

# THE CAPE BARREN ISLAND RESERVE ACT, 1912.

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## ANALYSIS.

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- into with Minister.  
Default in repayment a ground of forfeiture.

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(3) The payment of the instalments as they fall due shall be a condition upon which the recipient shall hold his licence or lease, and failure to fulfil this condition shall be a ground of forfeiture.

(4) Forfeiture of a block held under lease or licence shall entitle the Minister to take immediate possession of any such articles or property as the property of the Crown, and the same may be disposed of or dealt with in such manner as the Minister may determine.

(5) After having paid in full the instalments on articles delivered as aforesaid, a licensed occupier or lessee may, at the discretion of the Minister, have delivered to him a further supply of articles as aforesaid under the foregoing provisions, and so on from time to time.

(6) Any person receiving any of the said articles or property who sells or otherwise disposes of the same or attempts to do so without the sanction of the Minister, and any person who, without such sanction, takes, whether by purchase or otherwise, or is found in possession of, any such article or property, shall be liable to a penalty not exceeding Fifty Pounds, or to imprisonment not exceeding Six months.

**25** No licence or lease, and no block held under this Act, or interest therein, and no stock or chattels upon any homestead or agricultural block, or upon the Reserve and belonging to any licensed occupier or lessee, shall be liable to seizure or to be taken in execution or under any bankruptcy proceedings.

**26**—(1) After the Thirty-first day of December, One thousand nine hundred and fifteen, the Minister may at any time, and from time to time thereafter, order the removal from the Reserve of any person over the age of Twenty-one years, not being a licensed occupier or lessee.

(2) The order shall be in writing, signed by the Minister, and served upon the person whose removal is ordered.

(3) If any such person is found within the Reserve at any time after the time specified in the order in that behalf, he shall be deemed a trespasser, and may be dealt with accordingly.

**27** All portions of the Reserve not reserved for public purposes, and not held under licence or lease, shall, until required for the purposes of this Act, be held by the Minister for the benefit of all licensed occupiers and lessees, under such terms and conditions as the Minister may determine, or as may be prescribed.

**28**—(1) In order to encourage the settlement of the half-castes in other parts of Tasmania outside the Reserve, it shall be lawful for the Minister, upon his making application therefor in the prescribed manner, to grant to any person entitled to make application for, or who holds a licence or lease, a certificate in the form prescribed; and such certificate shall, subject to the provisions of this Act, authorise the person obtaining it to occupy such area of Crown land, not exceeding Fifty acres in any part of Tasmania then available for selection, as is described in the certificate.

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Default in repayment a ground of forfeiture.

And possession may be taken of articles.

Upon repayment further supply may be granted.

Sale of articles, &c., an offence.

Licence, &c., not to be taken in execution, &c.

Persons over age of 21 years, not being licensed occupiers or lessees, may be removed from Reserve after 31st December, 1915.

Part of Reserve not held under lease or licence, and not reserved, to be held by Minister for all licensees and lessees as prescribed.

Provisions for encouragement of settlement of half-castes in other parts of the State.

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Certificate entitling holder to occupy 50 acres may be granted; other rights under Act to be surrendered.

Survey fee to be first paid.

Land described in certificate to be taken possession of within Six months, and resided upon for Five years.

Upon such residence, and upon effecting improvements, holder of certificate entitled to grant.

Cf. 8 Ed. VII. No. 39, s. 34.

Interpretation.

Prohibition against bringing or sending liquor into, or supplying same within, prohibited area. Penalty.

No intoxicating liquor to be in possession of any person within prohibited area.

(2) Prior to being granted a certificate under this section, the person applying for the same shall surrender, in writing, all other rights he may have under this Act; and upon the issue of the certificate all other rights he may have under this Act shall absolutely and for ever cease and determine, both as regards himself, his widow, and such of his descendants as are not licensed occupiers or lessees.

(3) If the applicant for a certificate be a licensed occupier or lessee, then upon the issue of the certificate the licence or lease shall become void, and all rights thereunder shall absolutely cease and determine.

(4) Before the issue of the certificate the survey fee for the land applied for shall be paid by the applicant.

(5) The holder of a certificate shall, within Six months from the date thereof, take in his own person possession of the land described in the certificate, and reside thereon continuously for Five years thereafter. In default the land therein described shall become absolutely forfeited and thereupon revert to the Crown.

(6) If the holder of a certificate shall have continuously resided on such land for the said period of Five years, and shall have effected improvements thereon to the value of One Pound per acre of the whole of the land, he shall be entitled to receive a grant deed therefor free of all cost, except the registration and grant fee.

**29**—(1) In this section—

“Intoxicating liquor” means and includes any and every spirituous or malt liquor, and every wine, and any and every combination of liquors or drinks that is intoxicating, and any mixed liquor capable of being used as a beverage, and part of which is spirituous or otherwise intoxicating:

“Prohibited area” means Cape Barren Island or within Three miles of the Reserve.

(2) From the commencement of this Act no person shall, by himself, his clerk, servant, or agent, bring or send any intoxicating liquor into the prohibited area, or supply within the prohibited area to any person by sale, gift, or in any other way, either directly or indirectly, any intoxicating liquor; and any person offending against any provision of this subsection shall be liable, on conviction in a summary way, to a fine of not less than Twenty Pounds, and not exceeding Two hundred Pounds, or to imprisonment for any term not less than One month, and not exceeding Two years.

(3) It shall not be lawful for any person to have any intoxicating liquor in his possession within the prohibited area.

If this subsection is contravened, the liquor and any receptacle containing it may be seized by any member of the police force, who shall convey the same as soon as practicable before a justice, who may direct that the liquor and receptacles be confiscated, and that the same be disposed of according to his discretion; and the person so having such liquor in his possession, shall in addition be liable, on conviction in a summary way, to imprisonment for any term not exceeding Three months.

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(4) Upon information in writing and on oath made before a justice by any credible person that he suspects and believes that there is intoxicating liquor within the prohibited area, which information shall set forth and show reasonable grounds for such suspicion and belief, it shall be lawful for such justice in his discretion to grant a warrant to enter and search, by day or by night, any vessel, boat, house, premises, or place within the prohibited area, for any intoxicating liquor, and to open and examine any parcel or package. Any person authorised by the warrant may break open any door if not opened within a reasonable time after demand, and may seize all liquor found and all receptacles containing the same; and such liquor and receptacles shall be conveyed to some police-office or other place for safe custody.

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Justice may grant a search-warrant for liquor.

Any information to obtain a warrant under this section may be in the Form A in the Fifth Schedule; and any search-warrant under this section may be in the Form B in that schedule.

If it is shown to the satisfaction of any justice that such seizure was made within the prohibited area, he shall order that the liquor and receptacles be forfeited, and thereupon such receptacles shall be forthwith broken up and utterly destroyed, and the intoxicating liquor shall be poured out, spilled, wasted, and utterly destroyed by some constable or other person authorised in that behalf by the justice.

Justice to order destruction of liquor seized and receptacles.

(5) For the purposes of this Act the master or person in charge of a vessel which is temporarily within the prohibited area shall not be deemed to have committed the offence of bringing intoxicating liquor into the prohibited area, or of having intoxicating liquor in his possession within the prohibited area, notwithstanding intoxicating liquor is upon such vessel, provided such liquor is kept securely locked up in some part of the vessel, and is not consumed by or supplied to any person whomsoever during the time such vessel is within the prohibited area.

**30** The Minister may, with the approval of the Governor, from time to time make regulations for all or any of the following purposes:—

Regulations generally.

- i. The peace, good order, and good government of the Reserve:
- ii. The care, protection, and management of the Reserve:
- iii. The control of residents upon the Reserve:
- iv. The more effectually carrying out any of the objects or purposes of this Act:
- v. Regulating any matter mentioned in this Act:
- vi. As to any matter in connection with which the expression prescribed is used in this Act, or in respect to any purpose for which regulations are contemplated by this Act.

**31** Without prejudice to the generality of the powers conferred by the last preceding section, the Minister may with the approval of the Governor, from time to time make regulations for any of the purposes or on any of the subjects following:—

Regulations for certain specified purposes.

- i. Prescribing the duties and powers of any person appointed or employed under this Act:

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- ii. For prescribing the forms and contents of all applications, licences, leases, contracts, and other documents contemplated by this Act, or found to be necessary to give effect to its provisions :
- iii. Regulating the use or enjoyment of any portion or portions of the Reserve—
  - (a) For the time being not under lease or licence ; or
  - (b) Reserved for public purposes under Section Eight of this Act :
- iv. Prescribing the proceedings to be taken for forfeiture or cancellation of licences or leases :
- v. Prohibiting or regulating the keeping of dogs within the Reserve.

Scope of regulations.

**32** In framing regulations under this Act the following provisions shall apply :—

- i. A regulation shall not be deemed invalid merely because it deals with a subject dealt with by the general law :
- ii. The Governor shall have a wide discretion as to the provisions to be contained in any regulation, and as to the reasonableness of such provisions.

Penalty.

**33** Regulations made under this Act may impose penalties for the breach of the same or other regulations, not exceeding for any One offence the sum of Twenty Pounds, or imprisonment for any term not exceeding Three months.

Summary remedy for dispossessing persons in unlawful occupation of land, &amp;c.

**34** Where any person obstructs the Minister or any person authorised by him in that behalf in taking possession of or resuming any land or entering thereupon, or remains in the unlawful possession of such land, or where any person is in possession of any land and has not quitted the same upon being required by the Minister 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 Minister so to do within a reasonable time to be fixed by the Minister, or if any person is a trespasser and ordered to leave the reserve, it shall be lawful for the Minister 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 repossess the same in the name of His Majesty, or to take down and level any such erection, or to remove from the reserve any person ordered to leave the reserve.

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.

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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 Minister. A.D. 1912.

**35** Any person who obstructs or hinders the Minister, or any officer of the Department, or any constable, bailiff of Crown lands, or other person in the exercise or execution of any power or duty under this Act, or in carrying out any provision of this Act, shall upon conviction be liable to a penalty not exceeding Ten Pounds. Obstructing Minister or officers.

**36** All offences against the provisions of this Act or the regulations, and all penalties imposed or made payable by this Act or the regulations, may be prosecuted and recovered in a summary way by and before a police magistrate or any Two or more justices, in the mode prescribed by "The Magistrates' Summary Procedure Act," the provisions of which Act shall apply. Recovery of penalties.

**37** All fines and penalties received by any person by virtue of this Act shall be paid into the Treasury, and form part of the Consolidated Revenue. Appropriation of penalties.

**38** Every notice published in the "Gazette" declaring a cancellation and forfeiture shall be taken to be evidence that the licence or lease therein mentioned was legally cancelled, as stated in the said notice, and the land to which such licence or lease relates legally forfeited, and such land may be dealt with in all respects as if such licence or lease had never been granted or entered into. Cancellation.

**39** No action shall lie against any officer or any other person for anything done in pursuance of this Act, unless notice in writing of such action and the cause thereof is given to the defendant, as provided by the Act 63 Victoriae No. 36. Protection of officers, &c.

**SCHEDULES.**

(1.)

**SCHEDULE OF FREEHOLD TITLES WITHIN HALF-CASTE RESERVE, CAPE BARREN ISLAND.**

Name of Grantee.	Area.
Maynard, John .....	5 acres
Brown, Wm. ....	8 acres
Mansell Thos. ....	5 acres
Smith, John .....	5 acres
Everett, George.....	5 acres
Everett, J. B. ....	25 acres

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(2.)

## HALF-CASTES LIVING ON RESERVE.

Beeton, Henry	Everett, James	Maynard, James R.
Beeton, Thomas	Everett, Gertrude	Maynard, John
Beeton, Walter V.	Mansell, John	Maynard, William
Brown, Clarence	Mansell, Peter	Smith, Edward
Brown, Henry Wm.	Mansell, John P.	Smith, John
Brown, William Henry	Mansell, Thomas	Smith, Tasman
Burgess, George W.	Mansell, William Henry	Smith, Philip
Everett, Lucy J.	Maynard, Benjamin	Summers, Edward
Everett, Albert B.	Maynard, George E.	Thomas, John
Everett, Elizabeth	Maynard, Henry	Thomas, Phillip
Everett, B. S.	Maynard, James	Thomas, Phillip (Jun.)
Everett, George	Maynard, James A.	Thomas, Ronald

(3.)

## HALF-CASTES NOT LIVING ON RESERVE.

Armstrong, Henry	Holt, Helen	Maynard, D. J.
Beeton, H. J.	Holt, Frederick	Maynard, Joseph
Beeton, Isabella	Holt, William Edward	Maynard, John
Beeton, Nora	Mansell, Edward	Rhew, Thomas
Brown, Richard	Maynard, Alick	

(4.)

## WHITE MEN MARRIED TO HALF-CASTES NOW LIVING ON OR OCCUPYING PART OF THE RESERVE.

Brown, William Richard.  
Burgess, George Henry.  
Summers, John.

(5.)

## FORM A.

## INFORMATION TO OBTAIN A SEARCH-WARRANT.

Tasmania (to wit).

The information of \_\_\_\_\_ in \_\_\_\_\_ taken  
this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and  
before me, the undersigned, one of His Majesty's justices of the peace, who  
saith that he suspects and believes that there is intoxicating liquor within the  
prohibited area as defined by Section 29 of "The Cape Barren Island  
Reserve Act, 1912," in violation of that Act; and the grounds for such sus-  
picion and belief are as follows:—

Wherefore he prays that a search-warrant may be granted him to search  
within the said prohibited area for the intoxicating liquor.

Sworn (or affirmed) on the day and year first above mentioned at  
in Tasmania.

Before me,

J.P.

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FORM B.

A.D. 1912.

## FORM OF SEARCH-WARRANT.

Tasmania (to wit).

To all or any of the constables or other peace officers of the State of Tasmania.

Whereas of in  
 hath this day made oath before me the undersigned, one of His Majesty's justices of the peace, that he suspects and believes that there is intoxicating liquor within the prohibited area as defined by Section 29 of "The Cape Barren Island Reserve Act, 1912," in violation of that Act: These are, therefore, in the name of Our Sovereign Lord the King, to authorise and require you and each and every of you, with necessary and proper assistance, to enter and diligently search by day or by night any and every vessel, boat, house, premises, or place within the said prohibited area believed or suspected by any of you to contain intoxicating liquor, for such liquor, and also to open and examine any parcel or package, and also to break open any door, if not opened within a reasonable time after demand; and if any intoxicating liquor shall be found within the said prohibited area upon any such search, that you bring such intoxicating liquor so found, and also all receptacles of any kind whatever containing the same, before me or some other justice of the peace, to be disposed of and dealt with according to law.

Given under my hand and seal, at in the State of Tasmania, this  
 day of One thousand nine hundred and

(L.S.)

J.P.



TASMANIA.



1912.

ANNO TERTIO

GEORGII V. REGIS.

No. 16.

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AN ACT to provide for the Subdivision of <sup>A.D.</sup> 1912.  
the Cape Barren Island Reserve, and for —  
other purposes. [6 December, 1912.]

**W**HEREAS by a proclamation dated the Fourteenth day of Feb- **PREAMBLE.**  
ruary, One thousand eight hundred and eighty-one, all that portion of  
Cape Barren Island lying to the west of a line running southerly from  
a point opposite to the eastern extremity of Long Island, and extending  
to a point east of Thunder and Lightning Bay, being then waste land of  
the Crown, was in pursuance of Section Four of "The Waste Lands  
Act" withheld and withdrawn from leasing :

And whereas the land hereinbefore described, with the exception of  
certain portions mentioned in the First Schedule hereto, has been held  
as a reserve for the half-castes and their descendants, and has been in  
part occupied by certain half-castes or their descendants, but without  
any legal title thereto or defined rights therein :

And whereas it is desirable that provision should be made for the  
subdivision of the said Reserve and for the future occupation thereof :

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 :—

**1** This Act may be cited for all purposes as "The Cape Barren Short title.  
Island Reserve Act, 1912."

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- ii. To manage and regulate the use and enjoyment of the Reserve : A.D. 1912.
- iii. To exercise a general supervision and care over all matters affecting the interests and welfare of the residents of the Reserve.

**6** The Minister may from time to time appoint such persons as he deems proper to be officers for the purposes of this Act, who shall have and exercise the powers and duties assigned by the Minister or as prescribed. Officers may be appointed.

**7** Upon this Act coming into operation the lands mentioned in the First Schedule hereto shall by force of this section revert to and vest in His Majesty absolutely, and be subject to the provisions of this Act and be part of the Reserve, freed and discharged from all estates, interests, trusts, obligations, contracts, licences, charges, rates, and rights-of-way or other easements, and the estate and interest of every person in the said lands shall be taken to have been converted into a claim for compensation, and every such person shall be entitled to receive in respect of his claim such sum of money by way of compensation as may be agreed between the Minister and the claimant, or, in the case of dispute, as may be determined by arbitration under "The Arbitration Act, 1892," and that Act shall apply to the arbitration as if the arbitration were pursuant to a submission under that Act. Lands in First Schedule vested in His Majesty, and compensation to be made.

In determining compensation regard shall be had to the objects and purposes of this Act, and to any benefit, right, or interest accruing to or which may be acquired by the claimant under this Act.

**8**—(1) The Governor may, by proclamation in the "Gazette," from time to time except from the operation of this Act and reserve to His Majesty any portion or portions of the Reserve for any of the purposes mentioned in Sections Eleven, Thirteen, and Fourteen of "The Crown Lands Act, 1911," or for any other public purpose that he may think fit. Reserves for public purposes.  
2 Geo. V. No. 64.

(2) Any lands so excepted and reserved may be dealt with in the manner provided in Sections Eleven and Twelve of the lastmentioned Act or as prescribed, and, subject to regulations (if any), the provisions of the said sections shall, *mutatis mutandis*, accordingly apply.

(3) In addition to any powers conferred by this section, the Governor may except and reserve to His Majesty such land, whether the same may be now occupied or not, as may be required for making roads to any other part of the island not included in the Reserve.

**9** The Minister may, by writing under his hand, grant to any church authority the right to occupy, for any specified period not exceeding Three years, for any religious purpose (including a minister's residence), any specified portion of the surface of the Reserve, not exceeding One-half of an acre in extent, which is not for the time being reserved for public purposes, and is not held by a licensed Provision for churches, &c.

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Interpretation.

**2** In this Act, unless inconsistent with the context—

A “homestead block” shall consist of an area of the surface of the reserve not exceeding Three acres in extent :

An “agricultural block” shall consist of an area of the surface of the reserve not exceeding Fifty acres in extent :

“Fund” means the fund formed for the purposes of this Act :

“Lease” means a lease issued under the provisions of this Act :

“Lessee” means the holder of a lease issued under the provisions of this Act :

“Licence” means a licence to occupy issued under the provisions of this Act :

“Licensed occupier” means the holder of a licence to occupy a homestead block, or an agricultural block, or a homestead block and an agricultural block, issued under the provisions of this Act :

“Minister” means the Minister of Lands and Works for the time being of this State :

“Secretary for Lands” means the Secretary for Lands for the time being of this State :

“Surface” means the surface of the land, and also includes the land down to a depth of Ten feet below the surface :

“The island” means Cape Barren Island :

“The Reserve” means all that portion of Cape Barren Island described in the hereinbefore recited proclamation, and more accurately described as lying to the west of the fence recently erected across the island from north to south :

“This Act” includes all regulations made under it.

Administration.

**3** The Secretary for Lands under the Minister shall be charged with the duty of promoting the welfare and well-being of the residents of the Reserve, and of carrying out the provisions of this Act.

Fund.

**4** A fund shall be formed for the purposes of this Act, and shall consist of—

I. Moneys from time to time provided by Parliament, or donated or bequeathed for the purposes of this Act : and

II. Moneys to be paid into the fund by virtue of this Act.

Subject to the regulations, the moneys of the fund shall be at the disposal of the Minister, to be applied by him for the purposes of this Act.

Duties of Secretary for Lands.

**5** It shall be the duty of the Secretary for Lands—

I. To pay and apply as seems most fit, under the direction of the Minister, the moneys by this Act placed at the disposal of the Minister, and, in particular, to pay and settle claims for compensation ;

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occupier or lessee ; and if a building be erected thereon by such church authority within the said period of Three years at a cost of not less than One hundred and fifty Pounds, then a lease for Ninety-nine years may issue in respect of such portion of the surface of the Reserve to such church authority for the religious purposes specified therein, at the rental of the sum of One Pound per annum. The provisions of Section Twelve of "The Crown Lands Act, 1911," shall, *mutatis mutandis*, apply to any such lease as if such lease were an instrument within the meaning of that section.

Every such lease may be renewed by the Minister from time to time for such further period as he may think fit.

All payments shall, when received by the Minister, be paid into the fund.

Reserve to be surveyed and divided into homestead and agricultural blocks.

**10**—(1) The Minister shall, as soon as conveniently may be after the passing of this Act, cause such portion of the Reserve as he may deem necessary for the purpose, to be surveyed and subdivided into homestead blocks and agricultural blocks, and may from time to time thereafter cause further portions of the Reserve to be surveyed and subdivided as he may think fit in order to meet the requirements of this Act.

(2) The survey and subdivision of the Reserve shall be in the absolute and uncontrolled discretion of the Minister, and every occupier of any part of the Reserve not holding a licence or lease under this Act shall accordingly be deemed and taken to be merely a tenant at will to the Minister.

(3) In making the subdivision the Minister, in so far as in his opinion is consistent with a fair and equitable allotment as a whole, shall have regard to existing occupation and enclosures, and, without imposing any legal obligation or conferring any legal right, the survey of the blocks shall be effected with a view to giving to each probable applicant for a licence the whole, or a portion of the land not exceeding Fifty acres, upon which he has erected any dwelling, or which he has enclosed by any fence, or has cultivated.

Who may apply for licences.

**11** The following persons, and no others, shall be entitled to make application for licences under this Act :—

- I. The persons named in the Second, Third, and Fourth Schedules hereto :
- II. The widow of any such person :
- III. The descendants of the age of Eighteen years or upwards of any such person.

Provided that the Minister shall not entertain any application from any person named in the Third Schedule hereto who does not make his application within Three years after the commencement of this Act, nor shall he, if such person so fails to apply, entertain any application from the widow or any descendant of any such person.

Who may not apply.

**12**—(1) The wife of the holder of a licence shall not be entitled to make application for a licence.

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(2) Except as provided by the immediately preceding section, no woman married to a white man shall be entitled to make an application for a licence or lease. A.D. 1912.

(3) No person whose block has been forfeited under this Act shall be entitled to make another application under this Act, except with the consent of the Minister.

(4) No application from any person not entitled to make application under this Act shall be entertained by the Minister.

**13** - (1) The application shall be in the form and contain the particulars and be made within the time prescribed, and shall state the block or blocks applied for. Applications, how made.

(2) Every person entitled to make an application as aforesaid, and applying for a licence, shall be entitled to receive a licence in respect of One homestead block, or One agricultural block, or One homestead block and One agricultural block. What applicant entitled to receive.

(3) A homestead block shall be in One portion. Minister to make allotment.  
An agricultural block may, if necessary, be in Two or more portions, but so that the total area of the agricultural block shall not exceed Fifty acres.

A homestead block and an agricultural block applied for by any One applicant may be contiguous.

(4) The applications, when received, shall be considered by the Minister, and allotment may be made by him at his absolute and uncontrolled discretion. Principle of allotment.

He shall, consistently with a fair and equitable allotment as a whole, have regard to prior occupation and to the justice and equity of each case.

He shall not be bound to grant to any applicant the whole or any portion of the area applied for.

(5) When the applications have been considered the Minister may issue to the applicants licences to occupy the blocks applied for or such portion thereof as he may determine.

**14** A licence shall, subject to the provisions of this Act and to the conditions and reservations in the said licence contained, authorise the licensed occupier to enter upon and take possession of the surface of the block or blocks of land therein described, and to hold possession of, occupy free of rent, and improve such surface to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed thereon. What licence authorises.

**15** Nothing in this Act contained shall be deemed or taken to restrict the right of the licensed occupier or lessee of the surface to sink wells for water, and to the use and enjoyment of any wells and springs which may at any time be upon or under the land occupied by him under the licence or lease, and which supply water for domestic, farming, agricultural, or irrigation purposes, and every such licensed Savings as to wells and springs.

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occupier or lessee shall, subject to the regulations, have such rights with respect to such wells and springs as though he held or occupied such land without any limitation as to depth.

Form and conditions of licence.

**16** Every licence shall be in the form prescribed, and shall contain the following conditions:—

i. In regard to a homestead block—

(a) That the licensed occupier shall erect thereon, within Two years, a residence of design and materials approved of by the Minister, unless a residence the Minister approves of is already erected thereon;

(b) That he shall habitually and continuously reside thereon for Six months at least in each year by himself or his family. But in cases of illness, vouched for by sufficient evidence to the satisfaction of the Minister, or in other special cases, the Minister may in his discretion, by writing, grant permission to the licensed occupier to be absent from his homestead block without prejudice to his right thereto for such period as the Minister shall specify:

ii. In regard to an agricultural block—

(a) That no person shall reside thereon without the consent of the Minister, and such consent may be given subject to compliance with such conditions as the Minister may think fit to impose;

(b) That the licensed occupier shall, to the satisfaction of the Minister, securely fence the block, and shall, to such satisfaction as aforesaid, cultivate the same or continuously use it for agricultural, horticultural, or grazing purposes.

Minister may impose further conditions.

**17** Every licence shall contain such further and other conditions as may be from time to time prescribed, or as the Minister may generally or in particular cases see fit to impose.

Compensation for loss of improvements.

**18** Where, in consequence of the allotment under this Act, any person loses the benefit of any improvements to which he was previously entitled, and the Minister is of opinion that such person ought to be compensated in respect of his loss, the Minister may, out of the fund, pay to such person such amount of compensation as he thinks fair and reasonable under the circumstances of the case, and the Minister may in his discretion, as a condition of the licence or lease, require any licensed occupier or lessee taking the benefit of any such improvements, to make such payment for the same as he thinks reasonable, either in a lump sum or by instalments, and generally upon such terms as he may think fit, and any moneys so paid shall form part of the fund.

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**19**—(1) If a licensed occupier of any block fails to comply with any of the conditions contained in his licence or in this Act (except as hereinafter provided), the licence issued in respect of such block may be cancelled by the Minister; and upon such cancellation such block and all improvements thereon shall be forfeited and revert to His Majesty, and shall become part of the Reserve; and any such occupier remaining in possession shall be deemed a trespasser in unlawful possession.

(2) Any block so forfeited may be applied for by any person entitled to make application under this Act, and if there are any improvements thereon, such improvements shall be valued by the Secretary for Lands, and the value shall be paid for by the incoming licensed occupier.

Payment for such improvements may, with the approval of the Minister, be made by instalments extending over such period not exceeding Five years as the Minister may determine.

All moneys so received shall be paid into the fund.

**20**—(1) After the expiration of Three years from the date of the issue of a licence, or earlier if, for sufficient cause, the Minister thinks fit, the licensed occupier, or any person rightfully entitled under this Act to the licence, shall, if all the conditions of the licence and provisions of this Act have been fully complied with, be entitled to apply, as prescribed, to the Minister for and to receive a lease free of rent for a period of Ninety-nine years of the block or blocks in respect of which the licence was originally granted.

(2) Every such lease shall—

- i. Be in the form prescribed :
- ii. Contain such of the terms and conditions herein declared concerning licences as are applicable to leases :
- iii. Contain such other provisions, covenants, and conditions as may be from time to time prescribed :
- iv. Contain a right of renewal from time to time for such further period as the Minister may determine, not exceeding Ninety-nine years : and
- v. Be liable to cancellation and forfeiture for breach of the conditions of the lease or provisions of this Act.

**21**—(1) Every licence and lease issued under this Act shall be deemed to be a chattel interest.

(2) No licensed occupier or lessee shall be entitled to deal with or dispose of his licence or lease, or of the block or blocks in respect of which the same has been issued, in any way, except by will in the manner hereinafter provided; and every such attempted disposition shall be to all intents absolutely void and of no effect.

**22**—(1) A licensed occupier or lessee may bequeath his licence or lease, and the block or blocks in respect of which the same has been

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If licensed occupier makes default, Minister may cancel licence, whereupon block to be forfeited.

Forfeited block may be applied for; improvements to be valued and paid for by incoming licensee.

At end of Three years after issue of licence, if Act complied with, a lease, free of rent, for 99 years may be issued.

Form and conditions, &c., of lease.

Licence and lease to be chattel interest.

Not to be disposed of except by will as provided by Act.

To whom licence or lease may be bequeathed,

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Provision in  
case of  
intestacy, &c.

issued, to any person entitled to make an application for a lease under this Act, and who is not a licensed occupier or lessee; and a bequest to any other person shall be void.

(2) If a licensed occupier or lessee dies intestate, or makes any void bequest of the licence or lease, then the licence or lease may be transferred by the Minister to the widow (if any) of such licensed occupier or lessee for her lifetime, and upon her death, or if he leaves no widow, the licence or lease may, in the discretion of the Minister—

- i. Be transferred by him to any descendant of the deceased deemed eligible by the Minister who is entitled to make application for a licence or lease, and is not a licensed occupier or lessee, and who is willing to take over the licence or lease, subject to its conditions and to this Act: or
- ii. May be otherwise dealt with for the benefit of the family of the deceased, as the Minister may think fit.

(3) If a transfer is not effected under this section, then the block or blocks in respect of which the licence or lease has been issued shall revert to His Majesty, and shall again become part of the Reserve, and shall be subject to the provisions of this Act.

On her marriage with white man licence or lease of person so marrying to determine.

**23** If any woman who is a licensed occupier or lessee marries a white man, all rights she may have under her licence or lease, or under this Act, excepting Section Twenty-eight, shall thereupon absolutely cease and determine, and the block or blocks in respect of which her licence or lease has been issued shall be deemed to be forfeited, and shall revert to His Majesty, and again become part of the Reserve, and may be dealt with under the provisions of this Act; and such woman shall be deemed to be in unlawful possession.

Compensation for improvements.

Provided that where in consequence of any such forfeiture any such woman loses the benefit of any improvements to which she was previously entitled, she shall be compensated out of the fund, and the provisions of Section Eighteen of this Act shall, *mutatis mutandis*, accordingly apply.

Fencing-wire, &c., up to £50 may be supplied by Minister to licensee or lessee.

**24—**(1) The Minister may from time to time, out of the fund and subject to regulations, cause any fencing-wire, staples, iron roofing, building material, water-tanks, agricultural or horticultural implements, seed, and livestock to be purchased and delivered to any licensed occupier or lessee, but so that the total cost of such articles or property delivered to any One licensed occupier or lessee shall not exceed the sum of Fifty Pounds.

Contract for repayment to be entered into with Minister.

(2) The licensed occupier or lessee shall, before receiving any such articles or property, enter into a contract with the Minister to repay the cost of such articles, together with interest thereon at the rate of Five Pounds per centum per annum, by equal half-yearly instalments extending over such period, not exceeding Ten years, as may be determined by the Minister, or be prescribed, with the right to repay at any time the balance of the instalments then owing.