



VICTORIA
GOVERNMENT GAZETTE
EXTRAORDINARY.

Published by Authority.

No. 45.]

WEDNESDAY, MAY 3.

[1865.

ORDER BY THE GOVERNOR IN COUNCIL.

At the Government House, Melbourne, the first day of May, 1865.

PRESENT:

Major-General Chute	His Excellency the Governor	Mr. Grant
Mr. McCulloch		Mr. Francis
Mr. Michie		Mr. Sullivan
Mr. Verdon		

WHEREAS by the 13th section of *The Amending Land Act, 1865* it is among other things enacted that the Board of Land and Works may, in such manner and subject to such terms, conditions, and regulations as the Governor in Council may from time to time direct, grant leases of subdivisions of an allotment to two or more persons, one of whom shall have made application and paid a half-year's rent in advance for the said allotment, in the manner provided by the said Act: Now therefore His Excellency, the Governor, with the advice of the Executive Council, doth by this present Order make the rules and regulations following for applying for and granting leases in the manner aforesaid:—

1. Every person who may desire to subdivide with another person or persons an allotment applied for by him under sections 12 and 13 of *The Amending Land Act, 1865*, and to secure the issue of a separate lease or leases to such person or persons for any subdivision or subdivisions of the said allotment, shall, at the time of making such application state in writing to the Land Officer the name or names of the person or persons with whom he is desirous of subdividing the same, and shall within one month from the date of his application, address a request for such leases to the President of the Board of Land and Works, and shall forward with such request a plan, certified by a contract surveyor holding a certificate of competency signed by the Board of Examiners at the Crown Lands Office, and showing the proposed method of subdivision, the lengths and bearings of the dividing and boundary lines, and the names in full of the proposed lessees so previously stated as aforesaid, together with a written undertaking from every such proposed lessee to accept and conform to such plan of subdivision, and to execute a lease prepared in accordance therewith within three months from the date of the original application.

2. This regulation shall not apply to any land selected under or by virtue of a certificate obtained under sections 23 and 24 of *The Land Act, 1862*, or under section 7 of *The Amending Land Act, 1865*.

And the Honorable James Macpherson Grant, Her Majesty's Commissioner of Crown Lands and Survey for Victoria, shall give the necessary directions herein accordingly.

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

ORDER BY THE GOVERNOR IN COUNCIL.

At the Government House, Melbourne, the first day of May, 1865.

PRESENT:

Major-General Chute	His Excellency the Governor	Mr. Grant
Mr. McCulloch		Mr. Francis
Mr. Michie		Mr. Sullivan
Mr. Verdon		

WHEREAS by the 7th section of *The Amending Land Act, 1865*, it is amongst other things enacted that any person who had before the passing of the said Act become entitled under the 23rd and 24th, or the 33rd or 34th, sections respectively of *The Land Act, 1862*, to select or purchase land within twelve

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months from the date of the said Act, and the executors, administrators, and assigns of such persons, might, subject to all the limitations, conditions, restrictions, and obligations attached by the said last-mentioned Act to such selection or purchase, exercise the said right of selection, upon making application to the Board of Land and Works at any time within twelve months after the passing of *The Amending Land Act, 1865*: And whereas it is further by the said 7th section of the said last-mentioned Act provided that all persons, from the time of the passing of *The Land Act, 1862*, entitled to receive certificates, should be entitled to receive the same within three months after the passing of *The Amending Land Act, 1865*: And whereas by the 133rd section of *The Land Act, 1862*, it is amongst other things enacted that the Governor in Council should have full powers from time to time to make any rules and regulations for prescribing the form of leases and licenses, and transfers of pastoral licenses, to be issued under the said Act, and the conditions on which such leases should be issued, for imposing any reasonable charge or fee for any Crown grant or other document issued under the authority of the said Act, and for the more fully carrying out the objects and purposes of the said Act, and to rescind such rules and regulations, and to make other rules and regulations in lieu thereof: And whereas by the 70th section of *The Amending Land Act, 1865*, it is amongst other things enacted that the Governor in Council should have power from time to time to make and alter or rescind rules, regulations, and orders for prescribing the form of and the conditions and mode of applying for leases and licenses to be issued under the said last-mentioned Act, and the conditions on which the same should be issued, for imposing any reasonable charge or fee for any Crown grant or other document issued under the authority of the said Act, and for the more fully carrying out the objects and purposes, and guarding against evasions and violations of the said Act: Now therefore His Excellency the Governor, by and with the advice of the Executive Council, doth order that all rules and regulations made under the provisions of *The Land Act, 1862*, so far as they are inconsistent with the rule, regulation, or order hereby and hereinafter made, be rescinded, and that the following rule, regulation, or order be made, that is to say:—

All leases granted under the 22nd section of *The Land Act, 1862*, to persons entitled to select an allotment of Crown lands under the 23rd and 24th sections of the said Act and the 7th section of *The Amending Land Act, 1865*, shall be in the form in the schedule hereto.

And the Honorable James Macpherson Grant, Her Majesty's Commissioner of Crown Lands and Survey for Victoria, shall give the necessary directions herein accordingly.

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

SCHEDULE.

Form of Lease of Allotment selected, under the 23rd and 24th sections of "The Land Act, 1862," and the 7th section of "The Amending Land Act, 1865."

THIS DEED made the _____ day of _____ in the year of our Lord One thousand eight hundred and sixty-_____ between the Queen's Most Excellent Majesty of the one part and _____ in the colony of Victoria (hereafter called the lessee) of the other part.

Whereas under the 23rd and 24th sections of *The Land Act, 1862* and the 7th section of *The Amending Land Act, 1865* the said lessee has become entitled to receive a lease of the land hereinafter described for the term and in manner hereinafter appearing and has paid in advance one year's rent for the same: Now these presents witness that in consideration of the rent and covenants hereinafter reserved and contained

and by and on the part of the said lessee heirs
 executors administrators and assigns to be paid and performed
 Her said Majesty doth hereby demise to the said lessee
 executors administrators and assigns All that piece of land in
 the said colony containing
 or thereabouts and described in the schedule hereto
 and shewn with the measurements and abuttals thereof in the
 map drawn in the margin of these presents and therein colored
 yellow To hold unto the said lessee executors admin-
 istrators and assigns from the day of
 for the term of eight years thence next ensuing Yielding and
 paying for the same unto Her said Majesty Her heirs and
 successors yearly always in advance on the day of
 in every year during the said term the clear
 sum of two shillings and sixpence for every acre or fractional
 part of an acre of the said land And the said lessee for
 heirs executors administrators and assigns do hereby cove-
 nant with Her Majesty Her heirs and successors that he the
 said lessee executors administrators or assigns will
 during the said term pay in advance unto Her Majesty Her
 heirs and successors the rent hereby reserved on the day and
 in the manner hereinbefore mentioned without any deduction
 whatsoever And also that he the said lessee executors
 administrators or assigns will within one year from the said
 day of cultivate at least one acre
 out of every ten acres of the said allotment or erect thereon a
 habitable dwelling or enclose such allotment with a substantial
 fence Provided always and these presents are upon this condi-
 tion that if the rent hereby reserved or any part thereof shall
 be unpaid for fifteen days after any day on which the same
 ought to have been paid although no formal or legal demand shall
 have been made for payment thereof or if the said lessee
 executors administrators or assigns shall not within the period
 of one year from the said day of cultivate
 at least one acre out of every ten acres of the said allotment or
 erect thereon a habitable dwelling or enclose such allotment

with a substantial fence then and in such case the term hereby
 granted shall cease determine and be void anything herein con-
 tained to the contrary thereof in anywise notwithstanding And
 it shall be lawful for Her Majesty Her heirs and successors or
 Her or their agents or officers or any bailiff of Crown
 lands to enter forthwith into and upon the said demised
 premises and the same to re-possess, and enjoy as fully and
 effectually as if these presents had not been made and exe-
 cuted And it is hereby agreed and declared that in any such
 case it shall be lawful for Her Majesty Her heirs and suc-
 cessors and Her or their agents or officers or any bailiff
 of Crown lands as aforesaid without any demand what-
 soever to enter upon the said demised premises and the
 said lessee and all persons claiming under h for ever
 to expel and remove therefrom without any legal process
 whatsoever and as effectually as any sheriff might do in case
 Her Majesty Her heirs or successors had obtained judgment
 in ejectment for recovery of possession thereof and a writ of
habere facias possessionem or other process had issued on such
 judgment directed to such sheriff in due form of law And that
 in case of such entry and any action being brought or other
 proceedings taken for the same by any person whomsoever the
 defendants to such action may plead leave and license in bar
 thereof and these presents shall be conclusive evidence of the
 leave and license of the said lessee and all persons claiming
 under to Her Majesty Her heirs and successors and all
 persons acting therein by Her or their or any of their order or
 by or under the order of any bailiff of Crown lands as
 aforesaid for the entry or trespass or other matters to be com-
 plained of in such action or other proceedings In testimony
 whereof Her said Majesty hath caused this demise to be sealed
 with the Seal of the said Colony and the said lessee h set
 hereto h hand and seal

Witness Sir Charles Henry Darling Knight Commander
 of the Most Honorable Order of the Bath Governor
 and Commander-in-Chief of the said Colony.

AMENDING LAND ACT 1865.—(Section 12.)

DIRECTIONS RESPECTING THE MANNER IN WHICH THE PRIORITY OF THE ORDER OF APPLICATIONS FOR THE PURCHASE
 OR SELECTION, OR FOR A LEASE OF LAND, SHALL BE DETERMINED BY LOT.

WHEREAS by the 12th section of *The Amending Land Act* 1865 it is amongst other things enacted that when on any day, within
 the period of one hour calculated from the time of the opening or re-opening of the Land Office, two or more persons shall attend
 at the Land Office to make application for the purchase or selection, or for a lease of land under the part of the said Act in the
 said section mentioned, the priority of the order of applications shall be determined by lot, to be conducted in such manner as the
 Board of Land and Works may direct, and upon such determination such applications shall be received and entered in the order
 so ascertained as aforesaid: Now therefore the Board of Land and Works doth direct that the lot by which the priority of the
 aforesaid applications shall be determined shall be conducted as follows:—

1. Every person in attendance at a Land Office for the purpose of making application for the purchase or selection or for a
 lease of land as aforesaid shall (subject to the regulations of the Board in respect to persons applying for purchase or selection) be
 entitled to receive a card (in the form in the schedule hereto) signed by the Land Officer, or his substitute, and called a "Lot
 Ticket."
2. The holder of the lot ticket shall, in the presence of the Land Officer or his substitute, sign his name on the lot ticket,
 and deposit it in a box to be kept in an elevated position on the counter in the Land Office, so as to be seen by all persons in the
 waiting-room appropriated for the use of persons attending as aforesaid.
3. No person shall receive or be entitled to receive more than one lot ticket at the same opening or re-opening of the Land
 Office.
4. All persons within the waiting-room of the Land Office at or before the closing thereof, at the expiration of one hour
 from the time of its opening or re-opening, shall be deemed to be in attendance. And no person shall be entitled to make
 application for the purchase or selection, or for a lease of land, who shall not have received a lot ticket and deposited it in the box
 as aforesaid.
5. When all the persons in attendance at the time of closing the Land Office shall have deposited their lot tickets in the box,
 the Land Officer or his substitute shall, by shaking the box or otherwise, thoroughly commingle the lot tickets therein, and shall
 then proceed publicly to draw the lot tickets successively, and announce the names thereon, and enter them in the order in which
 they are announced; and the persons whose names are so called shall immediately proceed to make application for the purchase
 or selection, or for a lease of land, in the order aforesaid.
6. Any person not answering to his name upon being publicly called as aforesaid shall be deemed to have withdrawn, and
 shall be passed over accordingly, and he shall not be entitled to make application or to receive another lot ticket until the
 re-opening of the Land Office.
7. If any error or mistake should occur, or dispute should arise, during the taking of the lots, the same shall be rectified or
 decided by the Land Officer as he shall think fit, and his decision shall be final.

The Common Seal of the Board of Land and Works was hereunto affixed in the presence of the undersigned, two of
 the Members of the said Board, this third day of May, 1865.

(L.S.)

J. M. GRANT,
 President.
 C. HODGKINSON,
 Member.

SCHEDULE.

LOT TICKET.

Name of person intending to apply for purchase or selection
 Name of person intending to apply for a lease

Land Officer.

AMENDING LAND ACT 1865.

REGULATIONS UNDER THE 7TH SECTION OF "THE AMENDING LAND ACT 1865."

WHEREAS by the 7th section of *The Amending Land Act 1865* it is amongst other things enacted that any person who had before the passing of that Act become entitled, under the 23rd and 24th or the 33rd or 34th sections respectively of *The Land Act 1862*, to select or purchase land within twelve months from the date of the said last-mentioned Act, and the executors, administrators, and assigns of such person might, subject to all the limitations, conditions, restrictions, and obligations attached by the said Act to such selection or purchase, exercise the said right of selection or purchase, upon making application to the Board of Land and Works at any time within twelve months after the passing of *The Amending Land Act 1865*; provided that nothing therein contained should apply to any person who had previously to the passing of the said last-mentioned Act exercised the right of selection or purchase under the said sections or any of them; provided also that the Board of Land and Works might from time to time make such regulations as might be thought necessary or expedient for the purpose of enforcing the conditions and obligations aforesaid, or of preventing the violation or evasion of any of the provisions of *The Land Act 1862*: And whereas it is thought necessary and expedient by the Board of Land and Works to make the regulations following, for the purpose of enforcing the conditions and obligations aforesaid, and of preventing the violation or evasion of the provisions of *The Land Act 1862*: Now therefore the Board of Land and Works, in pursuance and in exercise of the powers and authorities in it vested as aforesaid, doth make the regulations following, that is to say:—

1. Applications under the 7th section of *The Amending Land Act 1865* will be received by the Board of Land and Works from the following persons:—

- (1.) Any person who had before the 23rd day of March, 1865, or who shall have within three months after the day aforesaid, obtained the certificate of a solicitor under and in accordance with the provisions of the 23rd and 24th sections of *The Land Act 1862*.
- (2.) The executor or administrator of any such person, or the assign of the certificate obtained as aforesaid by any such person.

2. Every applicant must make application, either personally or in writing signed by the applicant, to the Board of Land and Works, and must produce to the President of the Board the solicitor's certificate, and (if he apply as an assign) the assignment thereof, in writing. The applicant will thereupon receive from the President of the Board an acknowledgment of his application, in the form in the First Schedule hereto.

3. No application under the 7th section of *The Amending Land Act 1865* for an allotment exceeding in extent the quantity of land allowed to be selected under *The Land Act 1862*, will be received by the Board of Land and Works from any applicant.

4. Every applicant for selection (except as hereinafter in the next regulation mentioned) must attend in person at the Land Office where he intends to select an allotment, and must produce and deposit with the Land Officer, or his substitute, the said acknowledgment of the President of the Board, before he will be allowed to select an allotment or to receive a lot ticket.

5. When the applicant is temporarily absent from the colony, or is unable, from sickness or infirmity, to attend in person at the Land Office, the President of the Board may, by writing under his hand, upon the acknowledgment, authorise the selection to be made by an attorney or agent on behalf of the applicant, but in no case shall the same attorney or agent be authorised to select for more than one applicant at one and the same opening of the Land Office.

6. Every attorney and agent authorised as aforesaid must, before he will be allowed to select an allotment or to receive a lot ticket on behalf of the applicant, make and deposit at the Land Office, with the Land Officer or his substitute, a declaration taken and signed by a justice of the peace, that he is the person authorised as aforesaid to select an allotment on behalf of the applicant.

7. Every applicant for selection (not being an attorney or agent authorised as aforesaid), before he will be allowed to select an allotment, must make and deposit with the Land Officer, or his substitute, the written application and the declaration in the form in the Second Schedule hereto.

8. In every case where a lot is taken, each applicant under these regulations, or his attorney or agent, as the case may be will be allowed to select one allotment only, not exceeding in extent the number of acres mentioned in the acknowledgment previously deposited by such applicant, or his attorney or agent, with the Land Officer or his substitute.

9. The counterpart of a lease in the form prescribed by the Governor in Council by an order made on the first day of May, A.D. 1865, or in such other form as may hereafter be so prescribed, shall be executed in person by every selector, under the 7th section of *The Amending Land Act 1865*, within one month after publication in the *Government Gazette* of notice by the Board of Land and Works requiring the said selector to execute the said counterpart, at a time and place to be specified in such notice; and if such counterpart be not executed by the selector in person within the time aforesaid, all rent paid for such allotment will be forfeited, and the land comprised in such allotment shall revert to the Crown; and it shall be lawful for Her Majesty, and Her agents or officers, or any bailiff appointed under *The Amending Land Act 1865*, without any demand whatsoever, to enter upon the same, and the said selector and all persons claiming under him or her to remove therefrom.

10. All payments made to Land Officers for the purchase or selection or rental of land under the said Act shall be in gold, silver, or bank notes.

The Common Seal of the Board of Land and Works was hereunto affixed in the presence of the undersigned, two of the Members of the said Board, this third day of May, 1865.

(L.S.)

J. M. GRANT,
President.
C. HODGKINSON,
Member.

FIRST SCHEDULE.

ACKNOWLEDGMENT BY THE PRESIDENT OF THE BOARD OF LAND AND WORKS.

I acknowledge that A.B. has made application to the Board of Land and Works, in accordance with the 7th section of *The Amending Land Act 1865*, and that he is entitled, as the holder of a solicitor's certificate under the 23rd and 24th sections of *The Land Act 1862* [or, if applicant be an assign of a certificate, as the assign of the certificate of C.D.], subject to the conditions and obligations of the said Acts respectively, and the directions and regulations made under the said Acts, or either of them, to select an allotment of land not exceeding _____ acres in an agricultural area.

SECOND SCHEDULE.

Part First.—Where only one Allotment is selected.

I, the undersigned, do hereby state my desire to become the selector of allotment No. _____ section
No. _____ at [or in the parish of _____] containing _____ acres, and to apply for a lease
of the same, according to law, and I herewith tender the sum of £ _____ in consideration thereof. And I do solemnly

and sincerely declare that my domicile is in Victoria, and that I am above the age of twenty-one years, and (*if the applicant be a female*) that I am not a married woman [*or that I am a married woman, but that I have obtained a decree for judicial separation, binding according to the laws in force in Victoria*], and that I apply for such allotment on my own behalf and for my own use and benefit only, and not as agent for any other person whatsoever, and that I have not selected any other allotment, and that no other person with my knowledge and consent has selected any other allotment for me or on my own behalf, or for my use and benefit, within a period of twelve calendar months last past.

Signature

Occupation

Address

day of 186

Part Second.—Where one or more Allotments have been selected.

I, the undersigned, do hereby state my desire to become the selector of allotment No. , section No. , at [*or in the parish of*], containing acres, and to apply for a lease of the same, according to law, and I herewith tender the sum of £ in consideration thereof. And I do solemnly declare that my domicile is in Victoria, and that I am above the age of twenty-one years, and (*if the applicant be a female*) that I am not a married woman [*or that I am a married woman, but that I have obtained a decree for judicial separation, binding according to the laws now in force in Victoria*], and that I apply for such allotment on my own behalf and for my own use and benefit, and not as agent for any other person whatsoever, and that the only other allotment [*or allotments*] which has been selected by me, is [*or are*] the allotment numbered and that I have not selected any other allotments than those above mentioned, and that no other person has with my knowledge and consent, selected any other allotments than those above mentioned for me or on my behalf, or for my own use and benefit, within a period of twelve calendar months last past.

Signature

Occupation

Address

day of 186