



SUPPLEMENT  
TO THE  
VICTORIA  
GOVERNMENT GAZETTE

OF FRIDAY, APRIL 8, 1859.

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[1859.

Crown Law Offices,  
Melbourne, 8th April, 1859.

UNAUTHORIZED OCCUPATION OF CROWN LANDS  
IN THE MINING DISTRICT OF BALLAARAT.

NOTICE is hereby given that His Excellency the Governor has directed the Commissioners of Crown Lands within the Mining District of Ballaarat, to proceed against all persons found in occupation of any portion of Crown Lands, for a Lease of which application shall be duly made after this date under any Order in Council regulating such Leases.

By His Excellency's Command,  
R. D. IRELAND.

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

FOR  
REGULATING MINING LEASES OF AURIFEROUS  
CROWN LANDS IN THE MINING DISTRICT OF  
BALLAARAT.

At the Government House, Melbourne, the eighth day of April, 1859.

PRESENT :

His Excellency the Governor,

Mr. Chapman,  
Mr. Harker,

Mr. Ireland,

WHEREAS by an Act of the Parliament of Victoria, passed in the 21st year of Her Majesty Queen Victoria, No. 32, it was made lawful for the Governor to grant leases of any auriferous Crown lands for mining purposes, for any term not exceeding ten years : 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 an Order in Council was made for regulating mining leases of auriferous Crown land in the mining district of Ballaarat, on the 20th day of December, 1858, under the said Act : AND whereas a further Order was made on the 3rd day of February, 1859, altering the said first mentioned Order : AND whereas it is expedient to amend the regulations contained in the said Orders : Now therefore His Excellency the Governor, by and with the advice of the Executive Council, doth hereby rescind the said Orders, and doth also, with respect to all leases which the Governor may grant as aforesaid of any auriferous Crown lands being in the mining district of Ballaarat, make the regulations next following, provided that these regulations shall not affect any proceedings already taken with respect to applications for leases under the said Orders in Council.

WHAT LANDS MAY BE LEASED.

All auriferous Crown lands in the mining district of Ballaarat 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 person, other than the applicant, is entitled by virtue of a miner's right to occupy, and actually does occupy *bonâ fide*;
3. The whole or any part of any land through or upon which any person, other than the applicant, is entitled

by virtue of a miner's right to cut, construct and use races and dams for mining purposes :

4. The whole or any part of any land which any person, other than the applicant, is entitled by virtue of a business license to occupy, and does actually occupy *bonâ fide*;
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 or for discovering the existence of gold.

REQUIREMENTS PRELIMINARY TO THE ISSUE OF LEASES.

1. Any person applying for a lease of auriferous Crown lands in the mining district of Ballaarat, shall apply for such lease by addressing and forwarding to the nearest Warden of the mining 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 such objection shall be allowed or not, any surplus which may remain over expenses incurred shall be returned to the applicant.

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

OFFICIAL SURVEY.

Upon receipt of such application and money aforesaid, the Warden shall direct a surveyor to proceed to the land applied for, on a day which shall be duly notified to the applicant, and to survey the land, and report thereon, as to the area, boundaries, and description thereof, to the Warden, by whom the same shall be transmitted to the Chief Secretary with as little delay as under the circumstances may be possible.

At the day notified the applicant shall attend on the land, and the surveyor shall, under the direction of such applicant, mark out the land applied for, with two midway southerly and northerly posts, and four corner posts firmly fixed in the ground at least three feet in height above 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 to be applied for, and 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 any applicant shall, within eight days after the date of the notice posted on the land as aforesaid, forward to the Warden of the district, and also to the applicant at the address stated in such notice posted as aforesaid, full notice of all objections 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 his objections, and in satisfaction of all expenses to which the applicant may be put by such objections; 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.

**ENQUIRY INTO APPLICATIONS AND OBJECTIONS.**

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

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

**LEASES.**

All leases to be applied for, and which it may be proposed to grant, shall be considered under the following classification:

1. *Surfacing Leases.*—These will relate to auriferous land, which it is unnecessary to work by shafts, and to which there is no defined bottom.
2. *Leases of Quartz Reefs.*—These will relate to quartz reefs, or to land interspersed with reefs or rocks of auriferous quartz.
3. *Leases of Alluvial Land adapted to deep sinking.*—These will embrace lands which require to be worked by shafts but where the gold is deposited in drift, and not in matrix.

The Governor may, if he shall think fit, 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 demised shall (except in leases of quartz areas) be as nearly in the form of a rectangular parallelogram as is practicable, and shall be described in the lease by such area, and metes and bounds, as shall have been reported by the surveyor and approved by the Chief Secretary, upon report of the Warden, provided that in no case shall the length of any such parcel exceed twice the breadth.

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 herein-after provided for—

1. For surfacing leases an area not more than fifty acres, nor less than five.
2. For leases of quartz reefs not more than nine hundred yards in length by three hundred yards in width, and lesser areas in the like proportion; but no area shall be less in length than one hundred yards, nor less in width than eighty yards.
3. For leases of alluvial lands, adapted to deep sinking, not more than fifty acres, nor less than five.

4. The rent reserved shall be at the rate of Five pounds per acre of land, and Five pounds for every one hundred yards in length of quartz reefs, demised pursuant to these regulations, and said rents shall be made payable quarterly in advance during the entire term, and the day of the execution of the lease shall be deemed to be the quarter-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, same may be extended and 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 land or of quartz reef than the maximum quantities hereinbefore stated, without a special order from the Chief Secretary.

**SCHEDULE A.**

(Form of Letter of application for Lease.)

[Place and Date.]

To The Honorable the Chief Secretary,  
at

Sir,

I herewith deposit the sum of Ten pounds as required by the regulations; 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 the Warden, subject to, and may be appropriated by him, under the terms of such regula-

tions, and that upon the approval of this application I will execute a lease, if granted, upon the basis of this application.

I have the honor to be,

Sir,

Your obedient Servant,

Capital and Machinery proposed to be employed.	Value and general description of machinery.	
	Amount of capital proposed to be invested.	
Description of ground.	Surfacing.	
	Deep Sinking.	
	Quartz.	
Extent of ground applied for.		
Name of applicant or applicants and style under which it is intended that the business shall be carried on.		
General Remarks.		
Precise locality and period of time for commencing operations.		

**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 o'clock, 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,

Date, Place, 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 the Warden at 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 that any person desiring to object to the issue of said lease must enter his objection within eight days from this date at the office of the Warden. And I further give notice that the said land is by direction of His Excellency the Governor exempted from occupation for any purpose whatsoever, and that any person so occupying, without having first obtained special authority for that purpose, will be dealt with according to law.  
Surveyor.

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

J. MOORE,  
Acting Clerk of the Executive Council.