



SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF FRIDAY, FEBRUARY 25, 1859.

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FRIDAY, FEBRUARY 25.

[1859.

ORDER IN COUNCIL
(Made under 21 Victoria No. 32, sec. xii.)

FOR

REGULATING THE ISSUING OF MINING LEASES OF
AURIFEROUS CROWN LANDS IN THE MINING
DISTRICT OF MARYBOROUGH.

*At the Government House, Melbourne, the seventeenth day of
January, 1859.*

PRESENT :

His Excellency the Governor,

Major-General Macarthur, C.B.,	Mr. Miller,
Mr. O'Shanassy,	Mr. Duffy,
Mr. Chapman,	Mr. Ireland,
Mr. Horne,	Dr. Evans, LL.D.

WHEREAS by an Act of the Parliament of Victoria, passed in the 21st year of the reign of Her Majesty Queen Victoria, No. 32, it was made lawful for the Governor to grant certain leases for any term not exceeding ten years, for mining purposes, of any auriferous Crown land: AND WHEREAS by the same Act it was also made lawful for the Governor in Council from time to time to make such regulations, not being contrary to the said Act, as should appear to be necessary for prescribing the form of documents and leases to be issued under the same Act, the modes, times, dates, and places of the issue thereof, and the conditions on which such leases should be issued: AND WHEREAS it appears to be necessary, in reference to all leases which the Governor may grant as aforesaid of any auriferous Crown land being in the mining district of Maryborough, to make the regulations hereinafter expressed: Now therefore His Excellency the Governor, by and with the advice of the Executive Council, doth hereby, in reference to all leases which the Governor may grant as aforesaid of any auriferous Crown land being in the mining district of Maryborough, make the regulations next following:—

WHAT LANDS MAY BE LEASED.

All auriferous Crown land in the mining district of Maryborough may be applied for on lease under these regulations, except—

1. The whole or any part of any claim held by any person other than the applicant :
2. The whole or any part of any land which any holder of a miner's right other than the applicant is entitled to occupy, and actually does occupy *bonâ fide*, for mining purposes and for residence :
3. The whole or any part of any land through or upon which any holder of a miner's right, other than the applicant, is entitled to cut, construct and use roads, races or dams, for mining purposes :
4. The whole or any part of any land which any holder of a business license, other than the applicant, is entitled to occupy, and does actually occupy *bonâ fide*, for the purpose of residence and of carrying on his business :

5. The whole or any part of any land in or over which any person other than the applicant has any interest or authority other than those above mentioned which he may lawfully use or exercise for mining purposes.

REQUIREMENTS PRELIMINARY TO THE ISSUE OF LEASES.

1. Any person applying for a lease of auriferous Crown land in the mining district of Maryborough, shall apply for such lease by addressing and forwarding to the nearest Warden of that district an application in duplicate in the form in schedule hereunto appended marked A., and the Warden shall, as soon as it may conveniently be done, enter or cause to be entered, in a book to be kept for the purpose, such application, numbered according to the order in which it shall have been received, and shall thereupon and upon receipt of the deposit in the application referred to, give to the applicant a certificate and receipt in the form in schedule hereunto annexed marked B., and the priority of every application shall be determined according to the time at which it was so received and entered as aforesaid.

2. At the time of applying as aforesaid for a lease, the applicant must (in addition to the charges of survey) deposit the sum of ten pounds, as a guarantee for payment of any expenses which may be incurred by reason of any objection to such application being allowed. And whether any such objection shall be allowed or not any surplus which may remain over and above the expenses incurred shall be returned to the applicant.

Printed copies of the forms A., B., and C. will be issued at the offices of the Wardens of the district, free of expense.

OFFICIAL SURVEY.

Upon receipt of such application and money aforesaid, a surveyor will be directed by the Warden to proceed to the land applied for, as soon after such application as possible, for the purpose of surveying the said land, and reporting thereon, as to area, boundaries, and description thereof, to the Warden, for transmission to the Chief Secretary.

When the surveyor shall have made a survey of the land applied for, he shall place at each corner of such land a post, firmly fixed in the ground, and standing three feet in height from the surface thereof; and shall affix upon some conspicuous place within the boundaries of the land applied for, a notice dated on that day, setting forth in the form in the schedule hereunto annexed, marked C., the description of the land so applied for and surveyed as aforesaid, the address of the applicant, and the steps to be taken by any persons desirous of objecting to the issue of such lease.

OBJECTIONS.

1. Any person objecting to the issue of such lease to the applicant, shall within eight days after the date of this notice posted on the land as aforesaid, forward to the Warden to whom the application for the lease shall have been made, and also to the applicant at the address stated in such notice posted as aforesaid, full notice of any objection against the issue of such lease to the applicant.

Every person so objecting shall deposit with the Warden the sum of ten pounds, as security for the due prosecution of any objection, and in satisfaction of all expenses to which the applicant may be put by such objection; and if such objection should not be prosecuted, or shall fail, so much of such sum shall be handed over to the applicant as may by the Warden be declared necessary to defray the expenses of the applicant, and the balance (if any) shall be refunded to the person objecting.

INQUIRY INTO APPLICATIONS AND OBJECTIONS.

After the expiration of the eight days allowed for objections a Warden will proceed to hold, at a time and place to be named by him, an inquiry into the truth of the particulars stated by the applicant and the validity of the objections made by each objector.

At such inquiry the Warden will receive such information as the parties may offer, and as he may think pertinent to his inquiry; and immediately after such inquiry, or, should there be no objection raised, immediately after the expiration of the eight days aforesaid, he shall forward to the office of the Chief Secretary the application and the objections thereto, if any, and his report thereon.

LEASES.

All leases to be applied for shall be considered under the following classification:—

1. *Leases of Alluvial Land.*—These will embrace all lands where gold is found in the drift, without respect to depth.
2. *Leases of Quartz Ground.*—These will relate to ground containing reefs or veins of quartz.

The Governor may issue to any applicant who has complied with such of these regulations as refer to his application, a lease of the land applied for after the time prescribed by the eleventh section of the Gold Fields Act, viz., One month after notice of the intention to grant the same shall have been published in the *Government Gazette*.

Every lease will bear date the day of the execution thereof, and may be obtained at the office of the Warden, who shall deliver the same to the applicant, or such person as shall be duly authorised to receive the same, upon receipt of a fee of £1.

The parcel of land of whatever kind demised by any lease will be described therein, by such area, and metes and bounds, as shall have been reported by the surveyor to the Warden, and approved by the Chief Secretary.

The term of the lessee in the land demised cannot in any case exceed ten years.

The areas of leases shall be, except in special cases hereinafter provided for—

1. For leases of alluvial lands, an area not less than five acres, nor more than twenty-five; and no parcel of alluvial land will be demised except in the form of a rectangular parallelogram, the length of which shall not exceed twice the breadth.
2. For leases of quartz ground an area in the form of a rectangular parallelogram, the length of which shall not exceed nine hundred yards, and the width three hundred yards, and lesser areas shall be in the same proportion; but no area shall be less than one hundred yards in length nor less than eighty yards in width.

3. The rent reserved shall be at the rate of five pounds per acre of alluvial land, and five pounds for every one hundred yards in length of any quartz ground demised pursuant to these regulations, and the said rents shall be made payable half-yearly in advance during the entire term, and the day of execution of the lease shall be deemed to be the day upon which the first payment shall be made.

In special cases where it shall be shown that a departure from the foregoing areas or rents would be for the public advantage the same may be altered, extended, or otherwise increased by the Governor in Council, and such covenants, conditions, and stipulations may be imposed, and such rents and royalties reserved, as by the said Governor in Council may be considered necessary; provided that the Warden shall not entertain any application for a greater extent of alluvial land or of quartz ground than the maximum quantity hereinbefore stated, without a special order from the Chief Secretary.

SCHEDULE A.

(Form of Letter of application for Lease.)

To Mr. Warden at _____ [Place and Date.]

Sir,
I herewith deposit the sum of ten pounds as required by the Mining Leases regulations for the District of Maryborough; and I agree, if my application (the particulars of which are hereunder set forth) be investigated, that such sum shall in all respects be held by you, subject to, and may be appropriated by you under, the terms of such regulations, and that upon

the approval of this application by the Chief Secretary I will execute a lease upon the basis of this application.

I have the honor to be,
Sir,
Your obedient Servant,

General Remarks.		
Precise locality and period of time for commencing operations.		
Capital and Machinery proposed to be employed.	Value and general description of machinery.	
	Amount of capital proposed to be invested.	
Description of Land.	Quartz.	
	Alluvial.	
Extent of land applied for.		
Name of applicant or applicant and style under which the business shall be carried on.		

SCHEDULE B.
(Form of Certificate.)

I hereby certify that _____ [No. as entered in Book.] has, this day, at _____ applied to me at the time following, that _____ is to say _____ for a lease of the land described in his application, and has paid the sum of ten pounds, as preliminary expenses, and that the above is the order of his priority of application in respect of such land.

(Signed)
Maryborough, 185 _____

SCHEDULE C.

(Form of Notice to be posted on the land by the Surveyor.)

To all persons whom it may concern.
NOTICE OF APPLICATION FOR GOLD MINING LEASE.
I hereby give notice, that _____ did on the _____ day of _____ apply to Mr. Warden _____ at Maryborough for a mining lease of [acres or yards] of the land which, under the direction of the said Warden, I have this day marked out with posts; and I further give notice, that any person desiring to object to the issue of the said lease must enter his objection or objections within eight days from this date at the office of the said Warden.

Surveyor.
And the Honorable Richard Davies Ireland, Her Majesty's Solicitor General for Victoria, shall give the necessary directions herein accordingly.

J. H. KAY,
Clerk of the Executive Council.