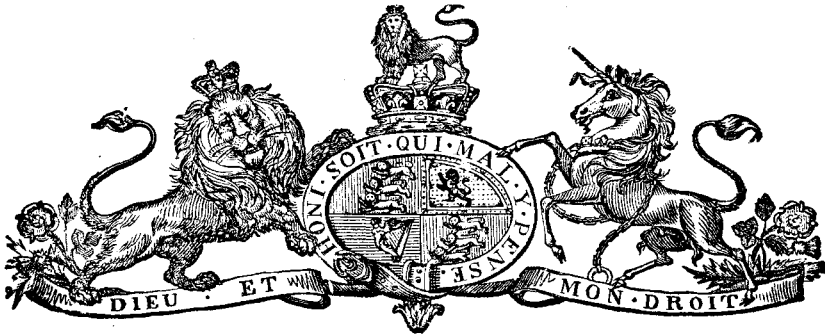


T A S M A N I A.



1865.

ANNO VICESIMO-NONO

VICTORIÆ REGINÆ,

No. 20.

AN ACT to further amend *The Waste Lands Act*, 1863. [29 September, 1865.]

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 It being desirable to encourage the settlement of Associations of agricultural settlers, it shall be lawful for the Governor in Council, for a period to be fixed by him by Proclamation in the *Gazette*, to reserve from the operation of Section 19 of the said Act such part of an Agricultural Division as he may see fit for selection, in the manner provided by the said Section, by the members of such Association only, but any one of such settlers may not select for purchase any lot containing more than Three hundred and twenty acres: Provided that so much of such reserved Agricultural Division as shall not be taken up by the members of such Association within such period as aforesaid shall be dealt with as ordinary Waste Lands of the Crown disposable under this Act.

Provision for settlement of Associations of agricultural settlers.

2 For the purpose of constructing and completing roads, bridges, tramways, jetties, and wharves, or for any other public purpose, it shall be lawful for such Persons or Boards as the Governor in Council may for that purpose appoint, under Regulations made by the Governor in Council under *The Waste Lands Act*, 1863, to purchase and take, in the mode prescribed by *The Lands Clauses Act*, such land as they deem necessary; and, subject to the provisions of *The Waste Lands Act*, 1863, *The Lands Clauses Act* shall be incorporated with *The Waste Lands Act*, 1863, and this Act; and, for the purposes of such incorporation, such Persons or Boards shall be deemed to be the promoters of the several undertakings.

Purchase of land for constructing, &c., Works.

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Entry upon land.

3 Whenever it is intended to take any Land for the purpose of constructing roads, bridges, tramways, jetties, and wharves, or other public works as aforesaid, it shall be lawful for such Persons or Boards, after Seven days notice served upon the occupier, to enter upon any land and to stake out the same in such manner as 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 upon conviction thereof in a summary way before any Two Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

Renting land.

4 It shall also be lawful 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.

5 It shall be lawful for such Persons or Boards, after Twenty-one days 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 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.

6 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 such persons or Boards, after Seven days 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 the material taken, and the damage thereby sustained.

When fenced land taken, gates to be fixed to prevent escape of sheep, &c.

7 No entry shall be made upon any fenced land until such Persons or Boards 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 out of such fenced land.

Compensation for timber and materials how to be ascertained.

8 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.

Agricultural areas may be proclaimed and divided into lots.

9 The Governor in Council may from time to time reserve from sale and proclaim as an agricultural area such land as he sees fit; and upon a road or tramroad being marked or laid out to and through such area, the said area shall be divided into lots respectively containing not more than One hundred and sixty acres, and having a frontage on such road.

Such lots may be leased by tender for 20 years.

10 When an agricultural area has been divided into lots, the Commissioner shall prepare a lithograph plan of the same for gratuitous distribution, and shall then advertise such lots in the *Gazette*, and at least one newspaper, as open for lease by Tender, at the expiration of One month from the date of such advertisement, for a term of Twenty years at an

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annual rental of not less than One Shilling per acre, to be paid on granting the lease; and the person whose application for any lot is first received by the Commissioner shall be the lessee of the same, subject to such terms and conditions as to residence or otherwise as the Governor in Council sees fit to impose; and every lease of any such lot shall contain a provision for the absolute forfeiture thereof in case the lessee fails to comply with any such terms or conditions as aforesaid, or with the provisions of this Act, relating to such lot: Provided that, in case two or more applications of the same amount are received at the same time for any one lot, the Commissioner shall give notice to each applicant (but to none others) that on a day to be named in such notice, at least Fourteen days from the date thereof, such lot will be leased to the highest tenderer: Provided also, that the person whose tender for any one lot is next highest in amount to that tendered by the person to whom any such lot is leased as aforesaid may, at his option, become the lessee on the like terms and conditions of any other lot advertised as open for lease in manner hereinbefore provided.

11 When all the lots fronting upon any road or tramroad have been let as provided by the last preceding Section, or sooner if the Governor in Council sees fit, it shall be lawful for the Governor in Council, upon a road being reserved leading thereto from a road or tramroad, to cause the land adjacent to and in the rear of that fronting on a road or tramroad to be divided into lots respectively containing not more than One hundred and sixty acres, and having a frontage on such reserved road, and such lots shall be deemed to be and shall be lots within an agricultural area. Division of land in rear of lots fronting on roads.

12 Sections 56 and 57 of *The Waste Lands Act*, 1863, are hereby repealed, save as to all things duly done thereunder before the passing of this Act. Repeal.

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

14 In referring to this Act it shall be sufficient to use the expression *The Waste Lands Act*, No. 3. Short Title.

