



THIRD SUPPLEMENT
TO THE
VICTORIA
GOVERNMENT GAZETTE

OF FRIDAY, SEPTEMBER 23, 1870.

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WEDNESDAY, SEPTEMBER 28.

[1870.

REGULATIONS UNDER THE "LAND ACT 1869."

At the Executive Council held at Melbourne, the twenty-sixth day of September 1870.

PRESENT :

His Excellency the Governor

Sir J. McCulloch
Mr. Francis
Mr. Wilson
Mr. MacPherson

Mr. Wrixon
Mr. Bates
Mr. Mackay.

WHEREAS by the 110th section of *The Land Act 1869* it is amongst other things enacted that the Governor shall have power from time to time to make, alter, or rescind rules, regulations, and orders to provide for the mode by which any land or allotment shall be surveyed and boundaries adjusted, for prescribing the form of and the conditions and mode of applying for licenses and leases to be issued under the before-mentioned Act, and the conditions upon which the same shall be issued, for imposing any reasonable charge for surveys or fee for any Crown grant or other document issued under the authority of the said Act, for providing for all proceedings, forms of grants, leases, licenses, and other instruments, and for the execution of all other matters and things arising under and consistent with the said Act and not therein expressly provided for, and for the more fully carrying out the objects and purposes and guarding against evasions and violations of the said Act: And whereas by section 99 of the said Act it is enacted that all lands alienated under the provisions thereof shall be liable to be resumed for mining purposes by Her Majesty, on paying full compensation to the licensee, lessee, or purchaser in fee-simple thereof, for the value other than auriferous of the lands and improvements so resumed, such value, in case of disagreement, to be ascertained by arbitration; the terms, conditions, and events upon which such lands may be resumed, and the manner in which such arbitration shall be conducted to be determined by regulations in such manner as the Governor may from time to time direct: Now, therefore, His Excellency the Governor, acting by and with the advice of the Executive Council, doth by this present Order rescind the regulations hereinafter expressed to be hereby rescinded in manner hereinafter mentioned, and make the rules, regulations and orders following—

CONSTITUTION OF LOCAL LAND BOARDS.

1. *Members how appointed.*—A Local Land Board shall consist of not more than five members, two of whom shall form a quorum. The Commissioner of Crown Lands and Survey may appoint such persons as he may think fit to be such members; the qualifications hitherto required by regulation 8 of the regulations of 1st February 1870 being hereby dispensed with.

2. *Boards appointed under these regulations to be Local Land Boards for the purposes of former regulations.*—A Local Land Board constituted as aforesaid shall be deemed to be a properly constituted Local Land Board for the purposes of any regulation now in force under *The Land Act 1869* referring to Local Land Boards, and Local Land Boards already constituted shall not be affected by reason of the members thereof not having been qualified under regulation 8 when appointed, or afterwards ceasing to be so qualified.

APPLICATIONS FOR OCCUPATION OF CROWN LANDS UNDER PART II. OF "THE LAND ACT 1869."

3. *Regulations of 1st February 1870 rescinded.*—The regulations 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13 of 1st February 1870 relating to the above matters shall be and the same are hereby rescinded, except as to any allotment of which the boundaries shall have been defined under section 3 of the said rescinded regulations before the rescinding thereof, and as to all rights and obligations in respect of any such allotment the said rescinded regulations shall remain in full force.

4. *Boundaries of allotments.*—Every unsurveyed allotment applied for must, where practicable, contain at least two right-angles, and be quadrilateral. If a narrow strip of land be left between any such allotment and a watercourse or lake, the shortest side of the allotment must front that strip of land. The

boundary lines must conform to the true meridian or to the magnetic meridian, or as nearly thereto as circumstances will admit.

5. *Applicant for license to define boundaries of allotments and to apply in form A.*—Every applicant for an allotment shall place a conspicuous post or cairn of stones at or near to each corner of such allotment, and shall affix to each of such posts or cairns a notice in writing setting forth that he applies for such allotment, the approximate area of which, together with his name and address, shall be stated in such notice; and shall within eight days thereafter deliver in person his application, in the form in Schedule A hereto, to the District Land Officer, between the hours of Eleven a.m. and Two p.m., on any week day except Saturday, and on that day between Eleven a.m. and Twelve o'clock noon, and shall deposit with such Land Officer the fee for one half-year's occupation and the fee chargeable for preparation of the license.

6. *Land Officer to record application.*—Such Land Officer shall thereupon record the particulars of the application in a book to be kept for that purpose, in the form in Schedule B hereto, and shall give a receipt for such deposits in the form of Schedule C hereto, and shall daily report to the President of the Board of Land and Works all such applications, in a form to be provided for that purpose.

7. *Application after record in Land office to be forwarded to District Surveyor.*—The Land Officer, after recording the particulars of the application, shall forthwith forward it to the District Surveyor, who, if the boundaries of the land applied for be unsurveyed and he is cognizant of no valid objection to its alienation by selection, shall instruct the Government Contract Surveyor to effect survey thereof at the cost of the applicant, in accordance with the scale of fees hereinafter mentioned:—

Marking out in unsurveyed country an allotment not exceeding in extent—			£	s.	d.
20 acres, and furnishing plan, description, and report relative thereto ...			2	0	0
40 "			2	14	0
60 "			3	7	0
80 "			4	0	0
100 "			4	10	0
120 "			5	0	0
140 "			5	10	0
160 "			6	0	0
240 "			6	10	0
320 "			7	0	0

Allowance for every mile beyond four miles that the allotment is distant from the survey office or survey camp ... 0 2 0

Allowance for every mile beyond four miles if such allotment be one of two or more allotments surveyed in the same locality on the same journey ... 0 1 0

Subdividing allotments already surveyed, half the fees that would be payable for marking out unsurveyed land.

If the boundaries of the land applied for have been already surveyed, the applicant for it shall pay the sum of one pound to cover the original cost of survey and of subsequent report on the application, which sum shall be deposited with the District Surveyor, and be by him paid into the general revenue.

8. *Duties of Contract Surveyor.*—On receipt of District Surveyor's instructions, Contract Surveyor shall make a survey of the land, and insert in the form of application a correct technical description of the allotment applied for, showing its connection with a fixed point in a Government survey, if such a point can be referred to within a distance of six miles from the allotment. If no Government survey has been made within that distance the allotment must be connected by traverse with some durably constructed signal station erected on or near the most remarkable topographical feature near the allotment. He shall supply a plan of the allotment on a scale of eight chains to one inch, showing the position within its boundaries of any water-course, water-hole, dam, race, road, track, hut, fence, garden, old gold workings, and any topographical information that may be necessary to be known by the Local Land Boards when investigating the application. He shall also state on the plan whether the bearings of the boundary lines have reference to the true or to the magnetic meridian.

9. *Application and objections thereto to be publicly investigated by a Local Land Board.*—The applications received and recorded by the District Land Officer and the objections (if any) thereto shall from time to time be investigated publicly by a Local Land Board.

10. *Recommendations of Local Land Board to be forwarded in writing to Board of Land and Works within eight days after sitting of Local Land Board.*—Within eight days after the sitting of any Local Land Board the recommendations of such Board, in writing, relative to the applications and to any objections thereto, shall be forwarded for the consideration of the Board of Land and Works.

11. *Permission to occupy pending issue of license.*—If no valid objection to immediate occupation shall appear, the Board of Land and Works may, by permission in writing, authorize the occupation by the applicant of the whole or any part of the allotment pending the issue of the license, and recommend the Governor to issue such license to occupy the same in the form in Schedule D hereto.

12. *Date of license.*—If permission to occupy shall have been given as aforesaid, the license shall be dated as of the day from which occupation was thereby authorized; but if no such permission has been given, the date of the license shall be that of the day of signing the same; but, in every case the rights and obligations of the licensee shall be ascertained with reference to the date actually named in the license, which shall in all courts of justice be conclusively deemed to have been inserted in accordance with this regulation.

13. *Licenses to occupy sites for saw-mills on unreserved land.*—Sites for saw-mills not exceeding three acres in area may be granted under license on unreserved lands in a position approved by Board of Land and Works, and in the form in Schedule E hereto. The amount of license fee, which shall not be less than Two pounds ten shillings per quarter, shall be determined by the Board of Land and Works, and shall be payable quarterly in advance.

LICENSES TO OCCUPY SITES FOR SAW-MILLS UNDER SECTION 47, AND TO CUT TIMBER UNDER SECTION 53.

14. *Repeal of existing regulations.*—All former regulations under *The Land Act 1869* relating to the above matters shall be and the same are hereby rescinded, except as to any license existing at the time of the rescinding thereof, and as to all rights and obligations in respect of any such license the said rescinded regulations shall remain in full force.

15. *Licenses to occupy sites for saw-mills in reserves for State forests and for the preservation and growth of timber.*—Sites for saw-mills not exceeding two acres in area may be granted at the rent, subject to the royalty and covenants, and in the form in Schedule F hereto.

16. *All persons employed in cutting and transporting timber for licensed saw-mills in reserves to hold special licenses.*—The licensee of a site for a saw-mill in a reserve may take out in his own name any number of special licenses for use of men employed by him in cutting and transporting timber in the reserve for the service of his mill, and no person shall be so employed by him unless so licensed. The license for this purpose shall be subject to the conditions and in the form in Schedule G hereto, and the license fee shall be Twelve shillings and six pence per quarter payable in advance.

17. *General licenses to cut and take away timber in reserves.*—Licenses to cut and take away timber in reserves for State forests and the preservation and growth of timber may be issued subject to the conditions and in the form in Schedule H hereto, and the license fee shall be Twenty-five shillings per quarter payable in advance.

18. *Licenses conferring exclusive right to cut timber on portions of reserves.*—The Board of Land and Works may issue licenses conferring the exclusive right of cutting timber on portions of these reserves not larger than three hundred and twenty acres, subject to the conditions and in the form in Schedule I hereto, and the amount of license fee shall be determined in each case by the Board of Land and Works, and shall be paid half-yearly in advance.

19. *Non-production of license equivalent to not having license as to trespass.*—If the holder of any license as aforesaid shall fail to produce it when asked so to do by any bailiff of Crown lands or police constable when doing any act punishable as trespass if done without license, he shall with regard to penalties for such act be conclusively deemed, as to section 94 of *The Land Act 1869* and otherwise, a person not licensed or otherwise authorized to do the act.

ISSUE OR RENEWAL UNDER SECTION 2 OF LICENSES TO PERSONS HOLDING OR ENTITLED TO LICENSES

UNDER SECTION 42 OF "THE AMENDING LAND ACT 1865."
20. *Form and conditions of license.*—Licenses issued under section 2 of *The Amending Land Act 1865* and subsisting thereunder, or under any renewal under section 2 of *The Land Act 1869*, may be renewed, subject to the conditions and in the form in Schedule J hereto, upon payment of the same license fee as formerly payable, and on payment of the following fees for the issue of the renewed license:—

For license for an area not exceeding 20 acres	2s. 6d.
For every additional 20 acres, or other smaller area over the first 20 acres included in the license	2s. 6d.
For a license for two or more contiguous areas consolidated in one license	£1.

FORM OF GRANT IN FEE.

21. *New form of grant.*—Regulation 64 of the Regulations of 1st February 1870 shall be and the same is hereby rescinded so far as the same relates to the use of Form I therein referred to, and all grants in fee of land alienated under the provisions of *The Land Act 1869* shall be in the form in Schedule K hereto.

RESUMPTION OF LAND FOR MINING PURPOSES.

22. *Manner in which resumption of land for mining purposes may be applied for, and form of application.*—Any person, including the licensee, lessee, or purchaser, may apply for the resumption of land alienated under the provisions of *The Land Act 1869*, by lodging an application in the subjoined form, and depositing the sum of £20 with a Warden having jurisdiction under *The Mining Statute 1865* within the district in which the land is situated.

LAND ACT 1869.—SECTION 99.

APPLICATION FOR RESUMPTION OF LAND FOR MINING PURPOSES.
I, _____ of _____ do hereby assert that land at _____ was alienated under *The Land Act 1869* by _____ to _____ of _____ and that such land is auriferous and might be mined at a profit, and I hereby apply for the resumption thereof for mining purposes under the provisions of section 99 of *The Land Act 1869*, and I appoint _____ as the place to which notices relating to this application are to be addressed.
Dated the _____ day of _____ 187 _____

* The allotment must be sufficiently specified for the purpose of identification. † License, lease, or sale, as the case may be.
‡ Name of licensee, lessee, or purchaser.

23. *Where more than one application, applications to be dealt with in order of presentation.*—The Warden shall endorse on the application the day and hour of its receipt, and in any case in which more applications than one are made in respect of the same land, the first in order of receipt shall be first dealt with, and no proceedings shall be taken in regard to subsequent applications until prior applications are finally disposed of, such final disposition to be notified by the Warden receiving the application next in order of time to the applicant next in order as aforesaid, and the day of such notification to such applicant to be deemed the day of lodging his application for the purpose of proceeding therewith.

24. *Warden to appoint a day for hearing, and form of appointment.*—The Warden shall, within seven days from the day on which the application is lodged with him, forward to the applicant, by posting the same to the address mentioned in the application, a notice in the subjoined form, appointing a place and time for hearing the application on a day not less than twenty-one nor more than thirty days from the day on which the application is lodged.

LAND ACT 1869.—SECTION 99.

NOTICE OF HEARING APPLICATION FOR RESUMPTION OF LAND FOR MINING PURPOSES.
To _____ and all other persons interested in _____
Take notice that _____ of _____ having asserted that the land above described was alienated under *The Land Act 1869* by _____ to the abovenamed _____ and that such land is auriferous and might be mined at a profit; and having applied for the resumption thereof under the provisions of section 99 of *The Land Act 1869*, entitling the owner of the land to the value thereof and of the improvements thereon upon resumption, _____ one of Her Majesty's Wardens for the district of _____ in which the land is situated, hereby appoint the hour of _____ on the _____ day of _____ as the day, and _____ at _____ as the place at which I shall attend to receive evidence as to the truth of the matters asserted by the applicant, and as to the value of the land and improvements.

* Name of licensee, lessee, or purchaser.

† Describe the allotment as in application.

‡ License, lease, or sale.

A.B.,
Warden.

25. *Applicant to give notice of hearing.*—Seven days at least before the day fixed for hearing the application the applicant shall advertise the same once in some weekly paper, and twice in some daily paper circulating in the neighborhood of the land, and shall serve a copy thereof upon the following persons:—The licensee, lessee, or purchaser (or if the grant should have issued, the registered proprietor); and the person in apparent possession of the land; or, if the land be vacant, the applicant, shall post a copy of the notice in some conspicuous position upon the land.

26. *Proceedings at hearing.*—At the time and place appointed the Warden (or some other Warden appointed in that behalf by the Minister of Mines) shall attend, and upon proof to his satisfaction of notice having been given by the applicant as hereinbefore provided shall hear the applicant in support of his application, and receive upon oath such evidence as he may tender in support of the assertions contained in the application, and shall receive evidence tendered by any person appearing to the Warden to be interested in the land in opposition to the assertions contained in the application, and shall also in like manner receive such evidence as may be tendered to him by the applicant or any person appearing to be interested as aforesaid as to the value other than auriferous of the land and of the improvements thereon.

27. *Application to be dismissed in default of appearance.*—If no one appear at the hearing in support of the application the Warden shall forthwith dismiss the application.

28. *Warden may dispense with notice of hearing.*—The warden may at his discretion dispense with notice by the applicant as hereinbefore provided, where it shall appear that notice was impracticable for some reason other than the negligence or default of the applicant, but in every case in which notice is dispensed with the warden shall so state in the report to be made by him as hereinafter directed.

29. *Persons desiring to receive notice of proceedings may give addresses for service.*—At the hearing the Warden shall receive names and addresses for service of notices in relation to the application from any persons appearing to him to be interested in the land, and shall transmit with his report any names and addresses so received.

30. *Warden may ascertain value of land as he may think fit.*—If the evidence before the Warden as to value shall for any reason appear to him insufficient to enable him to certify the amount properly payable for compensation for resumption, he shall be at liberty to base his valuation upon any other information which he may be able to obtain upon the subject; but in such case shall state in his report that the estimate of value is based on other evidence than that adduced at the hearing, and if unable to certify the amount, he shall state his inability so to do.

31. *Warden to transmit report to Minister of Mines.*—Within seven days from the hearing the Warden shall transmit to the Minister of Mines his report thereon, setting out the minutes of evidence, and forwarding any documentary evidence received at the hearing, and shall give his opinion upon the correctness of the assertions contained in the application, and as to the amount payable as compensation in respect of the value of the land and improvements as aforesaid, and upon any other circumstances within his knowledge which, whether disclosed by the evidence or not, appear to him material as affecting the discretion as to resumption to be exercised by the Governor in Council.

32. *Governor in Council may resume the land at any time after report, and form of notice of resumption.*—At any time after the report has been transmitted, the land therein mentioned may be resumed by the Governor in Council; and notice of resumption, stating a day subsequent to the notice upon which the resumption is to take effect, shall be published in the subjoined form in the *Government Gazette*, and the publication of such notice in the *Government Gazette* shall be received in all courts of justice as conclusive evidence of such resumption, and of the preliminaries prescribed by these regulations having been complied with.

LAND ACT 1869.—SECTION 99.

NOTICE OF RESUMPTION OF LAND FOR MINING PURPOSES.

WHEREAS the land hereinafter described was alienated under *The Land Act 1869* by * to †
of , and application has been made for the resumption of such land for mining purposes
by † of , and § such land has been valued by a
Warden at the sum of £ , and the improvements thereon at the sum of £ . His Excellency
the Governor, acting by and with the advice of the Executive Council, doth by this present Order, on behalf of Her Majesty,
resume the said land for mining purposes under the provisions of section 99 of the said Act, such resumption to take effect as
from the day of
Clerk of the Executive Council.

Description of land. ||

* License, lease, or sale.

† Licensee, lessee, or purchaser.

‡ Name of applicant.

§ This statement will be omitted where the Warden has been unable to make the valuation. || Describe land in full.

33. *If land not resumed within two months from hearing, application to be deemed dismissed.*—If no notice of resumption is published within two months from the hearing of the application, the application shall be deemed to have been dismissed.

34. *Notice of resumption to be posted to persons interested.*—Immediately after the publication of the *Gazette* containing such notice, a copy of the notice shall be posted by the Board of Land and Works, addressed to the applicant and to each of the persons from whom the Warden shall at the hearing have received names and addresses for service as aforesaid.

35. *Deposit to be returned if application granted.*—The sum of Twenty pounds, deposited by the applicant, shall be returned to him if the application is granted, but if not granted shall be paid into the consolidated revenue, or, at the discretion of the Board of Land and Works, be paid as compensation to any person interested in the land, and proving to the satisfaction of the Board that he has incurred expense in or about opposing the application.

36. *After resumption all estates and interest created by alienation to determine.*—On and after the day named for resumption in the notice published as aforesaid, all estates and interests in the land therein mentioned created by alienation under *The Land Act 1869*, or derived from any such estate or interest shall absolutely cease and determine, and the Crown shall have the same remedies in respect of unauthorized occupation of the land as if it were Crown land which had never been alienated: Provided also, that until thirty days after such day no act of any person other than the applicant for resumption, or some person by him authorized in that behalf, done upon or in relation to such land, shall be of any force or effect in creating or initiating any right or title, or determining the priority of any application for permission to mine in or upon the said land, or any part thereof, or to occupy the same or any part thereof for any purpose in relation to mining.

37. *Compensation payable after notice of resumption.*—The person entitled to compensation under the said section 99 may apply therefor to the Board of Land and Works at any time after the publication of notice of resumption, and may be paid such compensation as he and the Board of Land and Works agree upon, not exceeding the amount named as sufficient compensation by the Warden in the report transmitted as aforesaid.

38. *Compensation to be settled by arbitration, and form of award.*—If the person entitled and the Board of Land and Works cannot agree upon the amount of compensation, the amount thereof shall be determined by arbitration in the manner provided by sections 24, 25, and 26 of *The Land Act 1869* as to valuations made thereunder, substituting the person entitled for the licensee therein named, but no improvements made after the publication of the *Gazette* containing the notice of resumption shall be included in the valuation, and the award shall be made in the subjoined form within two months from the appointment of the first arbitrator.

LAND ACT 1869.—SECTION 99.

AWARD OF COMPENSATION.

WE, A.B. of
 C.D. of and
 E.F. of

have valued the land resumed by notice contained in the *Government Gazette*, published on the day of , and therein described as * , and find the value (other than auriferous) to be £ . We have valued the improvements thereon (other than improvements made after the publication of such *Gazette*), and find the value thereof to be £ . We therefore award the sum £ as compensation for resumption.

A.B.
 C.D.
 E.F.

* Describe land as in *Gazette* notice.

39. *Unpaid purchase-money to be deducted from compensation.*—Any unpaid license fees, rent, or purchase-money, which would have been payable to the Crown as license fees, rent, or purchase-money before the issue of a grant in fee, if the land had not been resumed before grant, shall be deducted from the sum agreed upon or awarded as compensation for resumption.

And the Honorable John Alexander MacPherson, 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.

JOHN A. MACPHERSON,
 President of the Board of Land and Works and
 Commissioner of Crown Lands and Survey.

SCHEDULES.

SCHEDULE A.

FORM OF APPLICATION FOR LICENSE UNDER PART II. OF "THE LAND ACT 1869."

I of [here state fully the place of abode and the occupation of the applicant] do hereby solemnly and sincerely declare on oath that on the day of , at o'clock, I placed conspicuous posts or cairns of stones with notices thereon at the corners of the allotment for which I hereby make application under Part II. of *The Land Act 1869*, as more particularly described hereunder; that I have not taken up a pre-emptive right; that I have not selected under any previous Land Act or Acts the maximum number of acres allowed by this Act; that no selection made by me under any previous Land Act or Acts has been forfeited or cancelled for the evasion of the provisions of any such Land Act or Acts; and that the area I now desire to obtain would not, if added to the area already selected by me under any previous Land Act or Acts, exceed 320 acres; that I am not under eighteen years of age, and (if the applicant be a female)*

: and I further declare, as aforesaid, that with respect to this application, I am not an agent or a servant of, or a trustee for any other person; that I have not entered into any agreement to permit any other person to acquire by purchase or otherwise the allotment in respect of which this application is made, or any part thereof, or my interest therein, or the usufruct thereof; that it is my intention to reside thereon if the allotment be granted to me.

And I make this solemn declaration on oath, conscientiously believing the same to be true, by virtue of the provisions of *The Land Act 1869* and of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Signature—
 Occupation—
 Address—

Solemnly and sincerely declared on oath, at , in the Colony of Victoria, this day of , One thousand eight hundred and seventy , before me , one of Her Majesty's Justices of the Peace in the Colony of Victoria.

Situation and Area of Allotment applied for, if previously surveyed.	Description of the Land applied for, if previously unsurveyed, or forming part only of a surveyed allotment.	Report by Land Officer.	Report by District Surveyor.
County, Parish, Allotment, Section, Extent, acres roods perches.		Date and hour of receipt of application }	Date when received from Land Officer,
		Amount of fees deposited, £ s. d.	Report:—
		Date of transmission of application to District Surveyor }	District Surveyor.

Office hours from 11 a.m. to 2 p.m.; Saturdays, 11 a.m. to 12 noon.

* If the applicant be a female, insert, as the case may be, the words, "that I am not a married woman," or, "that I am a married woman, but that I have obtained a decree of judicial separation."

SCHEDULE B.
FORM OF BOOK FOR RECORD OF APPLICATIONS BY LAND OFFICER.
 Register of Applications for Licenses under Part II. of *The Land Act 1869.*

No.	Time.			Name in full.		Description.			Amount of Fees Deposited.			Signature of Applicant, giving the Christian Name in full.	Remarks.	
	Date.	H.	M.	Surname.	Christian Name.	Allotment, Section, or other distinguishing mark.	Parish.	Extent.	£	s.	d.			
	187							A. R. P.						

SCHEDULE C.
FORM OF CONDITIONAL RECEIPT.

No. _____ Received from _____ the sum of _____ Land Office, 187 .,
 as a deposit, the same to be considered as fee for one half-year's occupation of _____ acres pounds shillings,
 in the parish of _____, under Part II. of *The Land Act 1869*, in the event of the license applied for _____ perches
 being issued by the Governor, but not otherwise; and _____ pound shillings pence, being fee
 for preparation of license.
 £ _____ Deposit.
 £ _____ Preparation Fee.
 £ _____ Total.

Land Officer.

NOTE.—In the event of the license applied for not being issued, these deposits will be returned.

SCHEDULE D.

FORM OF LICENSE TO BE ISSUED UNDER SECTION 19, PART II., OF "THE LAND ACT 1869."
 Know all men that I, the Governor of Victoria, do hereby, in pursuance of *The Land Act 1869*, give to

full license and authority to enter upon and occupy all that allotment of Crown land delineated on the plan hereon and containing _____ for a period of three years from the date hereof, subject to the conditions hereunder specified, and to be determined, annulled, forfeited, revoked, made void, or rescinded in accordance with the provisions of the said Act.

Conditions.

- (1.) The fee for occupation to be paid in advance by half-yearly payments of £ _____
- (2.) The licensee shall not during the currency of this license assign the license nor transfer his right, title, and interest therein, or in the allotment therein described or any part thereof, nor sublet the said allotment or any part thereof, and the license shall become absolutely void on assignment thereof, whether by operation of law or otherwise, or upon the said allotment or any part thereof being sublet.
- (3.) The licensee shall within two years from the issue of this license enclose the land described therein with a good and substantial fence, and shall during the currency thereof cultivate at least one acre out of every ten acres held thereunder.
- (4.) This license will become null and void in case of non-payment of the fees, or any of them, in accordance with the conditions herein mentioned, or in case the licensee shall not within six months after the issue of the license, and thenceforward during the continuance thereof, occupy the allotment, by residing thereon in his own proper person, or in case substantial and permanent improvements, certified in writing under the seal of the Board or under the hands of arbitrators to be of the value of One pound for every acre and fractional part of an acre of the allotment, shall not have been made on the allotment by the licensee, his executors or administrators, before the end of the third year from the commencement of this license, or in case of the breach or non-fulfilment of any of the conditions of this license, or of a violation of any of the provisions of *The Land Act 1869*.
- (5.) If the licensee shall during the said period occupy the allotment for not less than two years and a half, and shall fence and cultivate as provided by the said Act, and make the improvements of the nature and value in the previous condition mentioned on the allotment during the said period of three years, and shall prove to the satisfaction of the Board (to be certified under its seal), by such evidence as the Board may require, that he has complied with the said conditions and with all other conditions of this license, he shall be entitled at any time within thirty days, after three years from the commencement of this license, to demand and obtain from the Governor a Crown grant upon payment of fourteen shillings for each acre, or fractional part of an acre, or otherwise he may obtain a lease of the said allotment; and every such lease shall be for a term of seven years, at a yearly rent, payable in equal parts half-yearly in advance, of two shillings for each acre or fractional part of an acre so demised, and shall contain the usual covenant for the payment of rent and a condition for re-entry on non-payment thereof; and upon the payment of the last sum due on account of the rent so reserved, or at any time during the term upon payment of the difference between the amount of rent actually paid and the entire sum of One pound for each acre, the lessee or his representatives shall be entitled to a grant in fee of the lands leased, and every such grant shall be subject to such covenants, conditions, exceptions, and reservations as the Governor may direct: Provided that in the case of the death of the licensee during the currency of such license it shall not be obligatory on the executors or administrators of such licensee to comply with the said condition of occupation.
- (6.) The Governor shall have power at any time during the currency of this license to resume any portion of the land hereby licensed, subject to such compensation for improvements as the Governor may think fit, if the same should be required for railways, roads, telegraph lines, or any other public purposes.

Dated this _____ day of _____ in the year of our Lord One thousand eight hundred and seventy _____

SCHEDULE E.

"THE LAND ACT 1869," SECTION 47.

FORM OF LICENSE FOR A SITE FOR SAW-MILL ON UNRESERVED LANDS.

Know all men that I, _____, being in that behalf duly authorized, of _____, do hereby give to _____, of _____, in consideration of the sum of _____ duly paid by him, a license to enter upon _____ for the purpose of working a saw-mill; and this license shall be in force for three months from the date hereof, and shall be subject to the conditions hereunder mentioned.

Conditions.

- (1.) Licensee shall not employ any person to cut timber for feeding the mill, or to transport timber thereto, unless such person shall be duly licensed to cut and take away timber.
- (2.) Licensee shall not enclose any more land than that described in this license.

SCHEDULE F.

"THE LAND ACT 1869," SECTION 47.

FORM OF LICENSE FOR A SITE FOR A SAW-MILL ON A RESERVE FOR THE PRESERVATION AND GROWTH OF TIMBER.

Know all men that I, _____, being in that behalf duly authorized, give to _____ of _____, in consideration of the sum of _____, duly paid by him, a license to enter upon _____ for the purpose of working a saw-mill; and this license shall be in force for three months from the date hereof, and shall be subject to the conditions hereunder mentioned.

Conditions.

- (1) Rent for occupation of site shall be Three pounds per quarter.
- (2) A royalty of One shilling per thousand feet, in accordance with the ordinary trade measurement, shall be paid by the licensee to the district licensing agent of the Board of Land and Works for all timber cut at the mill.
- (3) He shall keep a book wherein shall be recorded the quantity of timber daily cut at the mill.
- (4) He shall deliver a statutory declaration of the total number of feet so cut during each quarter to the district licensing agent of the Board of Land and Works, on the days when the license is renewed.
- (5) He shall not enclose any land outside of the site specified in this license.
- (6) He shall not keep any goats in the reserve wherein the site specified in this license is situated.
- (7) He shall not employ any person to cut timber for feeding the mill, or to transport timber thereto, unless such person shall be duly licensed in that behalf in the manner from time to time provided by regulations under *The Land Act 1869*.

SCHEDULE G.

"THE LAND ACT 1869."

FORM OF SPECIAL LICENSE TO CUT AND TRANSPORT TIMBER IN THE RESERVE FOR STATE FOREST AT _____ FOR SERVICE OF _____ LICENSED SAW-MILL IN THAT RESERVE.

License to _____, being in that behalf duly authorized by the Board of Land and Works, do hereby, in pursuance of *The Land Act 1869*, give to _____ of _____, in consideration of the sum of Twelve shillings and six pence by him duly paid, a license to enter upon the Crown lands situated _____ for the following purpose, that is to say, for obtaining live timber; and this license shall be in force for three months from the date hereof, and shall be subject to the restrictions, limitations, and conditions hereinafter specified.

12s. 6d.

Conditions.

- No live tree of less diameter than eighteen inches shall be cut down or felled.
- No live tree shall be used merely for the purpose of obtaining firewood or bark therefrom.
- No tree shall be felled so as to obstruct any track in use for transport of timber or stores.
- Within a period of one month from the felling of any tree, the portion thereof not required for saw-mill purposes; slabs, palings, shingles, posts, rails, props, or manufacturing purposes, shall be cut up by the licensee and stacked, either for sale or use as firewood, or, if not so required, for burning during the winter months.
- The license to be produced by the holder thereof when asked so to do by any bailiff of Crown lands or police constable.

Dated the _____ day of _____ 18 _____

SCHEDULE H.

"THE LAND ACT 1869."

FORM OF LICENSE TO CUT AND TAKE AWAY TIMBER IN RESERVE FOR STATE FOREST AT _____

Know all men that I, _____, being in that behalf duly authorized by the Board of Land and Works, do hereby, in pursuance of *The Land Act 1869*, give to _____ of _____, in consideration of the sum of Twenty-five shillings by him duly paid, a license to enter upon the Crown lands situated _____ for the following purpose, that is to say, for obtaining live timber; and this license shall be in force for three months from the date hereof, and shall be subject to the restriction, limitations, and conditions hereinafter specified.

25 shillings.

Conditions.

- No live tree of less diameter than eighteen inches shall be cut down or felled.
- No live tree shall be used merely for the purpose of obtaining firewood or bark therefrom.
- No tree shall be felled so as to obstruct any track in use for transport of timber or stores.
- Within a period of one month from the felling of any tree, the portion thereof not required for saw-mill purposes, slabs, palings, shingles, posts, rails, props, or manufacturing purposes, shall be cut up by the licensee and stacked either for sale or use as firewood, or, if not so required, for burning during the winter months.
- The license to be produced by the holder thereof when asked so to do by any bailiff of Crown lands or police constable.

Dated the _____ day of _____ 18 _____

SCHEDULE I.

FORM OF LICENSE TO BE ISSUED BY THE BOARD UNDER SECTION 53 OF "THE LAND ACT 1869."

Know all men that the Board of Land and Works, in pursuance of the provisions of the fifty-third section of *The Land Act 1869*, doth hereby give to _____ full license and authority for six calendar months from the date hereof to cut timber on the piece or parcel of Crown lands shown on-plan hereon endorsed, and containing _____ subject to the conditions hereunder specified:—

Conditions.

- (1) That no tree of less diameter than eighteen inches shall be cut down or felled, unless the licensee be specially authorized to cut such timber, and such special authority shall in each case be endorsed on the license.
- (2) That within a period of three months from the felling of any tree the portion thereof not required for fencing, building, mining, or manufacturing purposes shall be cut up and stacked, with a view either to use or sale as firewood, or for burning where stacked during the ensuing winter months, together with any fallen dead timber on the block under license. The gradual clearance from the block of dead timber shall be effected by and at the cost of the licensee.
- (3) No tree on the block under license shall be used merely for the purpose of obtaining bark therefrom.
- (4) The licensee shall be responsible for the protection from injury by working bullocks or other stock of any non-indigenous trees that may from time to time be planted by or under the directions of the Board within the boundaries of the block licensed to him. The licensee shall protect saplings and young seedling indigenous trees, and neither he nor any other person shall depasture goats on the block under license to him, or cultivate any part of such block.
- (5) The half-yearly license fee, amounting to £ _____, shall be paid in advance on _____ and on _____ at _____ or to any other officer who may be authorized by the Board to receive the same.
- (6) The license to be produced by the holder thereof when asked so to do by any bailiff of Crown Lands or police constable.
- (7) Non-compliance with any of the foregoing conditions shall render the license null and void, and shall empower the Board to re-enter the land referred to in this license.

The common seal of the Board of Land and Works was hereunto affixed, in the presence of the undersigned two members of the said Board, this _____ day of _____ in the year of our Lord 187 _____

(L.S.)

President.
Member.

SCHEDULE J.

FORM OF LICENSE ISSUED UNDER SECTION 2 OF "THE LAND ACT 1869," TO PERSONS HOLDING OR ENTITLED TO LICENSES UNDER THE 42ND SECTION OF "THE AMENDING LAND ACT 1865."

KNOW ALL MEN, That the Board of Land and Works, in pursuance of the provisions of *The Land Act 1869*, and in consideration of the sum of _____ pounds shillings to be paid by _____ to the Receiver and Paymaster at _____ or other officer authorized to receive the same, and subject to the terms and conditions hereunder specified, doth hereby give to the said _____ full license and authority to reside on or to cultivate All that piece or parcel of Crown land situate on a goldfield, or adjacent thereto, more particularly described in the schedule hereto, for one year from the date hereof, unless the same be rescinded by the Governor, acting by and with the advice of the Executive Council, or cancelled, forfeited, rendered void, in accordance with the terms and conditions hereunder specified.

Dated this _____ day of _____ A.D. 187 _____

 President.
 Member.

Conditions.

1. The above license only gives to the licensee the right to use the land for the purpose for which the license has been granted, and for no other purpose whatsoever.
2. The licensee will not be permitted to assign or sublet the land, or any part thereof, or to part with the possession thereof or of his interest therein, without the consent of the Board of Land and Works first had and obtained.
3. The licensee is required to reside on the land during the continuance of this license, or within a period of four months from the date hereof to enclose the same with a proper fence, and cultivate at least one-fifth portion thereof.
4. If any person apply in writing to the Minister of Mines for permission to occupy any portion of the land the subject of this license for mining purposes, or for the erection of machinery or other works in connection with mining or for shafts, the Minister of Mines shall direct a warden to investigate the application, and such application shall be investigated in the same manner, or as near thereto as practicable, as an application for a Gold Mining Lease, and the Warden, *inter alia*, whether any, and, if any, what compensation shall be paid to the licensee for surface or other damages, and if permission be given to occupy the whole or any portion of such land for mining purposes, this license, as regards such land, shall, as soon as such permission shall have been given, be null and void.
5. Any holder of a miner's right shall be allowed to enter upon the land and search for gold thereon without making compensation to the licensee for surface or other damage: Provided always that such portions of the land as shall be used for a garden or orchard, or shall be under crop, or occupied by buildings, shall be secure from such intrusion, unless with the consent of the licensee.
6. Nothing contained in this license shall prevent the person or persons seized of the right, title, and interest in any claim or claims which were taken up under miner's rights prior to the date of this license from entering upon any portion of the land the subject of this license, and holding and occupying the same for mining purposes, without paying any compensation whatsoever, and all such claimholders and their workmen shall at all times have free ingress, egress, and regress to, into, and upon the said land.
7. Notwithstanding anything contained in this license, it shall be competent for the Governor in Council to resume the whole or any portion of the land hereby licensed without paying compensation, if the same shall be required for railways, roads, telegraph lines, dams, reservoirs, races, catchwater drains, pipe tracks, stone quarries, or any public purpose.
8. The license will be forfeited if the licensee commits a breach of or neglects to comply with any of the above conditions.

Schedule.

Allotment	acres	section	roods	perches
Parish of _____		county of _____		

SCHEDULE K.

FORM OF GRANT IN FEE OF LAND ALIENATED UNDER "THE LAND ACT 1869."

Entered in the Register Book, Vol. _____ Fol. _____
 Registrar of Titles.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth: To all to whom these presents shall come, greeting:

WHEREAS in conformity with the laws concerning the disposal of Crown lands in our Colony of Victoria, the person hereinafter named has become the purchaser and entitled to a grant in fee-simple of the land hereinafter described for and in consideration of the sum of _____, which sum has been duly paid to us: Now know ye that in consideration of the sum so paid, We do hereby grant unto _____ his heirs and assigns all that piece of land in the said colony, containing _____ or thereabouts, described in the schedule hereto and shown 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 _____ his heirs and assigns for ever; but subject to resumption under section 99 of *The Land Act 1869*, under the provisions of which Act the said piece of land has been alienated.

In testimony whereof we have caused this our grant to be sealed with the seal of our said colony. Witness our trusty and well-beloved _____ Governor and Commander-in-Chief of the said Colony of Victoria, at Melbourne, this _____ day of _____ in the _____ year of our reign and in the year of our Lord One thousand eight hundred and seventy- _____ (L.S.)

Schedule.

Situation of Land.	Number on Survey Map.	Superficial Extent or thereabouts.			Boundaries.
		Acres.	Roods.	Perches.	
County _____	Section _____				
Parish _____	Allotment _____				
	Subdivision _____				

Memorials of Instruments.

Nature of Instrument.	Time of its production for Registration.	Names of the Parties to it.	Number or Symbol thereon.
	The day of _____ 187 _____ at _____ o'clock in the _____ noon.		