



SECOND SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF FRIDAY, MARCH 19, 1880.

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MONDAY, MARCH 22.

[1880.

REGULATIONS UNDER "THE LAND ACT 1869."

At the Executive Council Chamber, Melbourne, the nineteenth day of March 1880.

PRESENT :

His Excellency the Governor

Mr. Service
Mr. Kerferd
Mr. Ramsay
Mr. Gillies

Mr. Cuthbert
Mr. Duffy
Mr. Bent.

WHEREAS by *The Land Act 1869* power is given to the Governor in Council from time to time to make, alter, and rescind Rules, Regulations, and Orders for the various purposes therein specified: And whereas it is expedient to rescind section 4, and sections 6 to 12 inclusive, of Chapter VII, and Schedules 21, 22, 23, and 24 of the Regulations dated the first day of April 1879: And whereas many of the leases heretofore issued under section 20 of *The Land Act 1869* contain the following condition, namely, "Provided further and these presents are upon this express condition that no assignment or transfer, whether by operation of law or otherwise, of these presents, or other instrument affecting the premises hereby demised, shall have any effect or validity whatsoever, unless and until the Governor, acting by and with the advice of the Executive Council, sanction the same, and further until the same be registered in the office of Crown Lands, and all such instruments as aforesaid shall have and take priority, not according to their respective dates, but according to the priority of the registration thereof," or a condition to the like effect: And whereas it has heretofore been the practice for the Minister of Lands to exercise a discretion as to whether he would allow a mortgage or charge on any such lease to be submitted for the sanction of the Governor in Council, in order to give effect and validity to such mortgage or charge: And whereas such practice has been found to work injuriously and to operate harshly upon selectors and others: Now therefore His Excellency the Governor, acting by and with the advice of the Executive Council, and in pursuance of the powers conferred on him under the provisions of the said Act, doth hereby rescind section 4 and sections 6 to 12 inclusive of Chapter VII. and Schedules 21, 22, 23, and 24 of the said Regulations dated the first day of April 1879, and doth make the following Regulations in lieu thereof (that is to say):—

1. *Mortgages of Leases allowed.*—Notwithstanding anything contained in any lease or in any regulations heretofore made under the said Act, all mortgages or charges upon any leases heretofore issued under section 20 of such Act will be allowed by the Minister of Lands, and submitted for the sanction of the Governor in Council, upon application being made in the form prescribed in the First Schedule hereto.

2. *Transfer of Leases.*—No transfer (except by operation of law) of any leasehold estate heretofore or hereafter to be demised under section 20 of *The Land Act 1869* shall have any effect or validity whatsoever until such transfer shall have been sanctioned by the Governor in Council and registered in the Crown Lands Office, Melbourne, and a certificate of such registration, signed by the Secretary for Lands, shall have been endorsed on the lease or certificate of title.

3. *Form in which Notice to be given.*—The lessee shall apply to transfer his lease in the form prescribed in the Second Schedule hereto or to the like effect.

4. *Fee for Certificate of Registration of Mortgage or Transfer.*—The fee payable for a certificate of the registration of a mortgage or transfer shall be Five shillings, and every application to mortgage or transfer is to be accompanied by a receipt for such sum, signed by a Receiver of Revenue.

5. *Form of Lease.*—Leases under Part II. of *The Land Act 1869* shall be in the form prescribed in the Third Schedule hereto, and shall be subject to such exceptions, reservations, covenants, and conditions as the Governor in Council may in any particular case direct.

FIRST SCHEDULE.

APPLICATION TO MORTGAGE A LEASE UNDER SECTION 20 OF "THE LAND ACT 1869."

To the Secretary for Lands, Melbourne.

Date—
Address—

* If the lessee making this application is not the original lessee of the land, the name of the original lessee, and also of his assigns, must be stated in application.

being the lessee* of allotment of section in the parish
of containing acres roods perches,
under the above-mentioned section, I hereby apply to mortgage my lease to
of

(Signed)

Lessee.

Witness to the signature of lessee—

N.B.—The lease or certificate of title must accompany this application.

SECOND SCHEDULE.

APPLICATION TO TRANSFER A LEASE UNDER SECTION 20 OF "THE LAND ACT 1869."

To the Secretary for Lands, Melbourne.

Date—
Address—

* If the lessee making this application is not the original lessee of the land, the name of the original lessee, and also of his assigns, must be stated in application.

being the lessee* of allotment of section in the parish
of containing acres roods perches,
under the above-mentioned section, I hereby apply to transfer my lease to
of

(Signed)

Lessee.

Witness to the signature of lessee—

N.B.—The lease or certificate of title must accompany this application, and if from any sufficient cause this application cannot be signed by the lessee, the instrument of transfer must also be sent.

THE THIRD SCHEDULE.

(Section 20, "The Land Act 1869.")

Entered in the Register Book, vol. fol.
Registrar of Titles.

THIS INDENTURE made between Her Most Gracious Majesty Queen Victoria of the one part and

(hereinafter called the "lessee") of the other part: WITNESSETH that in consideration of the rent hereby reserved and the covenants and conditions herein contained and on the part of the lessee his executors administrators and assigns to be observed and performed HER MAJESTY DOETH BY THESE PRESENTS GRANT AND DEMISE all that piece of land in the colony of Victoria containing and shown with the measurements and abutments thereof in the map or diagram drawn in the margin of these presents and in such map or diagram colored yellow To HOLD the said piece of land unto the lessee his executors administrators and approved assigns from the day of in the year of our Lord One thousand eight hundred and for the term of years YIELDING AND PAYING for the same unto Her Majesty the Queen her heirs and successors during the said term the rent of shilling per annum for every acre and fractional part of an acre of the said land such rent to be always paid by equal half-yearly payments in advance on the day of and the day of in each year And the next payment thereof to be made on the day of next EXCEPTING however unto us our heirs and successors all gold and auriferous earth or stone and all mines containing gold within the boundaries of the said land And also reserving to us our heirs and successors full liberty and authority for us our heirs and successors and our and their agents and servants at any time or times hereafter during the said term to enter upon the said land and to search and mine therein for gold and to extract and remove therefrom any gold and any auriferous earth or stone and for the purposes aforesaid to sink shafts erect machinery carry on any works and do any other things which may be necessary or usual in mining: PROVIDED that it shall be lawful for us our heirs and successors at any time during the said term on paying full compensation to the said his heirs executors administrators or assigns for the value other than auriferous of the said piece of land or of so much thereof as may be resumed as hereinafter mentioned and of the improvements upon the said piece of land or the part so resumed such value in case of disagreement to be ascertained by arbitration to resume the said piece of land or any part thereof for mining purposes AND that the terms conditions and events upon which such land may be resumed and the manner in which such arbitration may be conducted may be determined by regulations in such manner as the Governor in Council may from time to time direct or if at any time no such regulations shall be in force then by the regulations concerning the resumption of land for mining purposes in existence at the date of this grant unless Parliament shall otherwise determine AND the lessee for himself his heirs executors administrators and assigns doth hereby covenant with Her said Majesty her heirs and successors that he the lessee his executors administrators or assigns will during the said term pay unto Her Majesty her heirs and successors the rent hereby reserved by equal half-yearly payments in advance on the days hereinafter appointed for the payment thereof AND ALSO that the lessee his executors administrators and assigns will not at any time during the continuance of the term hereby granted without a license from the Governor search in the land hereby demised for or take therefrom any metal or mineral PROVIDED FURTHER and these presents are upon this express condition that no transfer except by way of mortgage of these presents or other instrument affecting the premises hereby demised shall have any effect or validity whatsoever unless and until the Governor acting by and with the advice of the Executive Council sanction the same and further until the same be registered in the office of Crown Lands PROVIDED always and these presents are upon the condition that in case the rent hereby reserved or any part thereof shall not be paid in accordance with the covenant for payment hereinafter contained although no demand for payment shall have been made or in case the lessee his executors administrators or permitted assigns shall not faithfully observe and perform all and every the covenants and conditions herein contained and on his or their part to be observed and performed it shall be lawful for Her Majesty to enter forthwith or at any time thereafter upon the land hereby demised and the same to

repossess and enjoy and thenceforth the said term hereby granted shall absolutely cease and determine. AND IT IS HEREBY AGREED AND DECLARED that in any such case it shall be lawful for Her Majesty and for any bailiff of Crown lands or for any other agents or officers authorized in that behalf without any demand whatsoever to enter upon the land hereby demised and the lessee his executors or administrators and all persons claiming under him or them for ever to expel and remove therefrom without any legal process whatsoever and as effectually as any sheriff might do in case Her Majesty had obtained judgment in ejectment for recovery of possession of the said land 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 or on account of the same by any person whomsoever the defendants or defendant to such action may plead leave or license in bar thereof and these presents shall be conclusive evidence of the leave and license of the lessee his executors or administrators and all persons claiming under him or them to Her Majesty and any bailiff of Crown lands and all persons acting in the matters complained of or of any such bailiff for the entry or trespass or other matters complained of in such action or other proceedings.

IN WITNESS whereof His Excellency the Most Honorable George Augustus Constantine Marquis of Normanby Earl of Mulgrave Viscount Normanby and Baron Mulgrave of Mulgrave all in the County of York in the Peerage of the United Kingdom and Baron Mulgrave of New Ross in the County of Wexford in the Peerage of Ireland a Member of Her Majesty's Most Honorable Privy Council Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George Governor and Commander-in-Chief of the said Colony of Victoria and its Dependencies and Vice-Admiral of the same at Melbourne hath on behalf of Her Majesty the Queen caused this demise to be sealed with the seal of the said Colony and the said lessee hath set hereto his hand and seal.

Note.—The bearings and measurements are approximately given in this plan. The measurements are in fathoms.

(L.S.)

Signed sealed and delivered by the above-named }
in the }
presence of

JOHN GAVAN DUFFY,
Commissioner of Crown Lands and Survey.

And the Honorable John Gavan Duffy, Her Majesty's Commissioner of Crown Lands and Survey for Victoria, shall give the necessary directions herein accordingly.

ROB. WADSWORTH,
Clerk of the Executive Council.

