

(No. 53.)



1884.

---

PARLIAMENT OF TASMANIA.

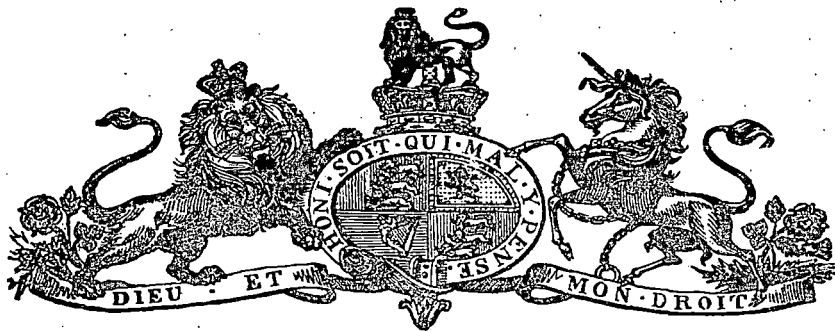
---

THE WASTE LANDS ACTS, 1870-81 :

REGULATIONS UNDER.

---

Presented to both Houses of Parliament by His Excellency's Command.



**GOVERNMENT NOTICE.**

No. 66.

*Lands and Works Office, 18th February, 1884.*

THE Governor, with the advice of the Executive Council, directs the publication of the following Regulations under the provisions of "The Waste Lands Act, 1870," and "The Waste Lands Act, 1881": to take effect from and after this date, and to supersede the Regulations made by His Excellency the Governor and dated 1st November, 1870.

By His Excellency's Command,

NICHOLAS J. BROWN.

**REGULATIONS under the Waste Lands Acts, 1870 and 1881.**

1. All applications to purchase Waste Lands of the Crown, whether by auction or by private contract, must be made on a printed form, which can be obtained at the Lands Offices at Hobart or Launceston, at the various Post and Police Offices throughout the Colony, and from any District Surveyor, on payment of the Fee of One Shilling.

2. The applicant must state the area required; describe its position as accurately as possible with reference to some fixed point, and forward the application to the Commissioner of Crown Lands.

3. Should the application be approved, the applicant will be called upon to pay the Survey Fee, in accordance with the following scale of charges, within Thirty days from the date of approval, and should he fail to do so the land will be disposed of to the next applicant.

*Survey Scale.*

	£	s.	d.
Residence Area on Gold Field.....	2	10	0
25 acres and under.....	3	2	6
Above 25 and not exceeding 50 acres.....	5	0	0
„ 50 and not exceeding 100 „ .....	8	15	0
„ 100 „ 150 „ .....	10	0	0
„ 150 „ 200 „ .....	11	5	0
„ 200 „ 250 „ .....	12	10	0
„ 250 „ 320 „ .....	13	15	0
„ 320 „ 640 „ .....	16	5	0
„ 640 „ 1000 „ .....	20	0	0
„ 1000 „ 1500 „ .....	23	15	0
„ 1500 „ 2000 „ .....	27	10	0
„ 2000 „ 2560 „ .....	32	10	0
„ 2560 „ 3200 „ .....	37	10	0

(Any larger lot than the last named to be charged for at the rate of £7 10s. extra for every 1000 acres above 3200 if the land be either clear or open forest ground, and £10 per 1000 acres if densely wooded or scrub land.)

Single Town Allotment .....	1	11	0
Ditto Suburban .....	3	2	6
For a Section of any Township containing not fewer than five allotments .....	7	16	3
Connecting Surveys, for the first mile .....	6	5	0
Ditto, every additional chain .....	0	1	3
Survey of Town Allotment for Real Property Act .....	2	2	0

For Surveys under Real Property Act, required under applications for grants of areas under Ten acres, and not situated in a town, the Surveyor-General will determine, according to circumstances, what lesser amount than is provided in the above Scale shall be paid for the same.

For special services a Surveyor will be remunerated at the rate of £2 2s. per diem.

4. After payment of the Survey Fee a Surveyor will be instructed to mark off the land and to furnish a report.

If the Surveyor should discover that the same land has been selected wholly or in part by different persons, the Selector whose application was first received at the Lands Office shall have priority.

The acceptance of Survey Fee will not be considered to confer upon the Selector any estate in the land, or any right or title thereto.

5. After the Surveyor's Plan and Report has been received, if the Deputy Surveyor-General reports to the Commissioner that the Plan may be acted upon, the applicant will be called upon to pay the deposit on the purchase money within Sixty days from the date of notice; should the applicant fail to pay the same, the application will be cancelled.

6. The application will not be proceeded with should the Commissioner of Crown Lands, upon the report of the Secretary of Mines, or of any person appointed by the Commissioner to report thereon, have reason to believe that the land included in any application is auriferous, or likely to contain valuable minerals.

7. After payment of the deposit the necessary contract for the sale of the land will be entered into.

8. Should two or more applications for the same land be received simultaneously, the lots will be disposed of by public auction.

9. Lots fronting on a road, river, lake, or the sea will, as a general rule, have their width and depth so regulated as not to exceed the proportion of 1 to 2, the first figure representing the width.

10. Lots not having such frontage will, as a general rule, be laid off in square blocks, the lines bearing to the cardinal points of the compass.

11. On the completion of a purchase the purchaser will be required to pay the sum of Fifteen Shillings for the preparation of the Grant Deed.

*Transfers.*

12. Purchasers may transfer their interest in the land, provided they obtain the written consent of the Commissioner, and pay the Transfer Fee of Threepence in the Pound on the purchase money. Form of Transfer may be obtained at the Lands' Offices, Hobart and Launceston, the signatures of transferor and transferee to be witnessed by a Justice of the Peace.

13. All overdue instalments must be paid before the Commissioner's consent to a transfer will be given.

*Applications under Immigration Act.*

14. Land Orders and Land Certificates may be obtained by persons legally entitled to them, on application to the Secretary of the Board of Immigration.

15. Applications for land to be selected by virtue of a Land Order or Land Certificate must be made in accordance with the Regulations already prescribed herein. When the applicant is called upon to pay the purchase money the Certificate or Order must be forwarded.

16. If the applicant is desirous of selecting more land than his Certificate or Order entitles him to, such selection, if made on credit, will be dealt with as a separate transaction and surveyed as a separate block. If the excess of area is small the balance of purchase money may be paid when the purchaser becomes entitled to a grant for the land he has selected by virtue of his Certificate or Land Order.

17. When the Selector has deposited his Certificate or Land Order, he will receive a Location Order. After residing for Five years in the Colony the Grant Deed will be issued on receipt of a Statutory Declaration of residence and the Grant Fee of Fifteen Shillings.

*Timber Licences, &c.*

18. Licences to fell, split, and saw timber, strip bark, &c., may be obtained by application through the Police, the Bailiffs of Crown Lands, or any person whom the Minister may appoint for that purpose, on payment of the under-mentioned Fees. The licence shall be in the form in the Schedule A. hereto annexed, and shall only apply to the particular locality for which it is issued.

*Fees.*

<i>Purpose of Licence.</i>	<i>Fee for each person employed.</i>
Fell, split, and saw ordinary timber . . .	5s. per month.
Fell, split, and saw blackwood and pine . . .	2s. 6d. per week.
Fell and remove ordinary timber in log . . .	5s. per week.
Fell and remove blackwood and pine in log . . . . .	10s. per week.
Burn charcoal from ordinary timber . . .	2s. 6d. per week.
Strip wattle bark . . . . .	10s. per month.
Make bricks, pottery, and earthenware . . .	£2 10s. per quarter.
Procure shells, gravel, earth, &c. . . . .	5s. per week.

19. The Minister may, by notice to be published in the *Gazette*, withdraw any Waste Lands of the Crown from the operation of Timber Licences, or may prohibit the cutting of any particular kind of timber in any specified locality.

20. Timber Licences will not apply to any land applied for by a Selector who has paid Survey Fee for such land, nor to any land set apart for any public purpose.

Lands held under lease from the Crown, lands set apart for townships, and lands surveyed for sale, will be available only by the written authority of the Commissioner.

21. Timber Licences will not be available for use within the boundaries of any Forest Reserve, except by the written permission of the Commissioner of Crown Lands, and subject to such conditions and such fees as he may consider necessary.

22. The Lessee or Licensee of any Waste Lands of the Crown occupied for Mining or pastoral purposes may notify in writing to the Commissioner any reasonable objections he may have against Timber Licences being granted to any person in respect to the lands held by virtue of such lease, and the Commissioner may, if he sees fit, after investigating such objections, refuse to issue a licence in respect of such leased lands.

23. The holder of a lease or licence of occupation of any Waste Lands of the Crown may cut any timber required by him as tenant of the several lands, but not for the purposes of sale or barter.

24. Every person holding a Timber Licence must exhibit it, if called upon to do so, to any officer of the

Government authorised on that behalf, or to any Bailiff of Crown Lands or of Mines, or to any Police Constable, or to the occupier of any run on which the holder of the Timber Licence may be cutting, or to the agent of such occupier. Any person refusing to produce his licence when so called upon as aforesaid shall be deemed to be unlicensed.

25. A Bailiff of Crown Lands, or any Police Officer, may seize any timber which there is good reason to believe was cut upon any Waste Lands of the Crown without licence, or by a person deemed to be unlicensed under the provisions of the preceding Regulations, and upon the authority of the Commissioner such timber may be sold in such manner as the Commissioner may direct. Provided that one month's notice of such intention to sell be published in the *Gazette*, and at least once in a newspaper.

26. Timber split or sawn upon any Waste Lands of the Crown and not at once removed, must be stacked, and each stack marked with the licensee's initials; logs not removed must each be branded and numbered, and the licensee shall furnish the Bailiff of Crown Lands or Police with particulars of the number and brands of such logs. Any logs or timber not so marked, and any timber in the log which may remain more than six months upon Crown Land, may be seized and disposed of as the property of the Crown.

27. The holder of a Timber Licence, on written notice from a Selector under the 24th Sect. of "Waste Lands Act, 1870," shall desist from cutting or splitting timber upon any Waste Lands of the Crown which may have been selected to purchase, and the production of a receipt for the Survey Fee shall be deemed sufficient proof that the land has been selected. The Licensee shall, within Three months from the date of such notice, remove from such land all the timber he may have cut under licence during the period previous to such notice being given. All cut timber remaining upon the land after the expiration of the term of Three months as aforesaid shall be the property of the Selector of the land.

28. The Licensee will not be entitled to claim more than Three trees that may be felled but not cut up.

No tree may be felled so as to obstruct any road or track.

29. Licences for the purpose of obtaining and burning Limestone, obtaining earth for the purposes of making Bricks, Pottery, or Earthenware of any description, will authorise the holder to enter upon such Waste Lands of the Crown as the Commissioner may approve of, not exceeding Three acres in extent, and subject to the condition that the same be enclosed with a substantial four-rail or four-log fence not less than 4ft. 6in. in height.

*Licences to reside on Gold Fields.*

30. Every person intending to apply for a licence to occupy land under section 61 of "The Waste Lands Act" shall proceed as follows:—Mark off the land by erecting firmly at each angle a post not less than three feet in height and three inches in diameter, with a notice on each, with the words "Applied for Residence," his name, the area, and the date legibly written or printed thereon, and within fourteen days after making off, or as soon thereafter as practicable, deposit his application (which shall be upon a printed form to be provided for the purpose,) in the Lands' Office, Hobart.

31. The applications will be dealt with under and be subject to the Regulations herein prescribed in connection with applications to purchase Waste Lands of the Crown.

32. Licences will not be granted for occupation of lands situate as under,—

Lands comprised within reserves or towns.

Lands so situated that the occupation thereof would obstruct access of holders of Miners' Rights, Timber or other Licences, to timber and water.

Lands comprising two or more detached portions.

Lands situated on both banks of a river or creek, or on both sides of a roadway or frequented track.

Lands required for mining purposes, or if included in any mining claim or held under mining lease, unless with the consent in writing of the claim-holders or lessees first had and obtained.

Lands whereon are any dwellings, improvements, or crops not the property of the applicant for a licence.

33. The Commissioner of Crown Lands, upon being satisfied that no valid objection exists to the occupation of the land applied for, and that the land is not auriferous, or likely to contain valuable minerals, may issue a licence to occupy the same in the form in the Schedule B. hereto annexed, and subject to the conditions therein set forth.

34. The fees to be paid for licences to occupy land for residence or cultivation shall be £2 per annum. Such fees shall be payable in advance to a Commissioner of Gold Fields, and the licence shall bear date of the day on which it is granted by the Commissioner of Crown Lands, and shall continue in force for a period not exceeding one year from such date, and may be renewed.

35. If any person to whom a licence shall have been granted shall fail to take out the same within one month after the date of the notification to him of the granting of the licence, and the transmission thereof to a Commissioner of Gold Fields, such licence shall thereupon become forfeited, and the land described therein shall be, and shall be deemed and taken to be, available for other applicants.

36. No surveys shall be made of land not available for occupation under licence.

37. Every Surveyor shall keep a record of the dates of any instructions received by him to survey sites; and shall, as far as practicable, consecutively execute personally, or by an assistant duly qualified, the surveys in accordance with the relative priority of the dates of those orders, and shall keep a record of the date of the completion of every such survey.

38. If any doubt occur with reference to the priority of two or more applications for the same land, the Commissioner of Gold Fields shall investigate such applications, and that of the person who first marked off and otherwise complied with the Regulation shall have precedence.

39. The Commissioner of Crown Lands may, on the application of the licensee, at any time after the expiration of one year from the date of the first licence, and on being satisfied that the land occupied under such licence is not auriferous, and that the conditions of the licence have been fulfilled, cause the land held under such licence to be sold by public auction under Section 10 of "Waste Lands Act, 1881," subject to valuation for the improvements of the licensee thereon.

#### *Licences for Pastoral occupation.*

40. Application to rent Waste Lands of the Crown for pastoral purposes must be made on a printed form, to be obtained at Lands' Offices, Hobart and Launceston, and at any Police Office, in the same manner as applications to purchase, and must be forwarded to the Commissioner of Crown Lands, with similar information to that required in the case of applications to purchase.

41. The Commissioner will decide whether or not the land shall be let to the applicant, and the amount of rent to be paid for the same; or whether the licence to occupy shall be disposed of by public auction.

42. Licensees will be permitted to transfer their interest in the land with the sanction of the Commissioner, and upon payment of the fee of £1 for each block transferred. Application for transfer to be made in writing, attested by a Justice of the Peace.

43. Where land held under licence is resumed for the purpose of sale, or for any public purpose as provided for in the 79th Section of "The Waste Lands Act," and the licensee has improved the same, the value of such improvements shall be determined by the District Surveyor; but should the licensee object to such valuation arbitrators shall be chosen, one by the licensee and the other by the Commissioner, and if they cannot agree the Governor in Council shall appoint an umpire, whose decision shall be final.

Cost of valuation must be deposited by the licensee prior to arbitration, in case arbitrators are required.

#### *Licences to occupy Waste Lands of the Crown for other than Pastoral purposes.*

44. The Commissioner may grant licences of occupation, for any period not exceeding one year, of land required—

- (1.) For depasturing sheep or cattle, provided such lands are not available for Pastoral Licences;
- (2.) For holding shows, for recreation, or for any similar purpose the Commissioner may approve of;
- (3.) For the erection of temporary stores, jetties, or other buildings;

upon payment, in advance, of the fee of £1 per annum, subject to possession being resumed by the Crown on a three months' notice, without granting compensation for improvements, which the occupier may remove before the expiration of the notice.

45. The Commissioner may grant licences to occupy for one year such land, not exceeding two acres, as may be required for manufacturing or for any industrial purposes, with the right of renewal from year to year for fourteen years, upon payment half-yearly, in advance, of not less than £10 per annum. A higher rental will be fixed according to area and position of the land, and according to the facilities afforded by the situation of the land for carrying on the industry or manufacture contemplated.

#### SCHEDULE A.

Tasmania

FEE

No.

Date

188 .

LICENCE to \_\_\_\_\_ on Waste Lands of the Crown, situated in the County of \_\_\_\_\_, Parish (or vicinity) of \_\_\_\_\_, Issued to \_\_\_\_\_ under the provisions of "The Waste Lands Act, 1881," 45 Vict. No. 5, to be in force for and during the month of \_\_\_\_\_ 188 , subject to the conditions printed on the back of this licence.

*Deputy Commissioner of Crown Lands.*

The Fee of \_\_\_\_\_ was received by me on the day of \_\_\_\_\_ 188 .

*Officer authorised to issue Licences.*

This Licence will not apply to any land surveyed for sale, nor to any land applied for by a selector who has paid his survey fee, nor to any land set apart for any public purpose, nor to any lands held under lease from the Crown, provided the Minister of Lands decides that such leases are to be exempt.

This Licence must be produced if asked for by any officer of the Government authorised on that behalf, or by any Bailiff of Crown Lands or of Mines, or by any Police Officer,

or by the occupier of any run upon which the holder of this Licence may be cutting, or by any agent of such occupier.

Timber split or sawn by virtue of this Licence and not removed at once must be stacked, and each stack marked with the licensee's initials; logs not removed must be branded and numbered, and the licensee must furnish the Bailiff of Crown Lands or the Police with particulars of the number and brands of such logs.

On receiving notice from any selector that the licensee is splitting on land which the selector has applied for, on exhibition of a receipt for the survey fee the licensee must desist from further splitting, and remove the timber within three months.

The licensee will not be entitled to claim more than three trees that may be felled and not cut up.

No tree may be felled so as to obstruct any road or track.

#### SCHEDULE B.

I, the Commissioner of Crown Lands, in pursuance of the provisions of "The Waste Lands Act," and in consideration of the sum of                      pounds                      shillings to be paid by                      of                      to the Commissioner of Gold Fields                      and subject to the terms and conditions hereunder specified, do hereby give to the said                      full licence and authority to reside on and to cultivate all that piece or parcel of Crown Land situate on a Gold Field or adjacent thereto, more particularly described in the margin, for from the date hereof, unless the same be determined and annulled, revoked, forfeited, and void, or rescinded, in accordance with the provisions of the said Act and the conditions hereunder specified.

Dated this                      day of                      A.D. 188

#### Conditions.

1. The above Licence only gives to the licensee the right to use the land for the purposes for which the licence has been granted, and for no other purpose whatsoever.

2. The licensee will not be permitted to assign or sublet the land or any part thereof, or to part with the possession thereof, or of his interest therein, without the consent of the Commissioner of Crown Lands first had and obtained.

3. The licensee is required to reside on the land during the continuance of this licence, or within a period of four months from the date hereof, to enclose the same with a good and substantial fence, and cultivate at least one-fifth portion thereof.

4. If any portion of the land the subject of this licence shall be required for mining purposes, or for the erection of machinery or other works in connection with mining, or for shafts, the Commissioner of the District in which the land is included may give permission to persons to occupy the same, on condition that they pay or tender to the licensee such sum as compensation for surface and other damages as the said Commissioner may think right; and in such case this licence as regards the land so occupied shall be, from and after the date of the payment or tender of the sum hereinbefore mentioned, null and void.

5. Any holder of a Miner's Right may, with the permission of the Commissioner of Gold Fields, enter upon the land and search for gold thereon without making compensation to the licensee for surface or other damage: provided always, that such portions of the land as shall be used for a garden or orchard, or shall be under crop, or occupied by buildings, shall be secure from such intrusion unless with the consent of the licensee.

6. Nothing contained in this licence shall prevent the person or persons seized of the right, title, and interest in any claim or claims which were taken up under Miners' Rights prior to the date of this licence from entering upon any portion of the land the subject of this licence, and holding and occupying the same for mining purposes, without paying any compensation whatsoever; and all such claim-holders and their workmen shall at all times have free ingress, egress, and regress to, into, and upon the said land.

7. Notwithstanding anything contained in this licence, it shall be competent for the Governor in Council to resume the whole or any portion of the land hereby licensed on payment of such compensation as may be fixed on by the Gold Commissioner, if the same shall be required for railways, roads, telegraph lines, dams, reservoirs, races, catch-water drains, pipe tracks, stone quarries, or any other public purpose.

8. The Licence will be forfeited if the licensee commits a breach of, or neglects to comply with, any of the above conditions.