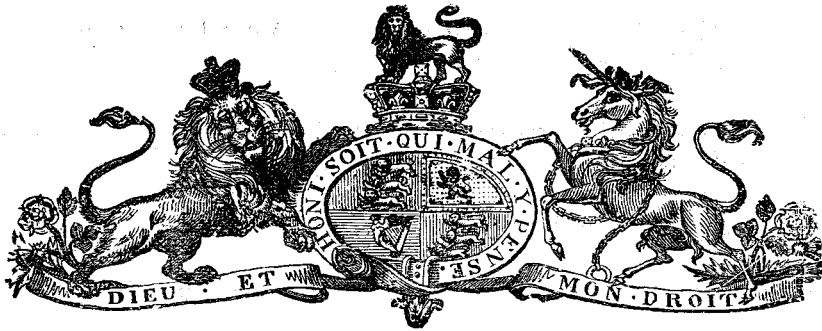


T A S M A N I A.



1891.

ANNO QUINQUAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 30.

ASSEMBLED 36 19
ACTED 57 17

AN ACT to regulate the Sale and Disposal A.D. 1891.
of Crown Land occupied under any
Residence Licence, Business Licence, or
Miner's Right. [10 November, 1891.]

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 for all purposes as “The Residence Areas Act, 1891.” Short title.

2 Section Fifty-nine of “The Crown Lands Act, 1890,” is hereby repealed. Repeal.
54 Vict. No. 8

3 In the construction of this Act, unless the context otherwise determines, the following words shall have the respective meanings hereby assigned to them, that is to say:— Interpretation.

“Commissioner” shall mean the Commissioner of Crown Lands as defined by “The Crown Lands Act, 1890.”

“Residence Area” shall mean the surface of any Crown Land occupied under a Residence Licence, Business Licence, or

Residence Areas.

A.D. 1891.

Miner's Right, issued under any Act relating to mining for gold or other metals or minerals.

Residence Areas may be sold by auction, &c.

4 Notwithstanding anything to the contrary contained in any Act, or any right acquired under any Act, it shall be lawful for the Commissioner to sell by public auction the surface of any Crown Land occupied as a Residence Area.

Upset price.

5—(1.) The upset price at which any Residence Area shall be offered for sale by auction shall be fixed by the Commissioner.

Survey before sale.

(2.) All Residence Areas shall, before sale, be surveyed and delineated in the public charts of the Colony, in such lots as are subsequently offered and put up for sale.

Area.

(3.) The area of any Residence Area offered for sale by auction shall not, without the consent of the Governor in Council, exceed One quarter of an acre in extent.

Notice of sale by auction to be published.

6 Within Three months and not less than One month next preceding the sale of any Residence Area under this Act, the Commissioner shall, by notice in the *Gazette*, declare the time and place at which such sale will be held, and what are the Residence Areas to be offered for sale at such auction, and the upset prices at which they will be offered for sale; and lithographed or other plans of the Areas 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 Areas or such place as the Commissioner shall in such notice specify, 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.

7—(1.) Previously to the publication of such Notice, the Commissioner shall make an estimate of what should be the upset price of the Residence Areas to be specified in such Notice, including in such estimate the cost of Survey and of the Grant Deed, together with the value of any buildings or improvements on such Areas; and the Commissioner shall submit such estimate for the consideration of the Governor in Council, who may vary such estimate or approve thereof, and the upset prices named in such estimate, when so varied or approved of, shall be the upset prices of the Residence Areas to be specified in such Notice.

(2.) The Commissioner may from time to time in any subsequent Notice of the intended sale by auction of any Residence Areas which have been previously offered for sale and not sold, raise or lower the upset prices of such Areas, according to circumstances, in like manner as they were originally fixed.

Land not to be sold at auction at less than advertised upset prices.

8 No Residence Area shall be sold at a lower price than the upset price of such Area as fixed and advertised in the last preceding published Notice of the intended sale of such Area.

Certain persons in occupation of area entitled to purchase privately.

9 Any person, being ~~the~~ holder of a Residence Licence, Business Licence, or Miner's Right, who shall be in occupation of any Residence Area at the date of this Act, and who shall have erected or made buildings and permanent improvements upon such area of a value equal to or greater than the upset price of such area, shall be entitled

Rep. by 60 Vict. No. 40 Sec. 3 which may be cited in lieu of this section

Residence Areas.

to purchase such Area at the upset price by private contract at any time prior to the day on which such Area is advertised to be offered for sale. A.D. 1891.

The upset price for such Area shall not be less than Ten Pounds or more than Fifty Pounds, exclusive of the value of improvements, cost of Survey, and of the Grant Deed.

10 Upon the sale of any Residence Area under this Act, the purchaser shall, at the time of such sale, pay a deposit of One-sixth of the purchase money in cash, and shall contract to pay the residue of the purchase money by Five equal monthly instalments, the first of such instalments to be paid at the expiration of one month from the time 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. **Payment of purchase money.**

56. Vic. No. 19.

Provided, that any purchaser of any Residence Area 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 contract of sale.

11 Any person or company who is the holder of a lease of any Crown land issued under "The Mineral Lands Act, 1884," or "The Gold Fields Regulation Act, 1880," and who shall have erected a residence thereon to the value of Fifty Pounds, shall be entitled to purchase by private contract a portion of such Crown land, not exceeding One-quarter of an acre in extent, as a Residence Area under this Act. The upset price for such Area shall not be less than Ten Pounds or more than Fifty Pounds, exclusive of the value of improvements thereon, cost of Survey, and of the Grant Deed. **Holder of lease under 47 Vict. No. 10 or 44 Vict. No. 16 entitled to Area.**

12 The value of any buildings or improvements upon any Residence Area to be sold under this Act shall be assessed in such manner as the Commissioner shall from time to time direct, and such assessment when made shall for the purposes of this Act be final. **How buildings &c. to be assessed.**

13 The owner of any buildings or improvements upon any Residence Area sold under 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 under this Act; and in the event of such owner becoming the purchaser of such Residence Area, the value of such buildings or improvements so assessed as aforesaid shall be deducted from the purchase money of such Residence Area. **Owner of buildings, &c. to receive value of same.**

14 Any dispute arising under this Act shall 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 Section Fifty-nine of "The Mineral Lands Act, 1884"; and the decision of any Two Members of such Court shall be binding and conclusive on all parties. **Disputes how determined.**

The provisions of "The Mining Appeals Regulation Act, 1882," shall not apply to any proceedings before a Commissioner and Assessors under this Section.

15 The Grant Deed of any land purchased under this Act shall contain a reservation to the Crown, or to any lessee from the Crown, of the right to mine for gold or other metals or minerals under such **Grant Deed to contain right to mine under surface.**

Residence Areas.

A.D. 1891. land at a depth of not less than Twenty 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.

Power to enter leased land for surveys, &c.

16 It shall be lawful for the Commissioner, or his servants or agent, to enter upon any Residence Area, or upon any leased Crown land, for the purpose of surveying any Residence Area, or for assessing the value of any buildings or improvements upon any Residence Area.

Leased land may be resumed.

17—(1.) It shall be lawful for the Governor in Council to resume any portion of any Crown lands comprised in any lease for the purposes of this Act.

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

(3.) When any leased Crown land shall be resumed under this Act, the Minister of Lands and Works may remit a proportionate part of the rent payable by the lessee for so much of such land as shall be resumed as aforesaid.

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

18 Notwithstanding anything to the contrary herein contained, no person or company shall be entitled to purchase or occupy as a Residence Area any portion of a public highway or road or street, or any land reserved for public purposes.

Grant Deed to be evidence of resumption.

19 The issue of a Grant Deed by the Governor of any land purchased under this Act shall be conclusive evidence that the land as described in such Grant Deed has been resumed by the Governor in Council for the purposes of this Act; and thereupon the land so described in any such Grant Deed shall cease to be comprised in any lease theretofore granted containing such land.