

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. LVII.

An Act to amend an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, for granting certain Powers and Authorities to the *Van Diemen's Land* Company.

[25th *June* 1847.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for granting certain Powers and Authorities to a Company to be incorporated by Charter, to be called "The* Van Diemen's Land *Company," for the Cultivation and Improvement of Waste Lands in His Majesty's Island of* Van Diemen's Land, *and for other Purposes relating thereto*, it was amongst other things enacted, that in case His Majesty should, within Three Years after the passing of the said Act, be pleased by Charter under the Great Seal of *Great Britain* to declare and grant that such and so many Persons as should be named therein, and all and every such other Persons and Person as should from Time to Time be admitted Members into their Corporation, should be a Body Politic and Corporate by the Name of "The *Van Diemen's Land* Company," and to declare that the said Corporation so to be made and created should be established 6 G. 4. c. 39.

for

for the Purpose of cultivating Waste Lands in the said Island of *Van Diemen's Land*, and in any Islands or Territories which might at any future Time be made dependent thereupon, and for such other lawful Purposes as to His Majesty might seem meet, then and in that Case it should and might be lawful for the said Corporation to hold to them and their Successors such Lands, Tenements, and Hereditaments within the said Island of *Van Diemen's Land*, and such Dependencies thereof as aforesaid, as should or might be granted by His Majesty to them and their Successors within the said Island or its Dependencies, or as should be contracted for and purchased or acquired by them therein, and to hold, alienate, sell, exchange, and dispose of all such Lands, Tenements, and Hereditaments upon, under, and subject to such Conditions, Provisoes, Limitations, and Restrictions as His Majesty by such his Charter might impose, direct, or prescribe: And whereas, in pursuance of the said Act, His said Majesty was pleased, by His Letters Patent or Charter, under the Great Seal of *Great Britain*, dated at *Westminster*, the Tenth Day of *November* in the Year of our Lord One thousand eight hundred and twenty-five and in the Sixth Year of His Reign, to grant and declare that certain Persons therein named, and all and every such other Persons and Person as from Time to Time should be admitted Members into their Corporation, should be a Body Politic and Corporate, in Name and in Deed, by the Name of "The *Van Diemen's Land* Company," and should by that Name have perpetual Succession and a Common Seal, with Power to break or alter such Seal, and by that Name should and might sue and be sued, plead and be impleaded at Law or in Equity; and it was thereby further declared, that such Lands, Tenements, and Hereditaments within the said Island of *Van Diemen's Land*, and its Dependencies aforesaid, as should or might be granted by His Majesty, his Heirs or Successors, to the said Company and their Successors should by them be held, alienated, sold, exchanged, and disposed of, upon, under, and subject to such Conditions, Provisoes, Limitations, and Restrictions as therein-after mentioned; (that is to say,) firstly, that all Grants of Land in the said Island of *Van Diemen's Land*, or its Dependencies aforesaid, which might be made to the said Company by His Majesty, His Heirs or Successors, should be passed under the Great Seal of the said Island and its Dependencies, in pursuance of Warrants under the Royal Sign Manual of His Majesty, His Heirs or Successors; secondly, that for and in respect of all such Lands within the said Island, or its Dependencies aforesaid, as might be granted by His Majesty, His Heirs or Successors, to the said Company in Fee Simple, to be holden by them in free and common Socage, there should be reserved and paid and payable to His Majesty, His Heirs and Successors, an annual Quit Rent, which should amount to the Sum of Thirty Shillings and no more, for each and every Parcel of the said Lands of One hundred Pounds Sterling; thirdly, that no Quit Rents should accrue due or be payable by the said Company for or in respect of any such Lands as aforesaid during the Term of Five Years, to be computed from the Date of any Grant in and by which such Lands might be so granted; fourthly, that upon giving Six Months Notice in Writing, under their Common Seal, to the Governor, Lieutenant Governor, or other Person administering

Letters Patent, dated 10th Nov. 1825, incorporating the Van Diemen's Land Company.

nistering the Government of the said Island and its Dependencies, it should be lawful for the said Company to redeem the Quit Rents, or any Part thereof, upon Payment into the Treasury of the said Island and its Dependencies, in *British* Sterling Money, of a Capital Sum equal to Twenty Times the Amount of the Rent so to be redeemed; provided always, that the Redemption of any Portion of the said Quit Rents should not exonerate or discharge any Part of the said Lands so to be granted to the said Company from the Payment of the whole or any Part of the Quit Rents remaining unredeemed; fifthly, that the said Company should employ upon the Lands so to be granted to them such a Number of Convicts as should at the least be equal to the Number of free Labourers employed thereupon, if the Governor, Lieutenant Governor, or other Person administering the Government for the Time being of the said Island and its Dependencies should be able and willing to supply a sufficient Number of Convicts for that Purpose; sixthly, that the said Company should at their own Expence employ fit and proper Persons, not being or having been Convicts, to act as Superintendents of the Convicts so to be employed by them, in the Proportion at least of One such Superintendent to every Fifty Convicts; seventhly, that no Land granted to the said Company by His Majesty, His Heirs or Successors, should by the said Company be granted, bargained, sold, conveyed, demised, or alienated for or during a Period of Five Years, to be computed from the Date of the Grant from His Majesty, His Heirs or Successors, in which any such Lands might be comprised; and if any such Grant, Bargain, Sale, Conveyance, Demise, or Alienation should during any such Period as aforesaid be made or executed, the Lands therein comprised should be and become absolutely forfeited to and vested in His Majesty, His Heirs or Successors; eighthly, that the said Lands to be granted to the said Company by His Majesty, His Heirs or Successors, should be held by them in Mortmain, and be absolutely inalienable by them, except upon the Terms and Conditions following; (that is to say,) that it should be lawful for the Governor, Lieutenant Governor, or other Person administering the Government of the said Island and its Dependencies, and the Executive Council thereof, and they were thereby required, upon Application to them for that Purpose made by the said Company, to direct the Surveyor General or Deputy Surveyor General for the Time being of the said Island and its Dependencies to inquire and report whether the Sum of Two thousand five hundred Pounds Sterling had been laid out and expended by the said Company in the Formation of Roads, the Erection of Buildings, the Cultivation, clearing, fencing, draining, or other Improvements of any such Lands; and if the said Surveyor General or Deputy Surveyor General should report to the said Governor, Lieutenant Governor, or other Person administering the Government of the said Island, and the said Executive Council thereof, that the Sum of Two thousand five hundred Pounds Sterling had been so expended, it should be and become competent to the said Company, without Licence from His Majesty, His Heirs or Successors, to alienate and convey in Fee Simple, but subject to the Quit Rents aforesaid, any Part or Parts of the Lands so granted to them, not exceeding Twelve thousand five hundred Acres in the whole; and such and the same Proceedings should from Time to Time take place upon each successive Application

of

of the said Company for the Purpose aforesaid to the said Governor, Lieutenant Governor, or other Person administering the Government of the said Island and its Dependencies, and the said Executive Council thereof; and upon each successive Report so made as aforesaid of the further Expenditure upon any such Lands of any further Sum of Two thousand five hundred Pounds Sterling as aforesaid, the said Company should be and become competent to alienate Twelve thousand five hundred Acres, or any smaller Quantity, of the Lands to be granted to them, until One Moiety or equal Half Part of such Lands should, in manner aforesaid, become alienable; provided always, that every such Report as aforesaid should be enrolled in the Supreme Court of *Van Diemen's Land;* provided also, that it should be lawful for the said Company to alienate any of the Lands to be granted to them as aforesaid, upon obtaining a special Licence for that Purpose from His Majesty, His Heirs or Successors, through One of His or their principal Secretaries of State; provided further, that every Grant or Conveyance of Lands to be made by the Company should be absolutely null and void unless the same should expressly refer to and particularize the Surveyor General's or Deputy Surveyor General's Report, or the Licence from His Majesty, His Heirs or Successors, as the Case might be, under the Authority of which the same might be so granted or conveyed; provided nevertheless, that nothing therein contained should extend to or prevent any Demise of any such Lands made by the said Company for any Term not exceeding Twenty-one Years, without any Covenant of Renewal, so as that not more than One Moiety of the Lands so to be granted as aforesaid be demised within Twenty Years next succeeding the Date of any such Grant; ninthly, that the Quit Rents to accrue due upon any Lands to be granted to the said Company by His Majesty, His Heirs or Successors, for and during the Term of Five Years, to commence and be computed from and after the Expiration of the first Five Years next following the Date of any such Grant, should not be actually collected and received until the Expiration of such Second Term of Five Years, and that at that Time all Quit Rents then due and in arrear by the said Company should be remitted if One hundred and fifty Convicts should have been regularly employed and maintained by the said Company for and during the greater Part of such Second Term of Five Years; tenthly, that the said Quit Rents to accrue due for and during the further Term of Five Years, to commence and be computed from and after the Expiration of the Second Term of Five Years next following the Date of any such Grant should not be actually collected and received until the Expiration of such Third Term of Five Years, and that at that Time all Quit Rents accrued due and then in arrear by the said Company in respect of such Third Term of Five Years should be remitted, if Two hundred and fifty Convicts should have been regularly employed and maintained by the said Company for and during the greater Part of the said Third Term of Five Years; eleventhly, that the said Quit Rents to accrue due for and during the further Term of Five Years, to commence and be computed from and after the Expiration of the said Third Term of Five Years next following the Date of any such Grant, should not be actually collected until the Expiration of the Fourth Term of Five Years, and at that Time all Quit Rents accrued due and then

then in arrear by the said Company in respect of the said Fourth Term of Five Years should be remitted if Three hundred and fifty Convicts should have been regularly employed and maintained by the said Company for and during the greater Part of such Fourth Term of Five Years; twelfthly, that if at any Time within Twenty Years next after the Date of any such Grant it should be made to appear to the Satisfaction of His Majesty, His Heirs or Successors, or of the Governor, Lieutenant Governor, or other Person administering the Government for the Time being of the said Island and its Dependencies, that the said Company had by the Employment of Convicts exonerated the Treasury from a Charge equal in the whole to the Sum of Twenty-five thousand Pounds Sterling, then the Lands which might by His Majesty, His Heirs or Successors, have been granted to the said Company, should be for ever discharged of and from the Quit Rents thereafter to accrue due in respect thereof, and in calculating the Amount of the Sums from which the said Treasury had been so exonerated it should be assumed and taken that the said Treasury had been saved the Sum of Sixteen Pounds Sterling for each and every Convict who should appear to have been maintained during One whole Year by the said Company, and in such Proportion for a lesser Term than One Year that each and every Convict should have been so maintained by the said Company; and it was further declared that in any Grants to be made by His Majesty, His Heirs or Successors, to the said Company of any Lands situate in the said Island of *Van Diemen's* or its Dependencies, all necessary Covenants should be made and entered into by the said Company for ensuring the due Observance and Performance on their Part of the several Covenants, Provisoes, and Restrictions aforesaid: And whereas by divers Instructions which have issued from Time to Time by Order of His said Majesty King *George* the Fourth and of His late Majesty King *William* the Fourth to the Governor, Lieutenant Governor, or other Person administering the Government of the said Island of *Van Diemen's Land* and its Dependencies, the said Company have been authorized to take Possession of several Portions of Land and other Hereditaments situate in the said Island and its Dependencies, and have, with the Assent of the Governor, Lieutenant Governor, or other Person administering the Government for the Time being of the said Island and its Dependencies, entered into and taken Possession of the said Lands and Hereditaments, and the said Company have ever since been and now continue in the Possession thereof, but no Grant thereof has been made to the said Company: And whereas the said Company have from Time to Time employed and maintained upon the said Lands very large Numbers of Convicts, and the Company have by such Employment and Maintenance of Convicts as aforesaid exonerated Her Majesty's Treasury from a Charge exceeding in the whole the Sum of Fifteen thousand Pounds Sterling, and the said Company have also laid out large Sums of Money in the Improvement of divers Parts of the said Lands and Hereditaments: And whereas the said Company have, by the Means aforesaid and otherwise, substantially fulfilled the material Conditions contained in the said Letters Patent or Charter on their Part to be observed and performed, and by reason of the Lapse of Time and the Alteration of Circumstances others of the said Conditions have

become immaterial, and it is just and expedient that Her Majesty should be authorized, if she should so please, to grant to the said Company Lands and Hereditaments in the said Island and its Dependencies, freed from the Quit Rents and the other Restrictions and Conditions in the said Letters Patent or Charter contained, and that other Powers should be granted to the said Company; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her said Majesty, Her Heirs or Successors, from Time to Time and at all Time hereafter, by Warrant under the Royal Sign Manual, to authorize and empower the Governor, Lieutenant Governor, or other Person for the Time being administering the Government of the said Island of *Van Diemen's Land* and its Dependencies, to execute a Deed or Deeds, under the Great Seal of the said Island and its Dependencies, granting to the said Company any Lands, Tenements, and Hereditaments in the said Island and its Dependencies, freed and for ever discharged of and from the Quit Rents, Conditions, Provisoes, Limitations, and Restrictions in the said Letters Patent or Charter expressed and herein-before recited, or such of them, or such Parts thereof, as Her Majesty, Her Heirs or Successors, shall in and by the said Grant or Warrant or Grants or Warrants direct; and it shall be lawful for the said Company to hold, alienate, sell, and dispose of all or any Part or Parts of the said Lands so to be granted, subject only to such Conditions and Restrictions, if any, as shall be stipulated in and by the Grant or Grants thereof to the said Company, and to hold, alienate, sell, and dispose of all Lands purchased or to be purchased by the said Company, freed from the Conditions and Restrictions imposed by the said Letters Patent or Charter.

Her Majesty, by Warrant under the Sign Manual, may grant Lands to the Company, freed and discharged from Quit Rents, &c. in the Charter expressed.

II. And whereas it was by the said Letters Patent or Charter declared, that the Two Persons therein named should be the Governor and Deputy Governor of the said Company, and that such Two Persons, together with Eighteen other Persons therein named, should be the first Directors of the said Company, and that after the Period therein named, Six of the said Eighteen Directors, or their Successors, should go out of Office annually, and their Places be from Time to Time supplied: And whereas it is expedient that Power should be given to the said Company to reduce the said Number of Directors; be it therefore enacted, That it shall be lawful for the said Company from Time to Time, at any Special General Meeting, to resolve and declare that at a Time or Times to be fixed at such Meeting or Meetings the Number of the Directors of the said Company shall be reduced to any Number they may think proper, not being less than Nine exclusive of the said Governor and Deputy Governor, and to fix the Mode in which such Reduction shall take place, and thereupon at the Time or Times fixed at such Meeting or Meetings the Number of the said Directors shall be reduced accordingly; and after any such Reduction shall have taken place, the Number of Directors to go out of Office as aforesaid shall be One Third of the whole

Power to the Company, at any Special General Meeting, to reduce the Number of Directors.

whole Number of Directors, exclusive of the said Governor and Deputy Governor, instead of the said Number of Six Directors as aforesaid.

Public Act.

III. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall extend to and be in force in the said Island of *Van Diemen's Land* and its Dependencies, and shall be judicially taken notice of as such.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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