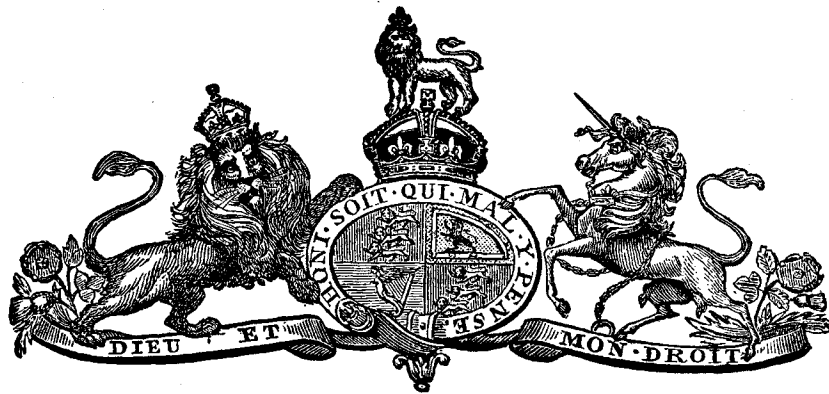


T A S M A N I A.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 31.



AN ACT to amend "The Crown Lands Act, A.D. 1905.
1903." [20 November, 1905.]

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

1 This Act may be cited as "The Crown Lands Act, 1905," and shall be incorporated and read as one with "The Crown Lands Act, 1903," hereinafter referred to as "the Principal Act." Short title.
Interpretation.
3 Ed.VII.No.39.

2 Section Three of the Principal Act is hereby amended by omitting therefrom the paragraph defining "Crown Lands" and "Lands of the Crown," and by inserting in lieu thereof the following paragraph :— Amendment of
definition of
"Crown Lands."

" 'Crown Lands' and 'Lands of the Crown' mean lands which are or may become vested in His Majesty, and which are not for the time being reserved for or dedicated to any public purpose, or granted or lawfully contracted to be granted in fee simple by or on behalf of the Crown, and which are not held under or subject to any Lease, Licence, or Right, or application for Lease or Licence, or as a claim under any Act relating to mining.'

Crown Lands Amendment.

A.D. 1905.

Repeal and re-enactment of Section Seventeen of Principal Act. "Town Lands" and "Rural Lands" defined.

3 Part I. of the Principal Act is hereby amended, as follows :—

(1.) Section Seventeen is hereby repealed, and the following Section substituted in lieu thereof :—

" **17** In the construction of and for the purposes of this Act—

'Town Lands' means and comprises 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, township, or village, or which now are or hereafter may be set apart, surveyed, or laid out in lots as the site for a town :

'Rural Lands' means and comprises all lands other than 'Town Lands.' "

(2.) Section Twenty-one is hereby repealed, and the following Section substituted in lieu thereof :—

" **21** It shall be lawful for the Commissioner, with the consent of the Governor, to lease to any person, on such terms and subject to such regulations, conditions, and stipulations as may be prescribed, and for any period not exceeding Twenty-one years, any portion, not exceeding One thousand five hundred acres, of Crown Land (including Crown Land which may have been proclaimed by the Governor a Timber Reserve under this Act), for the purpose of obtaining timber or firewood therefrom : Provided that no such lease shall be granted of a greater area than One hundred acres for the taking of timber or firewood within Five miles of any town situated in any mining field."

Repeal and re-enactment of Section 21 of Principal Act. Timber leases may be granted.

Amendment of Section Twenty-three.

(3.) Sub-section (1.) of Section Twenty-three of the Principal Act is hereby amended by striking out the words "any action, suit," at the commencement of the Sub-section, and inserting the words "all actions, suits," in lieu thereof ; and by striking out the word "may" in line Four, and inserting the word "shall" in lieu thereof.

Selection of Land.

4 Sections Thirty, Thirty-one, and Thirty-two of the Principal Act are hereby repealed.

Repeal of Sections 30, 31, and 32 of Principal Act.

5 For the purposes of selection for purchase—

Value and class of land to be fixed.

i. The Surveyor-General shall, in the prescribed manner, and after survey, unless previously classified by him, fix the value and class of any Rural Land :

ii. Rural Land shall be classified in the prescribed manner as First-class, Second-class, or Third-class land, as the case may be :

iii. Rural Land shall be deemed to be—

(a) First-class land if its value is so fixed at or above One Pound per acre ;

(b) Second-class land if its value is so fixed at less than One Pound per acre, and not less than Ten Shillings per acre ;

Class of land defined according to its value.

Crown Lands Amendment.

- (c) Third-class land if its value is so fixed at less than Ten Shillings per acre, and not less than Five Shillings per acre: A.D. 1905.
- rv. The value so fixed shall be the price of the land :
- v. Every application— Applications.
- (a) Shall be made in the prescribed form and manner, and a fee as prescribed shall be forwarded therewith ;
- (b) By a selector to purchase First-class land shall contain an offer to purchase the land upon credit at the price of One Pound per acre, subject to the land being available for purchase ;
- (c) By a selector to purchase Second-class or Third-class land, unclassified at the time of application, shall contain an offer to purchase the land upon credit at the value per acre to be fixed by the Surveyor-General in the prescribed manner, and shall be deemed to be made subject to the land being of the class applied for.

6—(1.) Any person of the age of Eighteen years or upwards may, Who may select.
subject to the provisions of this Act, select and purchase under this Act—

- i. At the price and upon the terms set forth in the Schedule (2.) to the Principal Act, One lot of First-class land, not exceeding Two hundred acres nor less than Fifteen acres, provided such person is not then the holder upon credit of any land classified as First-class land (under this or any Act relating to the sale of Crown Lands) or any unclassified Rural Land for which the whole of the purchase-money has not been paid :
- ii. At the value per acre, to be fixed by the Surveyor-General in the prescribed manner, and upon the terms set forth in Sub-section (2.) of this Section, One lot of Second-class land, not exceeding Two hundred and fifty acres nor less than Thirty acres, provided such person is not then the holder upon credit of any land classified as Second-class land (under this Act or any Act relating to the sale of Crown Lands) for which the whole of the purchase-money has not been paid :
- iii. At the value per acre, to be fixed by the Surveyor-General in the prescribed manner, and upon the terms set forth in Sub-section (2.) of this Section, One lot of Third-class land, not exceeding Five hundred acres nor less than Sixty acres, provided such person is not then the holder upon credit of any land classified as Third-class land (under this Act or any Act relating to the sale of Crown Lands) for which the whole of the purchase-money has not been paid.

Crown Lands Amendment.

A.D. 1905.

(2.) Upon the sale of any Second-class or Third-class land purchased under this Section 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 One-fortieth part 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, of which each of the First Two instalments shall equal in amount One-twenty-sixth part of such residue, and each of the remaining instalments shall equal in amount One-thirteenth part of such residue in the manner set forth in the example in the Schedule hereto; the First instalment to be paid at the expiration of One year from the time of sale.

Regulation of
additional
selections.

7—(1.) Every person who has selected and purchased any land (whether under this Act or the Principal Act, or any Act repealed by the Principal Act) may make a further selection and purchase, provided that the total area of First-class, Second-class, and Third-class lands held by him on credit at any time under all selections shall not exceed—

i. In the case of First-class land, Two hundred acres :

ii. In the case of Second-class land, Two hundred and fifty acres :

iii. In the case of Third-class land, Five hundred acres :

nor in any of the said cases 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.

(2.) For the purposes of this Section, if any person is the holder of unclassified Rural Land upon credit, and desires to make an additional selection and purchase, the unclassified Rural Land so held by him upon credit shall be deemed to be First-class land.

Selector not in
compliance with
Act under which
he purchased not
to be eligible to
make further
selection.

8 Notwithstanding anything to the contrary contained in this or any other Act, no person who during the Three years immediately preceding his application to select and purchase land under this Act has already purchased land under this Act or the Principal Act or any Act repealed by the Principal Act, shall be eligible to make a further selection and purchase of land under this Act unless he has complied with all the conditions imposed by the Act governing and regulating the selection and purchase of the land already selected and purchased by him.

Amendment of
Section 33 of
Principal Act.

9 Section Thirty-three of the Principal Act is hereby amended by striking out the words "paying One-fifth of the prescribed expense of surveying such land, as set forth in Part III. of this Act," in lines five, six, and seven, and by inserting in lieu thereof the words "the Commissioner notifying him that the land is available, and can be purchased in accordance with his application."

Crown Lands Amendment.

10 Notwithstanding anything to the contrary contained in this or any Act relating to the sale of Crown Lands, the Surveyor-General may classify any area before survey, and such land shall thereupon be available for selection or sale at the prices so classified.

A.D. 1905.

Classification of land before survey.

Survey.

11—(1.) From and after the commencement of this Act, the provisions of Part III. of the Principal Act shall only apply to First-class land selected and purchased under the Principal Act or this Act.

Part III. of Principal Act to apply only to First-class selected land.

(2.) Part III. of the Principal Act is hereby modified and amended as follows:—

i. Sub-section (1.) of Section Forty-two of the Principal Act is hereby repealed, and the following Sub-section substituted in lieu thereof:—

Repeal and re-enactment of Section 42.

“**42**—(1.) The applicant for a selection of First-class land 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 within the prescribed time after payment thereof has been demanded from him by or on behalf of the Commissioner, pay One-fifth of the whole amount, otherwise his application may be cancelled; and he shall pay the balance by Four equal annual payments upon the terms and as set forth in Schedule (9).”

Applicant to pay Survey fee.

ii. Sub-section (2.) of Section Forty-two is hereby repealed, and the following Sub-section substituted in lieu thereof; and the said Section shall be read and construed as if the following Sub-section had been a part thereof at the commencement of the Principal Act:—

Repeal of Sub-section (2.) of Section 42.

“(2.) The first of such annual payments shall be made within One year after the survey has been effected and the applicant has been notified that the land is available.”

iii. Section Forty-three of the Principal Act is hereby repealed, and the following Section substituted in lieu thereof; and the Principal Act shall be read and construed as if the following Section had been a part thereof at the commencement thereof:—

Repeal of and re-enactment of Section 43.

“**43** The non-payment of any part of any survey fee, after payment has become due, 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 if default is made by any applicant for a selection or purchaser under selection in payment of any part of any survey fee after payment has become due, then the whole of the survey fee then remaining unpaid shall become forthwith due and payable, and may be sued for and recovered from the applicant or purchaser, as the case may be, in any Court of competent jurisdiction by the Commissioner or any person appointed by him in that behalf, as a debt due to the Crown.”

Penalty for non-payment of Survey fee.

Crown Lands Amendment.

A.D. 1905.

Repeal and re-enactment of Section 44. Land to be surveyed.

iv. Section Forty-four of the Principal Act is hereby repealed, and the following Section substituted in lieu thereof:—

“**44** As soon as conveniently can be after payment of One-fifth of the survey fee as herein provided by the applicant the Commissioner shall cause the land applied for to be surveyed in the prescribed manner, but the applicant shall have no right to require the Commissioner to enter into a contract of sale with him until the survey has been effected, and the Commissioner has notified him that the land applied for is available and can be purchased in accordance with his application.”

Selectors of Second-class or Third-class land to pay survey fee on demand:

12 Every person who after the commencement of this Act, as a selector, applies for Second-class or Third-class land under any of the provisions of the Principal Act or of this Act, shall within the prescribed time, after payment thereof has been demanded from him by or on behalf of the Commissioner, pay the prescribed expense of surveying the land applied for, otherwise his application shall be cancelled; and as soon as conveniently can be, after payment of the survey fee, the Commissioner shall cause the land applied for to be surveyed in manner prescribed; but the applicant shall have no right to require the Commissioner to enter into a contract of sale with him until the survey has been effected, and the Commissioner has notified him that the land applied for is available and can be purchased in accordance with his application.

Selector of First-class land to pay balance survey fee forthwith if he neglect to sign contract.

13 Any applicant for a selection of First-class land for whom the land applied for has been surveyed pursuant to Section Forty-four of the Principal Act, and who neglects or refuses, upon demand being made in the prescribed manner, to enter into the contract for the sale and purchase of the said land, shall be liable for the payment forthwith to the Commissioner of the balance of the expenses of survey remaining unpaid, and such balance may be sued for and recovered from such applicant in any Court of competent jurisdiction by the Commissioner, or any person appointed by him in that behalf, as a debt due to the Crown.

Sale of Land.

Amendment of Part IV. of Principal Act.

Repeal and re-enactment of Sections 46 and 47 of Principal Act.

Certain lands may be sold by auction.

14 Part IV. of the Principal Act is hereby modified and amended as follows:—

(1.) Sections Forty-six and Forty-seven are hereby repealed, and the following Sections substituted in lieu thereof:—

“**46**—(1.) The following Crown Lands may be sold by public auction, in the manner and subject to the conditions hereinafter prescribed:—

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

Crown Lands Amendment.

“(2.) All Rural Lands to be offered for sale by auction shall, after survey and before sale, be classified as— A.D. 1905.

- I. First-class lands :
- II. Second-class lands :
- III. Third-class lands.

“**47** The lowest upset price of Rural Lands offered for sale by auction is hereby fixed at One Pound per acre for First-class land, Ten Shillings per acre for Second-class land, and Five Shillings per acre for Third-class land.” Upset price.

(2.) Section Forty-nine is hereby repealed, and the following Section substituted in lieu thereof :— Repeal and re-enactment of Section 49 of Principal Act.

“**49** The area of any lot of Rural Land put up for sale by auction, not being Rural Land situate within a Mining Area, shall not exceed—

- I. Two hundred acres, if First-class land :
- II. Two hundred and fifty acres nor be less than Thirty acres, if Second-class land :
- III. Five hundred acres nor be less than Sixty acres, if Third-class land.”

15 No person who selects and purchases, or purchases at auction, Crown Land on credit after the commencement of this Act shall be entitled to hold on credit at any one time (inclusive of any Crown Land held by him on credit under a selection or purchase made before the commencement of this Act) more than Two hundred acres of First-class land, Two hundred and fifty acres of Second-class land, and Five hundred acres of Third-class land. Amendment of Section 51 of Principal Act.

Mining Areas.

16 The provisions of Sections Sixty-six to Seventy-one, both inclusive, and of Section Seventy-three of Part V. of the Principal Act, shall apply to all land selected and purchased, or bought at public auction, or by private contract, within any area proclaimed under the Ninth Section of “The Waste Lands Act, 1881,” as an area for the purposes of that Act, and also to all land selected and purchased, or bought at public auction, or by private contract, within any area proclaimed under the Forty-eighth Section of “The Crown Lands Act, 1890,” as a Mining Area for the purposes of that Act. Sections 66 to 71 and Section 73 of Part V. of the Principal Act to be applicable to land selected and purchased, or bought at auction, within Mining Areas proclaimed under former Acts.

17—(1.) Section Sixty-three of the Principal Act is hereby amended by striking out the word “Agricultural” in line Three. Amendment of Sections 63, 64, 65, 72, and 73 of Principal Act.

(2.) Section Sixty-four of the Principal Act is hereby amended by inserting in line Three, after the word “auction,” the words “and if offered for sale by auction and not sold, then by private contract.”

(3.) Section Sixty-five of the Principal Act is hereby amended by inserting the words “any First-class land” after the word “or” in line One, and by inserting the words “or by private contract in the manner provided by Part IV. of this Act” after the word “auction” in line One.

Crown Lands Amendment.

A.D. 1905.

(4.) Section Seventy-two of the Principal Act is hereby amended by inserting the words "or offered for sale" after the word "for" in line Three, and by inserting the words "or offered for sale" at the end of the said Section.

(5.) Section Seventy-three of the Principal Act is hereby amended by striking out the word "hereinafter" in line Seven, and inserting the word "hereinbefore" in lieu thereof.

Conditions of Purchase.

Residence conditions under Sections 84 and 86 of Principal Act dispensed with.

18—(1.) From and after the commencement of this Act, notwithstanding anything contained in the Principal Act to the contrary, the conditions as to residence upon Second-class and Third-class lands imposed by Sections Eighty-four and Eighty-six of the Principal Act need not be complied with, and are hereby dispensed with in the case of any such land—

- i. Selected and purchased before the commencement of this Act under Section Thirty-one of the Principal Act: or
- ii. Purchased upon credit before or after the commencement of this Act, by public auction or private contract, under Part IV. of the Principal Act.

(2.) No Second-class or Third-class land which before the commencement of this Act was selected and purchased under Section Thirty-one of the Principal Act, or purchased upon credit, by public auction or private contract under Part IV. of that Act, and which at the commencement of this Act is not declared forfeited, shall be liable to forfeiture to the Crown by reason only of any breach of the conditions as to residence committed prior to the commencement of this Act.

Amendment of Part VI. of Principal Act. Amendment of Section 77.

19 Part VI. of the Principal Act is hereby modified and amended as follows:—

(1.) In line One of Section Seventy-seven the word "Agricultural" is struck out; in line One of Sub-section (2.) of the said Section the word "Agricultural" is struck out; and the following proviso is added at the end of Sub-section (1.) of the said Section:—"Provided that where the area of any First-class land so sold is less than Fifteen acres, such area shall be sold for cash and not upon credit."

(2.) Sub-section (2.) of Section Seventy-eight is hereby repealed.

(3.) Sub-section (2.) of Section Seventy-nine is hereby repealed.

(4.) Section Eighty is hereby repealed, and the following Section substituted in lieu thereof:—

"**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 rural land upon credit shall not be entitled to pay off

Repeal of Sub-section (2.) of Sections 78 and 79.

Repeal and re-enactment of Section 80.

Purchaser on credit may pay off at any time.

Provisos.

Crown Lands Amendment.

the balance then remaining unpaid until such purchaser has made substantial improvements upon such land to the value of One Pound for every acre of the land if First-class land, or to the value of Five Shillings for every acre thereof if Second-class land, or to the value of Two Shillings and Sixpence for every acre thereof if Third-class land : Provided further that the purchaser upon credit of any Rural land under this Act (not being land classified as Second-class or Third-class land) shall not be entitled to pay off the balance then remaining unpaid until such purchaser has also complied with the conditions of residence upon such land as imposed by this Act.”

(5.) Sections Eighty-one and Eighty-two are hereby repealed, and the following Sections substituted in lieu thereof:—

“**81** At the expiration of One year from the date of the contract of sale and purchase of any First-class land, the purchaser of such land shall begin to effect substantial improvements on the lands 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.

“**82** Any First-class Rural land purchased on credit under the provisions of this Act (not being land purchased under Sections Thirty-three or Sixty-three of this Act), and any First-class land purchased on credit 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 Two years after the date of contract of sale and purchase, and shall be continuous : Provided that any such purchaser of First-class land under this Act shall have effected substantial improvements on such land to the value of One Pound for every acre 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.”

(6.) Section Eighty-three is hereby amended by striking out the words “ a sum equal to one-half the price of such land,” at the end of the Section, and inserting instead thereof the words “ Five Shillings for every acre of such land.”

(7.) Sections Eighty-four and Eighty-six are hereby repealed, and the following Sections substituted in lieu thereof:—

“**84** The purchaser of any Second-class land upon credit under this Act shall have effected substantial improvements on such land to

A.D. 1905.

Repeal of Sections 81 and 82.

Improvements to be effected on First-class land.

Proviso.

Residence on First-class land necessary.

Grant not to issue until improvements effected.

Amendment of Section 83.

Repeal and re-enactment of Sections 84 and 86.

Crown Lands Amendment.

A.D. 1905.

the value of not less than Five Shillings for every acre of such land before a Grant Deed shall be issued therefor; and in default of such improvements having been effected in accordance with the provisions of this Act, the land, together with all improvements, shall become absolutely forfeited, and shall thereupon revert to the Crown.

“**86** The purchaser of any Third-class land upon credit under this Act shall have effected substantial improvements on such land to the value of not less than Two Shillings and Sixpence for every acre of such land before a Grant Deed shall be issued therefor; and in default of such improvements having been effected in accordance with the provisions of this Act, the land, together with all improvements, shall become absolutely forfeited, and shall thereupon revert to the Crown.”

(8.) Section Eighty-five is hereby amended by striking out the words “a sum equal to One-fourth of the price of such land,” at the end of the Section, and inserting instead thereof the words “Two Shillings and Sixpence for every acre of such land.”

(9.) Section Ninety-eight is hereby amended by striking out the word “Agricultural” in line Five.

Areas for Special Settlement.

Amendment of Part VII. of Principal Act.

20 Part VII. of the Principal Act is hereby modified, and amended as follows:—

(1.) Section One hundred and seven is hereby repealed, and the following Section substituted in lieu thereof:—

Repeal and re-enactment of Section 107.

Commissioner may withdraw area of land from the operation of this Act. Amendment of Sections 109 and 112.

“**107** If the Surveyor-General shall at any time report to the Commissioner that there exists an area of Rural land, not being less than One thousand acres in extent, and which, in his opinion, is First-class land suitable for Agricultural, Horticultural, or Dairy Farming purposes, the Commissioner may withdraw from selection, under the provisions of this Act, such area and such further area of inferior land adjoining or contiguous to such area as he may think desirable for the purposes of this Part of this Act.”

(2.) The word “Agricultural” is struck out of Sections One hundred and nine and One hundred and twelve.

Amendment of Section 117 of Principal Act.

21 Section One hundred and seventeen of the Principal Act is hereby amended by inserting at the end of the Section the following words, “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.”

Miscellaneous.

Amendment of Section 149 of Principal Act.

22—(1.) Section One hundred and forty-nine of the Principal Act is hereby amended by striking out in line Two the words “Twelve months,” and inserting the words “Five years” in lieu thereof, and by inserting in line Three, after the word “Lands,” the words “for such purposes, and.”

Crown Lands Amendment.

(2.) Licences granted under the lastmentioned Section shall be called "Temporary Licences." A.D. 1905.

23 Section One hundred and seventy-one of the Principal Act is hereby amended by striking out, in line One, the word "Agricultural." Amendment of Section 171 of Principal Act.

24 Section One hundred and seventy-four of the Principal Act is hereby amended by inserting in line Three, after the word "City," the words "and other than for land sold under Part VIII. of this Act": This Amendment shall take effect as from the Sixth day of *January*, One thousand nine hundred and four. Amendment of Section 174 of Principal Act.

25—(1.) Whenever Crown land is disposed of upon credit under the Principal Act, there shall be included in each lot of such land an excess of area in the proportion of Five acres to every One hundred acres, and so in proportion for any greater or smaller area than One hundred acres; and if at any time within Fifteen years from the date of the contract of sale of such land, whether the whole of the purchase money for such land shall have been paid or not, and notwithstanding that the Grant Deed shall have been issued for the same, the Minister of Lands and Works shall determine that it is necessary for public convenience to reserve roads across the said land, or to divert or alter any road already reserved, the excess area included in any lot by virtue of this Act may be resumed by His Majesty for any of the purposes aforesaid, without being required to make any payment for the land resumed: Provided that compensation shall be made by the Minister of Lands and Works to the owner of such lot for all fences, buildings, and permanent improvements which the latter may have erected or made on the land so resumed, such compensation to be ascertained by valuation in such manner as may be prescribed: Provided further, that if the Grant Deed shall have been issued for such lot prior to the expiration of Fifteen years, compensation for any excess area taken as aforesaid shall be paid at the same rate per acre as was paid by the purchaser. Area to be included for roads in lots of land sold upon credit. 52 Vict. No. 33, s. 5.

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

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

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

26 Whenever any purchaser of land purchased on credit under the Principal Act has become liable to have his land forfeited on account of his failure to comply with the conditions of residence upon such land Governor may suspend residence in certain cases.

Crown Lands Amendment.

A.D. 1905.

imposed by that Act, it shall be lawful for the Governor to suspend compliance with such conditions for any period not exceeding Five years from the date of the contract of sale and purchase, upon sufficient and satisfactory grounds being shown for non-residence.

Grant of land to reserve gold, silver, and other metals, &c.

27 The Grant Deed of any Crown Land granted after the commencement of this Act shall not include or convey property in gold, silver, copper, tin, or other metals, ore, mineral, or other substances containing metals, or gems or precious stones, or coal or mineral oil in or upon such land, the same being reserved by the Crown.

Limitation of right to mine under Town allotments, &c.

28 Section One hundred and six of the Principal Act is hereby repealed, and the following Section substituted in lieu thereof:—

“**106** Every Grant Deed of any Crown Land included within the boundaries of any Town which is within the limits of any proclaimed Goldfield or Mining Field 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 of the right at all times of making 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.”

Power to raise certain moneys for making streets or roads in vicinity of land at *Cascades* and at *New Town* authorised to be sold by 54 Vict. No. 44, Sect. 2.

29—(1.) Notwithstanding anything to the contrary contained in the Act of Parliament of *Tasmania*, 54 *Victoriae*, No. 44, it shall be lawful for the Governor to raise by the issue and sale of Debentures or Inscribed Stock, chargeable to the Consolidated Revenue Fund, a sum of money not exceeding One thousand Pounds, for the purpose of making streets or roads in the vicinity of land and buildings at *Cascades*, *Hobart*, being Item 1, in Schedule (1.) to the lastmentioned Act; and also a further sum of money, not exceeding Five hundred Pounds (in addition to any moneys authorised and expended before the commencement of this Act), for the purpose of making streets or roads in the vicinity of land and buildings at *New Town*, and known as the Government Farm, being Item 2 in the said Schedule.

Appropriation of half purchase-money.

(2.) One-half of the purchase-money received after the Twenty-eighth day of *November*, One thousand eight hundred and ninety, on account of the sale of the said land and buildings at *Cascades*, *Hobart*, and of the said land and buildings at *New Town*, and known as the Government Farm, 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.

Crown Lands Amendment.

30 All contracts made or entered into and all applications made for the selection of land under the principal Act, 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 Principal Act.

A.D. 1905.

Contracts, &c.,
continued.**SCHEDULE.**

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

							£	s.	d.
Cash at time of purchase, one-fortieth of purchase price	..	..	..	..	..	..	1	13	4
1st year, one twenty-sixth of residue	..	..	..	..	..	..	2	10	0
2nd year, ditto	..	..	..	..	..	..	2	10	0
3rd year, one-thirteenth of such residue	..	..	..	..	..	..	5	0	0
4th year, ditto	..	..	..	..	..	..	5	0	0
5th year, ditto	..	..	..	..	..	..	5	0	0
6th year, ditto	..	..	..	..	..	..	5	0	0
7th year, ditto	..	..	..	..	..	..	5	0	0
8th year, ditto	..	..	..	..	..	..	5	0	0
9th year, ditto	..	..	..	..	..	..	5	0	0
10th year, ditto	..	..	..	..	..	..	5	0	0
11th year, ditto	..	..	..	..	..	..	5	0	0
12th year, ditto	..	..	..	..	..	..	5	0	0
13th year, ditto	..	..	..	..	..	..	5	0	0
14th year, ditto	..	..	..	..	..	..	5	0	0
							<u>£66</u>	<u>13</u>	<u>4</u>

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

