioner may sell by public auction, in the manner provided by Part IV. of this Act, the surface of any Crown Land occupied as a Residence Area or as a Business Area.

Person in occupation of Residence Area entitled to purchase privately.

116 Any person being the holder of a Residence Licence or Business Licence who shall be in lawful occupation of any Residence Area or Business Area, and who shall be the owner of buildings and permanent improvements upon such land of a value equal to or greater than the upset price of such area, shall be entitled to purchase such area at the upset price at any time prior to the day on which

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such area is to be offered for sale as advertised. The upset price for such area shall not be less than Ten Pounds, exclusive of the value of improvements, cost of survey, and of grant deed. A.D. 1903.

117 The terms of credit for the sale of any land purchased under this Part of this Act shall be as follows:—A sum equal to one-third of the price shall be added 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 equal to one-fourteenth of such purchase-money at the time of sale, and shall contract to pay and shall pay the residue of the purchase-money by thirteen annual instalments of one-fourteenth of the purchase-money, the first instalment to be paid at the expiration of One year from the date of sale; and unless such purchaser pays such residue at such times and in such manner as hereinbefore mentioned the sale of such area shall be void, and the deposit and all instalments paid shall be forfeited and the land shall revert to the Crown. Terms of purchase.

Provided, that any purchaser of any land under this Part of this Act may at any time during the period of credit allowed, and before default is made in payment of any instalment of the purchase-money, pay off the balance then remaining unpaid under the the contract of sale. Proviso.

118 The owner of any buildings or improvements upon any land sold by auction under this Part of this Act shall be entitled to demand and receive from the Commissioner the amount of money at which such buildings or improvements have been assessed by the Commissioner; and in the event of such owner becoming the purchaser of such land the value of such buildings or improvements, so assessed as aforesaid, shall be paid to the owner aforesaid. Owner of buildings to receive value of same.

119 When any land purchased under this Part of this Act has become forfeited to the Crown, such land shall not be available for occupation under a Residence Licence or Business Licence. When land once sold, same not available for licence.

120 When any land purchased under this part of the Act has become forfeited to the Crown, as provided by this Act, it shall be lawful for the Commissionier to offer such land for sale by public auction in the manner provided by Part IV. of this Act. Land forfeited may be sold by public auction.

121 Any dispute arising under this part of this Act shall, except as otherwise hereinbefore provided, be heard and determined in a summary manner by a Court, consisting of a Commissioner of Mines and Two Assessors to be appointed by such Commissioner, to hear the dispute in the manner provided by "The Mining Act, 1900; and the decision of any Two members of such Court shall be final and conclusive, and shall be binding on all parties. Disputes, how determined. 64 Vict. No. 61.

122 It shall be lawful for the Commissioner, or any person authorised by him, to enter upon any Residence Area or Business Area, or upon any leased Crown land, or upon any land held under Power to enter leased land for survey &c.

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Occupation Licence, for the purpose of surveying any Residence Area or Business Area, or for assessing the value of any buildings or improvements upon such land.

Leased land may be resumed.

123—(1.) It shall be lawful for the Governor to resume any portion of the surface of any Crown lands comprised in any lease to the extent of seven-eighths of the area thereof for the purposes of this Part of this Act, and thereupon such lands shall be available for such purposes.

(2.) The lessee from whom such lands may be resumed shall be entitled to compensation for all buildings and improvements on such land when so resumed, but shall not be entitled to any other compensation whatsoever.

Area not to comprise portion of any road, &c.

124 No person shall be entitled to purchase or occupy as a Residence Area or Business Area any portion of a public highway or road or street, or any land reserved for public purposes.

Grant deed evidence of resumption.

125 The issue of a grant deed by the Governor of any land purchased under this part of this Act shall be conclusive evidence that the land as described in such grant deed has been resumed by the Governor for the purposes of this part of this Act, and thereupon the land so described in any such grant deed shall cease to be comprised in any lease.

Half purchase-money may be expended on public works.

126 One-half of all purchase-money received for land sold under this part of this Act shall be set apart from time to time and paid into a special account in the Treasury, to be applied for the purpose of constructing roads, streets, bridges, drains, sewers or waterways or for sanitary and other purposes, in and upon the town where the land so sold is situate, or in the vicinity of such land so sold if not within a town.

All expenditure or liabilities incurred before the passing of this Act in the construction of streets and public works for the benefit of the Residence Areas to the extent of One half of the purchase-money shall be considered to have been lawfully undertaken and paid for.

The Treasurer shall, within Fourteen days after the meeting of each Session of Parliament, furnish an account of the moneys received and allocated under this Section.

Land in mining town may be sold.

127 Any Crown land forming part of any town situate in or near a mining field and not occupied under a Residence Licence, Business Licence, or land leased for mining purposes, may be sold by the Commissioner in the manner provided by Part IV. of this Act notwithstanding that such land has been withdrawn by Proclamation from the operation of the said Act : Provided that any person causing any injury or damage to such land or any buildings thereon by mining thereunder shall be liable for such injury or damage to the owner of the surface of such land : Provided that the Commissioner is satisfied, upon the report of the Secretary for Mines or a Commissioner of Mines, that such land is not required for mining purposes,

Proviso.

*Crown Lands.***PART IX.**

A.D. 1903.

LEASES.

Leases of Land for Wharves, &c.

128—(1.) It shall be lawful for the Commissioner, with the consent of the Governor, to lease to any person, on such terms and conditions and for such period not exceeding Fourteen years as the Governor sees fit—

Leases may be made for constructing and erecting or using wharves, jetties, patent slips, water-courses, and manufactories, &c.

- i. Any land bordering on a navigable river or 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, using, or enjoying 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:
- ii. The right of constructing, using, enjoying, and maintaining across any Crown land or any land reserved by the Crown for the use of the public along the margin of any river or stream, water-courses for the purpose of irrigation or for conveying water to or from any mill or manufactory, or other like purpose, also the right of constructing upon any such reserve or Crown Land, 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 water-courses, and the right of entering upon such Crown Land or reserves from time to time for the purpose of maintaining and repairing such water-courses and works.

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 portion of the bed and soil leased during the continuance of such lease.

(2.) It shall be lawful for the Commissioner in like manner to lease for such period not exceeding Fourteen years as the Governor sees fit—

Any portion of Crown land, or of an island or portion thereof, or of a Crown Reserve for the purpose of erecting thereon, or working any manufactory, mill, or other such work, or for such other purposes as he may think fit.

Provided, that no lease shall be made under this Section unless and until the person applying for such lease obtains the consent to the issue of such lease of the Marine Board, Municipal Council, Town Board, or Trustees of the Road District within whose boundary the land or bed and soil of the river or sea proposed to be leased is situated. Proviso.

129 It shall be lawful for the Commissioner, with the consent of the Governor, to lease for any period not exceeding Fourteen years, to any person applying to rent the same, any Crown land which may be required for the purpose of constructing or working any railway or tramway, at such rent and upon such conditions as the Governor may approve.

Commissioner may lease land for Railways or Tramways.

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Not to interfere with right of navigation or roads, or affect navigation or roads.

130—(1.) No lease shall be made under this part of this Act so as to interfere with the right of access to a navigable river or 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, nor shall any lease be made of any portion of the bed and soil of any navigable river or the sea or any part thereof where it would injuriously affect or interfere with navigation, nor shall any such lease extend to the obstruction or endangering of the navigation of any navigable water, or to the prejudice of any person having any vested interest in any such water, nor shall any such lease be made where it would extend to the obstruction of any road or endanger the use thereof.

Nor to pollute water.

(2.) No manufactory, mill, or other such work shall be erected on any Crown Land or Crown Reserve in the neighbourhood of any river or stream whereby the water thereof shall be polluted so as to injure or endanger the lives of any of His Majesty's subjects making use thereof, or be injurious or destructive to the fish in such river.

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

(3.) Every such lease under this part 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 purpose of the construction or working or discontinuance thereof 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.

No compensation for improvements.

(4.) No compensation shall be given at the expiration of any lease for any improvements effected upon any land, or in or upon the bed and soil of any navigable river or the sea comprised in any such lease.

(5.) In case the whole or any part of the land or bed and soil of any navigable river, or the sea comprised in any such lease, is at any time required for any public purposes, the same may be resumed by the Crown; and it shall be lawful for the Commissioner or any person authorised by him in that behalf to enter thereupon without suit, and upon such entry such lease shall become absolutely void:

Proviso.

Provided that before any such entry shall be made as aforesaid compensation shall be made by the Commissioner to the lessee thereof for all permanent works or improvements which such lessee may have erected or made on the land or bed and soil of any navigable river or the sea so resumed, and such compensation shall be ascertained by valuation in such manner as may be prescribed.

Leases of Lands and Islands for Grazing purposes.

Leases of Lands for grazing purposes.

131—(1.) The Commissioner may from time to time, with the consent of the Governor, by Notice in the *Gazette*, describing with all practicable precision the extent, locality, and boundaries of the runs to be let, with the upset rental affixed to each run, offer to sell by public auction, for any period not exceeding Fourteen years, to any person bidding the highest rental for the same, leases of lands of the Crown, or of islands or any part thereof, for grazing purposes, on a day to be named in such Notice, not being less than Thirty days after the first publication of such Notice in the *Gazette*.

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(2.) Notwithstanding anything hereinbefore contained, the Commissioner may cause a list of all such lands as may have been exposed to rental by auction and not disposed of, with the amount of rent fixed as the upset price for the same respectively, to be published in the *Gazette*, with a Notice that any person who applies after a day to be named in such Notice to rent any such land by private contract, may receive a lease to occupy the same for grazing purposes at the rent fixed as the upset price in such Notice: Provided, that if more than One application is received at the time named to rent such run, such run shall not be let by private contract, but shall be put up for rental by auction as soon thereafter as may be.

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Proviso.

(3.) Such runs may remain open for rental by private contract for One year, and at the expiration of that period may be again put up by auction.

132—(1.) The person who bids the highest sum at any sale by auction by way of annual rental for any run shall be entitled to receive a lease of the same for grazing purposes for any period not exceeding the number of years allowed by this Act, provided he pays One-half of such annual rental at the time of such auction.

Highest bidder to be entitled to lease.

(2.) If there is no bidder at such auction the Commissioner may reduce the amount of rent, and the run may 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 lease for the said run is sold.

133 If, and whenever any person shall, by being the highest bidder at auction, become liable for the payment of the rental, and such person shall fail to pay the amount necessary under such bid on the day on which such auction is held, such person shall be guilty of a breach of agreement under this Act, and upon conviction, shall forfeit and pay a penalty of double the amount of such rental in respect of which default has been made.

Penalty on highest bidder not paying amount of rent.

134—(1.) No lease shall be deemed to prevent such run or any part thereof from being resumed by the Commissioner for the purpose of being alienated or dealt with under this Act or any other Act for other than grazing purposes, provided that the Commissioner shall give to the lessee Six months' notice of his intention to resume such run or part thereof, and upon the expiration of the said notice such lease shall become void as to the said run or part thereof, as the case may be: Provided that, when any such run or any part thereof is resumed for the purpose of being alienated or dealt with under this Act, or any other Act, compensation shall be made by the Commissioner to the lessee of such run for all fences, buildings, and permanent improvements which such lessee may have erected or made on the land so resumed, such compensation to be ascertained by valuation in such manner as may be prescribed.

Land may be resumed by the Commissioner.

Proviso.

(2.) Whenever a run or any part thereof is resumed under this Section, if the land resumed is sold under this Act, the amount of the

Compensation for improvements.

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compensation made by the Commissioner for such fences, buildings, and permanent improvements shall be paid by the purchaser in cash at the time of sale in addition to the purchase money of such land.

Provision in case part of a run shall be resumed, &c.

135 In case the value of any run is diminished by reason of any portion thereof being resumed under this or any other Act, the lease to occupy the lands comprised in such run shall be deemed to be revoked to the extent that such run is diminished by reason of any such portion being resumed; and the Commissioner shall determine the amount of rent to be paid in future in respect of the residue of such run.

Rent to be determined by the Commissioner.

136 The upset annual rent to be paid for every such 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 considers such run to be capable of carrying; but in no case shall the upset annual rent be fixed at less than Five Shillings per Hundred acres.

Rent to be paid half-yearly.

137 The rent reserved by every lease of Crown land for grazing purposes 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 lease commences or is determined during any half-year, then a proportionate part only of such rent shall be paid by the lessee; and every such lease shall be determinable on non-payment of the rent within One month after the same has become due.

If rent not paid interest shall be charged.

138 In all cases where the rent reserved by every such lease shall not be paid within One month from the date when such rent becomes due, the Commissioner shall charge such lessee interest at the rate of Five Pounds per centum per annum on the amount of the unpaid rent; and the same, with interest thereon as aforesaid, may be recovered by process of law, provided that the Commissioner may, if he thinks fit, delay enforcing payment under this Section for a period of Six months after such rent becomes due.

Proviso.

How rent is recoverable.

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

Interest of lessee may be transferred.

140 Any lease, and the interest of any lessee therein, may be transferred by writing attested by a Justice of the Peace, and in such form as may be prescribed: Provided, that no transfer shall be recognised until all rent then due shall be paid.

Registration of transfer.

141 Every transfer of the interest in a run held under a lease of Crown land for grazing purposes shall be registered at the office of the Commissioner; and until registration has been made such transfer

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shall have no effect or operation, and no interest either at law or in equity shall be deemed to have passed thereby. A.D. 1903.

142 Every lease of Crown land for grazing purposes shall contain a condition for the payment of the rent at the times hereinbefore mentioned, and such other conditions and provisions not inconsistent with this Act as may be prescribed. Condition in lease.

143 If at any time while any such lease is in force it is shown to the satisfaction of the Commissioner that any condition of such lease has been violated, the Commissioner may forfeit and revoke such lease, and may dispose of the run to which such lease applied as if such lease had never been issued; and the lessee, and his executors, administrators, and assigns, shall be taken to have forfeited all right, title, and interest under such lease, and to be as against His Majesty and the Commissioner, or any person claiming under His 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 lease shall be conclusive evidence that such lease has been lawfully forfeited and revoked. Commissioner may forfeit and revoke lease on violation of conditions.

144 Any lessee of Crown Land for grazing purposes may, unless the lease contains a provision to the contrary, fell, for building or fencing purposes in connection with the demised land, any timber growing on such land or on any unoccupied Crown Land adjacent thereto. Lessee may fell timber for building or fencing.

145 Every lessee of Crown Land for grazing purposes under this or any other Act relating to the sale and disposal of Crown Lands may determine his lease by giving at least Six months' notice in writing to the Commissioner, on any of the half-yearly days appointed for the payment of the rent reserved by such lease, of an intention so to do, and upon payment of the rent for the half-year succeeding such notice; and upon the expiration of such notice the lease shall determine. Lessee may determine lease.

146 Notwithstanding anything contained in this or any other Act relating to the sale and disposal of Crown Lands, it shall be lawful for the Commissioner to authorise in writing any person or persons to enter upon any Crown Land leased for grazing purposes, to search thereon for metals, minerals, or precious stones, or any purpose other than for grazing, for which a licence may be issued under this Act; and the Commissioner shall cause a copy of such authority to be sent to the lessee; and any person acting under any such authority shall not be deemed a trespasser by reason of any entry upon such lands for any such purpose. Power to search for gold, &c. on leased Pastoral lands.

147—(1.) Upon the expiration by effluxion of time of leases of Crown Land for grazing purposes, the Commissioner shall, when offering leases of such lands for sale as provided by this Act, with the upset rental affixed to each run, specify the amount which the Commissioner Improvements made upon run by lessee to be paid for by incoming lessee.

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shall consider the fair and reasonable value of all improvements erected or constructed upon the run.

(2.) The person who shall become entitled to receive a lease of such land shall pay in cash at the time of sale to the Commissioner, or person appointed by him, the amount so fixed as the value of such improvements; and in default of such payment the run shall be forthwith again put up for auction.

(3.) The Commissioner, upon being satisfied by the outgoing lessee that such improvements or any portion thereof were erected or constructed by such lessee, or are his property by purchase or otherwise, may pay to him the whole amount received or so much thereof as shall represent the value of his improvements, but so that the sum paid to any such outgoing lessee shall not exceed the amount received by the Commissioner from the incoming lessee as hereinbefore provided.

(4.) If any lease of any such land is not sold as herein provided the outgoing lessee shall for the period of Three months from the expiration of his lease be entitled to remove from such land such improvements as the Commissioner is satisfied were erected or constructed by him, or are his property by purchase or otherwise, and upon the expiration of such period of Three Months such improvements shall absolutely vest in the Crown.

(5.) In the construction of this Section, the word "improvements" shall include all wire fences, post and rail fences, buildings, sheep-yards, stock-yards, and other permanent improvements.

PART X.**LICENCES.**

Licences may be granted to fell timber, to remove gravel and stone, &c.

148—(1.) The Commissioner may grant to any person Licences for the following purposes, on such terms and conditions as may be prescribed—

- I. For felling, cutting, splitting, or removing the timber, or any particular description of timber, or bark growing on any Crown Lands :
- II. To remove gravel, clay, or stone from any Crown Lands or from any Crown Reserve, or to make bricks, or pottery, or burn charcoal, or quarry stone, sand, clay, shells, or marl thereon, and to remove the same.
- III. To shoot or hunt upon any unoccupied Crown Lands :
Provided that in the case of lands leased or held under Licence for grazing purposes the special permission of the Commissioner shall be first obtained.

Locality of licence to be specified.

(2.) Every such licence shall specify the particular locality in which it is to be in force, and no such licence shall in any case extend to land surveyed for sale or for which any application to purchase has been approved, and for which the Survey Fee or any part thereof has been paid, or which the Commissioner may consider should be specially excepted from the operation of such licence.



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149 It shall be lawful for the Commissioner to grant to any person a licence to take possession, for any time not exceeding Twelve months from the date thereof, of any Crown Lands on such terms and conditions as may be prescribed.

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Licence for possession.

Occupation Licences.

150—(1.) It shall be lawful for the Commissioner to cause documents, called "Occupation Licences," to be issued in such form and subject to such conditions as may be prescribed to any person of the full age of Twenty-one years or upwards applying for the same, upon payment of the fee hereinafter provided.

Occupation Licences to be issued.

(2.) Every Occupation Licence shall describe the position and area of the land to be occupied thereunder.

(3.) No person shall at any time hold more than One Occupation Licence.

(4.) Any person who shall be the holder of an Occupation Licence shall, subject to the provisions of this Act and to the regulations made hereunder, be entitled, except as against His Majesty, to take possession of and occupy the surface of any Crown Land within any mining field not exceeding One quarter of an acre, and not withdrawn from the operation of this Act.

Licensee may take possession.

Residence Licences.

151—(1.) It shall be lawful for the Commissioner to cause documents called "Residence Licences" to be issued, in such form and subject to such conditions as may be prescribed, to any person of the full age of Twenty-one years or upwards applying for the same, upon payment of the fee hereinafter provided.

Residence Licences may be issued.

(2.) Every Residence Licence shall describe the position and area of the land to be occupied thereunder.

(3.) No person shall at any time hold more than One Residence Licence.

(4.) Any person who shall be the holder of a Residence Licence shall, subject to the provisions of this Act and to the Regulations made hereunder, be entitled, except as against His Majesty, to take possession of and occupy for residence as a domicile only, the surface of any Crown Land, not exceeding One quarter of an acre, within any Town situate within a mining field, and which has been surveyed and been declared, by notice under the hand of the Commissioner and published in the *Gazette*, to be available for the purpose of residence.

Licensee may take possession.

Business Licences.

152—(1.) It shall be lawful for the Commissioner to cause documents called "Business Licences" to be issued, in such form and subject to such conditions as may be prescribed, to any person of the full age of Twenty-one years or upwards applying for the same, upon payment of the fee hereinafter provided.

Business Licences may be issued.

(2.) Every Business Licence shall describe the position and area of the land to be occupied thereunder.

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Licencee may take possession.

(3.) No person shall at any time hold more than One Business Licence.

(4.) Any person who shall be the holder of a Business Licence shall, subject to the provisions of this Act and to the Regulations hereunder, be entitled, except as against His Majesty, to take possession of and occupy for business purposes for any period not exceeding One year, the surface of any Crown land situate within any mining field, not exceeding One quarter of an acre, and which has not been withdrawn from the operation of this part of the Act.

General.

Commissioner may decline to issue Licence.

153 The Commissioner may decline to issue any Licence under this Act if, in his opinion, the land to be occupied thereunder is likely to be required for sale or for other purposes.

Licences to expire on Thirty-first *December* in each year.

154 Every Occupation, Residence, or Business Licence shall expire on the Thirty-first day of *December*, in the year in which it shall have been issued, unless sooner determined in accordance with the provisions of this Act.

Fees payable under this Act.

155 The following Fees shall be payable in each and every year in respect of—

- i. An "Occupation Licence," the sum of Five Shillings :
- ii. A "Residence Licence," the sum of Ten Shillings :
- iii. A "Business Licence," the sum of Twenty Shillings.

Provided, that when any Residence or Business Licence shall be applied for after the Thirtieth day of *June* in any year, the fee payable for such licence for the remaining portion of the year shall, in the case of a "Residence Licence," be Five Shillings ; and, in the case of a "Business Licence," be Ten Shillings.

Holders of licences may erect buildings.

156 Every "Occupation," "Residence," or "Business" Licence shall, subject to the provisions of this Act and of the Regulations made hereunder, entitle the holder thereof, during the continuance of such licence, to put up any building or other erection, and to remove the same at any time before but not after the expiration of such licence ; and every such holder shall, during the continuance of such licence, be deemed in law to be possessed (except as against His Majesty) of the surface only of the land for which such licence shall have been issued, and the property in such land shall be deemed a chattel interest.

Holder of Occupation Licence not entitled to compensation.

157 The holder of any "Occupation Licence" shall not be entitled to receive any compensation in respect of any building or other erection put up by him upon the land held under such licence.

Holders of licence may take possession of leased land.

158 Where any person being the holder of any "Occupation Licence" or "Business Licence" desires to take possession under such licence of any portion of Crown land already leased under the provisions of any Act relating to mining, he shall, before doing so, obtain permission in

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writing for that purpose from a Commissioner of Mines, who shall notify the lessee of his intention to grant such permission, and to call upon the lessee to show cause (if any) why such permission should not be granted, and if demanded within Thirty days from the date of such permission, such person shall pay compensation to the lessee of such land for the loss or inconvenience, if any, such lessee may incur by such occupation; and such compensation, if not agreed upon by the parties, shall be settled by a Commissioner of Mines, whose decision shall be final.

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159 The Commissioner may at any time, upon giving not less than Three months' notice by writing under his hand to the holder of any "Occupation Licence," cancel such licence and at the expiration of time specified in such notice the holder of such licence shall give up possession of and quit the land held under such licence.

Power to cancel Occupation Licence.

160 The holder of any "Residence Licence" or "Business Licence" may transfer the same to any person, not debarred under this Act, by endorsement thereon signed by him in the presence of and attested by a witness; and another licence shall be granted by the Commissioner to the person named in such endorsement upon production and surrender of such licence so endorsed, and upon a payment of a fee of Two Shillings and Sixpence; and every such last mentioned licence shall be dated of the date and at the place of issuing thereof, and shall be in force for the then unexpired period of the licence, as aforesaid.

Licence may be transferred.

161 The holder of any licence issued under this Act shall produce the same upon demand to any Constable or to any Bailiff of Crown Lands, or to any person duly authorised by the Commissioner to demand the same; and if any such person shall not produce the same when demanded he shall be deemed to be unlicensed, and upon conviction shall be liable to forfeit and pay a penalty not exceeding Five Pounds.

Holders of licence to produce same.

PART XI.**RESUMPTION OF LANDS.**

162 All Lands selected or alienated under the provisions of this or any former Act relating to the sale of Crown Lands may be resumed for mining purposes by His Majesty on paying full compensation to the selector, grantee, or purchaser thereof for the value, other than that of gold or other minerals contained in such Land, 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*.

Lands alienated to be subject to resumption for mining.

21 Vict. No. 11.

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Lands leased for grazing purposes may be resumed for mining purposes.

163 Any Lands leased for grazing purposes under Part IX. of this Act upon which gold, or other metals or 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 lessee for all fences, buildings, and permanent improvements which he may have erected or made upon the lots or parcels so leased and resumed, such compensation to be ascertained by valuation in such manner as may be prescribed.

Upon forfeiture, &c., land to revert to Crown.

164 In case any grant, contract, lease, licence, or other agreement whatsoever under this or any former Act in respect of any Crown Land becomes void or is determined, or in case any Land granted or disposed of in any manner under this or any former Act relating to Crown Land reverts or becomes forfeited to the Crown, the Land comprised in any such grant, contract, lease, licence, or agreement, or so forfeited, shall immediately be disposable under this Act as Crown Lands; and it shall be lawful for the Commissioner or any person authorised by him, with the consent of the Governor, to enter upon any such Land without suit.

PART XII.

UNLAWFUL POSSESSION OF LANDS.

Penalty for unauthorised possession of or depasturing on Crown Land.

165 If any person is found in unauthorised possession of or using any Crown Land, or depastures without authority in that behalf any cattle or sheep or other animals 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 a Bailiff of Crown Lands authorised in that behalf by the Commissioner.

Penalty for other trespasses on Crown Land.

166 If without lawful authority any person cuts, digs, or takes, or employs any other person to cut, dig, or take from any Crown Land or Crown Reserve any timber, gravel, stone, limestone, salt, guano, shells, sand, loam, or brick earth or bricks made therefrom, or any other substance whatever, or strips or removes bark from any tree growing or being thereon, 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 a penalty not exceeding Ten Pounds.

Penalty on persons cutting timber contrary to Proclamation.

167 If any person, contrary to any Proclamation made by the Governor in Council under this Act, or not being duly licensed or

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otherwise authorised so to do, cuts or removes upon or from any land therein mentioned any timber or bark, or any particular description of timber mentioned in any such Proclamation, he shall, in addition to any punishment or penalty provided by any law now or hereafter in force, for every such offence forfeit and pay any sum not exceeding Ten Pounds.

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168 Where the Commissioner is by this or any former Act authorised to resume or enter upon any land 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 possession of such land, or where any person is in the unlawful possession of any Crown Lands 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, to issue under his hand a Warrant addressed to a Bailiff of Crown Lands requiring him in His Majesty's name forthwith to dispossess and remove every such person from any such land, and to re-possess the same in the name of His 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 such Bailiff, aid and assist in the execution of such Warrant; and no action shall be maintainable against such 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.

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

169 Any person who unlawfully obstructs the Commissioner, or any person by him authorised in that behalf, in resuming any Crown 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

Any person obstructing Commissioner or Bailiff liable to penalty.

170 No action shall be brought for anything done under this Act, in relation to the resuming or entering upon Land, or the issue or execution of any such Warrant as aforesaid, 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

Protection of persons dispossessing unlawful occupiers.

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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.

PART XIII.**CONSTRUCTION OF ROADS AND OTHER PUBLIC WORKS.**

Crown Land Fund.

171 So soon as Five hundred acres of first-class agricultural land have been purchased under Parts II, IV, or V of this Act, in not less than Five lots adjoining or within a short distance of each other, the Governor shall for the purpose of surveying and making roads, bridges, or drains in the vicinity of the lands so sold, raise a sum equal to Ten Shillings per acre for every acre so taken up, by the issue and sale of Debentures chargeable on the "Consolidated Revenue Fund"; and all the provisions of the Act of the Parliament of *Tasmania* of the 20 *Victoria*, No. 9, shall apply to the Debentures to be issued in pursuance of this Act.

Money to be raised for making roads.

172 The Governor is hereby authorised to raise, in the manner provided in the last preceding Section, a sum of money not exceeding Five Shillings for every acre of second-class land sold, and of Two Shillings and Sixpence for every acre of third-class land sold, for the purpose of making roads, bridges, drains, or such other works as the Governor-in-Council may approve of in the vicinity of any Land sold under this Act.

Power to raise money for streets and other improvements in towns.

173 So soon as land has been sold within any Town, not within a Mining Area, under this or any previous Act regulating the sale and disposal of Crown Lands, of a value of not less than Two hundred and fifty Pounds, it shall be lawful for the Governor, for the purpose of making streets, roads, or other improvements in the vicinity of the lands so sold, to raise a sum equal to Ten Shillings for every Pound of the value of such land, by the issue and sale of debentures, chargeable to the Consolidated Revenue Fund.

Appropriation of half purchase-money.

174 One half of all purchase-money received on and after the date of this Act for land sold or selected under this Act, other than in any City, shall be set apart from time to time, and paid into "The Public Debts Sinking Fund," and shall be applied in manner mentioned in "The Public Debts Sinking Fund Act, 1881."

45 Vict. No. 15.

Purchase of land for constructing Roads, &c.

175 For the purpose of constructing and completing roads, bridges, tramways, jetties, wharves, drains, and sewers, or for any other purpose under this Act, it shall be lawful for the Commissioner, or for such Persons or Boards as the Governor may appoint, under Regulations to be made for that purpose, to purchase and take, in the mode prescribed by *The Lands Clauses Act*, such land as he or they

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

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21 Vict. No. 11.

176 In any case where land or material is required for the purposes of this Act, if the Commissioner, before any steps are taken under *The Lands Clauses Act*, tender to the person entitled to receive the same, compensation for severance and otherwise for such land or material, then if such person refuses to accept the same and to convey the land so required, or permit the same to be used or material taken, as the case may be, and a reference to arbitration takes place under *The Lands Clauses Act*, and the Arbitrators or Umpire award a sum not exceeding the amount of compensation so tendered, all the costs of the reference, arbitration, and award shall be paid by such person, and such payment may be enforced by action in any Court of competent jurisdiction on a count for money paid at the request of such person.

Costs of arbitration, how to be borne.

21 Vict. No. 11.

177 Where the Commissioner or such Persons or Boards give notice of an 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 the Commissioner or such persons or Boards, as the case may be, deem it inexpedient to pay the amount of compensation so determined, he or 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.

If compensation excessive, land may be given up.

178 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.

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

179 Whenever it is intended to take land for any of the purposes aforesaid, it shall be lawful for the Commissioner or such persons or Boards, as the case may be, after Seven day's notice served upon the occupier, to enter upon any land and to stake out the same in such manner as he or 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.

Entry upon land.

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Renting land.

180 It shall be lawful for the Commissioner or 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.

181 It shall be lawful for the Commissioner or for such persons or Boards, after Twenty-one day's 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 the Commissioner or 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.

182 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 the Commissioner or such persons or Boards, as the case may be, after Seven day's 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 damage thereby sustained.

When fenced land taken, gates to be erected.

183 No entry shall be made upon any fenced land until the Commissioner or such persons or Boards, as the case may be, 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 and out of such fenced land.

How compensation to be ascertained.

21 Vict. No. 11.

184 The compensation for taking 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.

If either party to an award is dissatisfied therewith a Judge of the Supreme Court may decide thereon.

185—(1.) Notwithstanding anything to the contrary contained in any Act, if either party is dissatisfied with the award of the Arbitrators or Umpire where the sum awarded for compensation exceeds the sum of One hundred Pounds, and either party desires to have the compensation settled by a Judge of the Supreme Court, and shall, within Ten days after the making of such award and notice thereof, signify such desire by notice in writing to the other party, then the amount of such compensation shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose; and such Judge may also in his discretion make any Order as to the person by whom the costs of such proceedings shall be borne.

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(2.) Where the party dissatisfied with the award gives notice to the other party as aforesaid, then such award shall not be made a Rule of Court until such Judge by an Order in writing under his hand determines the matter in dispute. A.D. 1903.

(3.) The Rules made by the Judges of the Supreme Court under "The Main Line of Railway Amendment Act, No. 2," shall be applicable to all proceedings which shall be taken for carrying out the provisions of this Section. 36 Vict. No. 19.

186 Whenever the Governor is authorised by this Act to raise any money by the issue and sale of Debentures for the purposes of this Act, it shall be lawful for the Treasurer to borrow and receive all such money in the manner provided by "The Local Inscribed Stock Act, 1895." Money required by said Act may be raised by Inscribed Stock. 59 Vict. No. 6.

PART XIV.**REGULATIONS.**

187—(1.) The Governor is hereby empowered from time to time to make and issue Regulations, not inconsistent with and subject to the provisions of this Act, for the following purposes, and any such Regulations may be altered or repealed from time to time— Regulations

- I. For providing for the examination of candidates for appointment as Surveyors :
- II. For defining the duties of Surveyors, and of controlling all surveys made by them under this Act :
- III. For fixing the expense of making surveys under this Act :
- IV. For the care, protection, and management of all public reserves and of all places of public recreation which are reserved to His Majesty, and of which the care and control are not by law vested in some Local Body, and for the preservation of good order and decency therein :
- V. For defining the duties and powers of the Conservator of Forests, and for regulating and controlling the cutting of timber on Crown Lands :
- VI. For prescribing the forms of all applications, licences, leases, contracts, and other documents contemplated by this Act or found to be necessary to give effect to its provisions :
- VII. For fixing the fees and charges to be paid upon all such applications, licences, leases, contracts, and other documents as aforesaid, and upon transfers of interest in land under this Act, and for the preparation of Grant Deeds :

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- viii. For prescribing the manner of classification of Rural Lands :
- ix. For regulating the traffic upon any track passing through any Crown Lands :
- x. For the destruction of Native Tigers, and prescribing rewards therefor :
- xi. Prescribing penalties not exceeding Five Pounds for felling or cutting trees so that the same fall along or across any track as aforesaid, or into any river or stream ; or for the breach or non-observance of any regulation made under this Act ; and
- xii. For prescribing the width of the tires of the wheels of vehicles so as to regulate the weight of any load to be carried upon any such vehicle upon any road or track situate outside the control of any Road Trust or Town Board ; and to prescribe such penalty not exceeding Five Pounds for any breach of such regulations.

And generally respecting all other matters and things necessary for the more effectual carrying into effect the object and purposes of this Act.

In this Section the word " track " shall mean and include any track used for traffic, whether the same has been cut or made by the expenditure of public money or by private enterprise.

(2.) Any person who shall offend against any Regulation made under this Section for the care, protection, and management of all public reserves and of all places of public recreation, and for the preservation of good order and decency therein, shall upon conviction thereof pay a penalty not exceeding Five Pounds ; and any person who shall continue to offend against any such Regulations after he shall have been warned by any Bailiff of Crown Lands or any Constable, may be forthwith apprehended by such Bailiff or Constable, and taken before some Justice of the Peace, and shall, on conviction, where no other penalty is provided, forfeit and pay a penalty not exceeding Ten Pounds. Every such Regulation shall be posted in some conspicuous spot in every place to which the same is applicable.

Regulations to be published.

188—(1.) All Regulations made by the Governor under the authority of this Act shall be published in the *Gazette*, and shall take effect from the date of the publication thereof in the *Gazette*, unless otherwise provided in such Regulations ; and in all legal proceedings the production of the *Gazette* containing any such Regulations shall alone be sufficient *prima 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 thereof.

(2.) All such Regulations shall be laid before both Houses of Parliament within Fourteen days from the making thereof if Parliament is then in Session, and if not, then within Fourteen days after the commencement of the next Session ; and if in any case any Regulation made under this Act shall be disallowed by a Resolution of either House of Parliament it shall thereupon become void and cease to have force or effect.

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MISCELLANEOUS.

189 The acceptance by or on behalf of the Crown of any purchase-money, or part thereof, due with respect to any Crown Land, or of interest on the balance thereof, or of rent or other payment under any lease or licence, shall not be held to have operated or to operate hereafter as a waiver by the Crown of any forfeiture accruing by reason of the breach of any condition precedent or subsequent annexed by law to the estate or interest of a purchaser, lessee, or licensee. But nothing herein contained shall affect any proceedings instituted in any Court before the commencement of this Act, or in any case where it shall be proved that the Crown, through the Commissioner or any authorised officer, has had full knowledge, by notice or otherwise, of the breach of any such condition before the acceptance of such money, interest, rent, or other payment.

No waiver by acceptance of interest, purchase money, or rent.

Proviso.

190 No error, inaccuracy, or uncertainty in the written description of Land granted, purchased, or leased under this or any former Act relating to the sale and disposal of Crown Lands, shall violate the purchase, licence, or lease in any case where the Governor in Council shall be satisfied that the Land occupied by the purchaser, licensee, or lessee is the Land intended to be applied for by such purchaser, licensee, or lessee; and whenever it may become necessary to adjust the boundaries of any such land, the Surveyor-General shall on such adjustment certify as to the correct boundaries and area of such Land, or any portion or portions thereof; and for every such Certificate there shall be paid and taken such fee as shall be prescribed.

Error in written description.

191 The survey boundaries of any allotment or other parcel of Land marked on the ground at the time of the Crown survey thereof, and shown by survey posts, pegs, trenches, or other survey marks; shall, as to any such parcel of land heretofore or hereafter granted or demised by the Crown, be and be deemed to have been the true boundaries of such parcel of land, whether such boundaries upon admeasurement are or are not found to be of the same dimensions, or to include the same area as the boundaries or description of such parcel given in the Crown Grant or Crown Lease thereof.

Survey boundaries to be deemed the true boundaries.

192 Every Crown Grant and Crown Lease purporting to convey a section, allotment, or other parcel of land, whether describing it by a distinguishing number, a letter, or by metes and bounds, or otherwise, shall be deemed to convey the land included within the survey boundaries of such parcel of land marked on the ground in the Crown Survey thereof, notwithstanding any discrepancy between the dimensions of such survey boundaries or the area they include, and the dimensions or area expressed in such Grant or Lease or shown in any plan used in connection with the alienation by the Crown of such parcel of land: Provided that nothing in this and the last preceding Section

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

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shall apply to any such section, allotment, or parcel of land where an actual patent mistake or error can be shown to the satisfaction of the Commissioner to have been made, and any such patent mistake or error may be corrected by endorsement by the Governor upon such Grant or Lease.

Deeds not liable to Stamp Duty.

193 No deed or other instrument made by, to, or with His Majesty or the Commissioner for the purchase, conveyance, or transfer of any Land taken under this Act for any public purpose, shall be subject to any Stamp Duty now or hereafter imposed by any Act, or to the payment of any other fees payable to the Government of the State of *Tasmania*, except such fees and charges as may be prescribed by Regulations made under this Act.

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

194 Any Surveyor or Officer acting under the authority of the Surveyor-General, Commissioner, or any person acting in aid or under the orders of such Surveyor or Officer, may after notice from time to time, without making compensation, except for damage done, enter into and upon any land, 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.

Penalty on persons injuring Surveyor's Marks.

195 Every person who wilfully or maliciously removes, alters, defaces, injures, or destroys any Surveyor's pegs or any land-mark, or, with the intent of misleading any person or persons, imitates any Surveyor's mark, shall on conviction of every such offence, forfeit and pay a penalty of not less than Ten Pounds and not exceeding Fifty Pounds: Provided, that the Surveyor-General, or such person as he may appoint, may by writing authorise any person to remove, alter, deface, injure, or destroy any such Surveyor's peg or land-mark.

Penalty for obstructing roads.

196 Every person who wilfully obstructs any reserved road, such road not being under the care, control, and management of any Main Road District Board or the Trustees of any Road District, so as to prevent the free passage of any person, carriages or other vehicle, or stock, shall forfeit and pay a penalty not exceeding Ten Pounds; and it shall be lawful for any Bailiff of Crown Lands to remove, take down, or prostrate any obstruction caused by any person to any such road.

Penalty for neglect or refusal to sign lease, contract, &c.
54 Vict. No. 8.

197 Every person, who by reason of any provision of this Act, or of "The Crown Lands Act, 1890," is required to sign any lease, agreement, contract, declaration, or other document for the purposes of this Act, or of "The Crown Lands Act, 1890," shall fail, neglect, or refuse to sign the same when called upon so to do by notice under the hand of the Commissioner, or any person authorised by him in that behalf, within the space of Sixty days from the date of such notice, shall forfeit and pay a sum not exceeding Ten Pounds, but such failure, neglect, or refusal aforesaid, shall not exempt such persons from liability to pay any rent, fee, or other money which would otherwise be due or payable by such person if such lease, agreement, contract, declaration, or other document had been signed.

Crown Lands.

- 198** All penalties imposed or made payable by this Act or by any Regulation made under 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.* A.D. 1903.
Recovery of penalties.
19 Vict. No. 8.
- 199** All penalties received by any person by virtue of this Act, shall, save as aforesaid, be paid into the Treasury as Territorial Revenue, and form part of "The Consolidated Revenue Fund." Appropriation of penalties.
- 200** Where in any Act any of the Acts hereby repealed are referred to, this Act shall hereafter be deemed to be referred to, and the provisions of this Act, so far as they are applicable, shall apply in the same manner as the provisions of any such Act hereby repealed. Reference to other Acts.

SCHEDULE.

(1.)

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
54 Vict. No. 8	The Crown Lands Act, 1890	The whole Act
57 Vict. No. 12	The Crown Lands Amendment Act, 1893	The whole Act
58 Vict. No. 13	The Crown Lands Amendment Act, 1894	The whole Act
59 Vict. No. 31	The Crown Lands Amendment Act, 1895	The whole Act
62 Vict. No. 38	The Crown Lands Amendment Act, 1898	The whole Act
64 Vict. No. 21	The Crown Lands Amendment Act, 1900	The whole Act
2 Ed. No. 33	The Crown Lands Amendment Act, 1902	The whole Act
64 Vict. No. 30	The Residence Areas Act, 1900	The whole Act

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(2.)

100 acres at £1 per acre... ..	£	s.	d.
	100	0	0
Add one-third for credit	33	6	8
	<hr/>		
Purchase money	£133	6	8
	<hr/> <hr/>		

	s.	d.	£	s.	d.	
Cash at time of purchase... ..	0	8	per acre	3	6	8
1st year	1	0	"	5	0	0
2nd year	1	0	"	5	0	0
3rd year	2	0	"	10	0	0
4th year	2	0	"	10	0	0
5th year	2	0	"	10	0	0
6th year	2	0	"	10	0	0
7th year	2	0	"	10	0	0
8th year	2	0	"	10	0	0
9th year	2	0	"	10	0	0
10th year	2	0	"	10	0	0
11th year	2	0	"	10	0	0
12th year	2	0	"	10	0	0
13th year	2	0	"	10	0	0
14th year	2	0	"	10	0	0
	<hr/>			£133	6	8
	<hr/> <hr/>					

and in like proportion for any greater or smaller area than 100 acres.

(3)

100 acres at 10s. per acre... ..	£	s.	d.
	50	0	0
Add one-third for credit	16	13	4
	<hr/>		
Purchase money	£66	13	4
	<hr/> <hr/>		

	s.	d.	£	s.	d.	
Cash at time of purchase... ..	0	4	per acre	1	13	4
1st year	0	6	"	2	10	0
2nd year	0	6	"	2	10	0
3rd year	1	0	"	5	0	0
4th year	1	0	"	5	0	0
5th year	1	0	"	5	0	0
6th year	1	0	"	5	0	0
7th year	1	0	"	5	0	0
8th year	1	0	"	5	0	0
9th year	1	0	"	5	0	0
10th year	1	0	"	5	0	0
11th year	1	0	"	5	0	0
12th year	1	0	"	5	0	0
13th year	1	0	"	5	0	0
14th year	1	0	"	5	0	0
	<hr/>			£66	13	4
	<hr/> <hr/>					

and in like proportion for any greater or smaller area than 100 acres.

Crown Lands.

(4.)

A.D. 1903.

100 acres at 5s. per acre		£	s.	d.
Add one-third for credit		25	0	0
		8	6	8
		<hr/>		
Purchase money		£33	6	8
		<hr/>		
	s.	d.	£	s.
Cash at time of purchase... ..	0	2	per acre	0 16 8
1st year	0	3	"	1 5 0
2nd year	0	3	"	1 5 0
3rd year	0	6	"	2 10 0
4th year	0	6	"	2 10 0
5th year	0	6	"	2 10 0
6th year	0	6	"	2 10 0
7th year	0	6	"	2 10 0
8th year	0	6	"	2 10 0
9th year	0	6	"	2 10 0
10th year	0	6	"	2 10 0
11th year	0	6	"	2 10 0
12th year	0	6	"	2 10 0
13th year	0	6	"	2 10 0
14th year	0	6	"	2 10 0
				<hr/>
				£33 6 8
				<hr/>

and in like proportion for any greater or smaller area than 100 acres.

(5.)

50 acres at £1 per acre		£	s.	d.
Add one-third for credit		50	0	0
		16	13	4
		<hr/>		
Purchase money		£66	13	4
		<hr/>		
	s.	d.	£	s.
Cash at time of purchase... ..	0	2	per acre	0 8 4
1st year				<i>Nil.</i>
2nd year				<i>Nil.</i>
3rd year				<i>Nil.</i>
4th year	0	10	per acre	2 1 8
5th year	0	10	"	2 1 8
6th year	0	10	"	2 1 8
7th year	2	0	"	5 0 0
8th year	2	0	"	5 0 0
9th year	2	0	"	5 0 0
10th year	2	0	"	5 0 0
11th year	2	0	"	5 0 0
12th year	2	0	"	5 0 0
13th year	2	0	"	5 0 0
14th year	2	0	"	5 0 0
15th year	2	0	"	5 0 0
16th year	2	0	"	5 0 0
17th year	2	0	"	5 0 0
18th year	2	0	"	5 0 0
				<hr/>
				£66 13 4
				<hr/>

and in like proportion for any smaller area than 50 acres.

Crown Lands.

A.D. 1903.

(6.)

	£	s.	d.
100 acres at £1 per acre.....	100	0	0
Add one-third for credit	33	6	8
Purchase money	£133	6	8

	£	s.	d.
Cash at time of purchase—One-fortieth of purchase money	3	6	8
1st year.....	9	5	8
2nd year.....	9	5	8
3rd year.....	9	5	8
4th year.....	9	5	8
5th year.....	9	5	8
6th year.....	9	5	8
7th year.....	9	5	8
8th year.....	9	5	8
9th year.....	9	5	8
10th year.....	9	5	8
11th year.....	9	5	8
12th year.....	9	5	8
13th year.....	9	5	8
14th year.....	9	6	4
Purchase money	£133	6	8

and in like proportion for any greater or smaller amount of purchase money.

(7.)

	£	s.	d.
100 acres at 10s. per acre.....	50	0	0
Add one-third for credit	16	13	4
Purchase money	£66	13	4

Cash at time of purchase—One fortieth of purchase price	1	13	4
1st year.....	4	12	10
2nd year.....	4	12	10
3rd year.....	4	12	10
4th year.....	4	12	10
5th year.....	4	12	10
6th year.....	4	12	10
7th year.....	4	12	10
8th year.....	4	12	10
9th year.....	4	12	10
10th year.....	4	12	10
11th year.....	4	12	10
12th year.....	4	12	10
13th year.....	4	12	10
14th year.....	4	13	2
Purchase money	£66	13	4

and in like proportion for any greater or smaller amount of purchase money.



Crown Lands.

(8.)

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	£	s.	d.
100 acres at 5s. per acre... ..	25	0	0
Add one-third for credit... ..	8	6	8
Purchase money	£33	6	8

	£	s.	d.
Cash at time of purchase—One fortieth of purchase price	0	16	8
1st year... ..	2	6	5
2nd year... ..	2	6	5
3rd year... ..	2	6	5
4th year... ..	2	6	5
5th year... ..	2	6	5
6th year... ..	2	6	5
7th year... ..	2	6	5
8th year... ..	2	6	5
9th year... ..	2	6	5
10th year... ..	2	6	5
11th year... ..	2	6	5
12th year... ..	2	6	5
13th year... ..	2	6	5
14th year... ..	2	6	7
	£33	6	8

and in like proportion for any greater or smaller amount of purchase money.

(9.)

	£	s.	d.
Survey fee for 100 acres	11	0	0
Interest at 2s. 6d. in the Pound	1	7	6
	£12	7	6

REPAYMENTS.

	£	s.	d.
One-fifth on demand	2	9	6
1st year	2	9	6
2nd year... ..	2	9	6
3rd year... ..	2	9	6
4th year... ..	2	9	6
	£12	7	6

and in like proportion for any greater or smaller amount of Survey fee.

