

## THE WATTLES ACT 1890.—REGULATIONS.

## ORDER IN COUNCIL.

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

*Wattles Act 1890.*

## REGULATIONS.

*At the Executive Council Chamber, Melbourne, the fourth day of August, 1890.*

PRESENT :

His Excellency the Governor.

Mr. Gillies  
Mr. Deakin  
Mr. WrixonMr. Cuthbert  
Dr. Pearson  
Mr. Patterson.

WHEREAS by the *Wattles Act* 1890 (54 Vict. No. 1157) it is amongst other things enacted that, subject to the provisions therein contained, the Governor in Council may from time to time make regulations for the better carrying into effect of the aforesaid Act, and may at any time alter or repeal any such regulations :

Now therefore His Excellency the Governor in Council doth hereby make the following Regulations, viz. :—

## REGULATIONS.

1. Every application for a lease under Section 5 of the *Wattles Act* 1890 shall be in the form prescribed in Schedule I. hereto.
2. Lessees under Section 32 of *The Land Act* 1884 or Section 32 of the *Land Act* 1890, who desire to surrender their leases and obtain in lieu thereof leases under Section 5 of the *Wattles Act* 1890, shall make application in the form prescribed in Schedule II. hereto.
3. The form of notice in the *Government Gazette* and local newspapers of applications for Wattle Leases shall be as prescribed in Schedule III. hereto.
4. Leases issued under Section 5 of the *Wattles Act* 1890 shall be in the form prescribed in Schedule VI. hereto.
5. Any lessee desiring to transfer his leasehold shall make application to the Minister of Lands in the form prescribed in Schedule VII. hereto.
6. The provisions of Chapters II., III., and V. of the Regulations under the *Land Act* 1890 shall apply generally to applications for leases under the *Wattles Act* 1890.
7. Every application under Section 9 of the *Wattles Act* 1890 by a lessee for a selection out of his Wattle Leasehold shall be in the form prescribed in Schedule IV. or V. hereto.
8. The provisions of Chapters VI., VII., and VIII. of the Regulations, under the *Land Act* 1890, shall apply generally to applications by holders of Wattle Leases for selections out of their leaseholds.
9. Licences under Section 9 of the *Wattles Act* 1890 shall be in the form prescribed in Schedule VIII. or IX. hereto.

## SCHEDULE I.—SEC. 1.—WATTLE TREES CULTIVATION REGULATIONS.

## APPLICATION FOR A LEASE FOR THE CULTIVATION OF WATTLE TREES UNDER SECTION 5 OF THE "WATTLES ACT 1890."

\* Here state fully the place of abode and the occupation of the applicant. I, \_\_\_\_\_ of \* \_\_\_\_\_ hereby make application under section 5 of the *Wattles Act* 1890, for a lease for the land described hereunder; and I hereby request that (if necessary) an authorized surveyor be instructed to make a survey, for me and on my account, of the said land, and to supply plan of same; and I undertake to pay all duly authorized fees for the making of the said survey and plan, or for any modification thereof, and to accept a lease subject to the terms, covenants, and conditions which may lawfully be imposed.

† Strike out the unnecessary words. I, \_\_\_\_\_ of \_\_\_\_\_ do hereby declare that † *I have not at any time held a lease for the cultivation of wattle trees under this Act or that I hold under this Act* \_\_\_\_\_ acres; and that the area I now desire to obtain would not, if added to the area already held by me under this Act, exceed 1,000 acres; that I am not under eighteen years of age; And 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 or promised to enter into any agreement to permit any other person to acquire by purchase or otherwise the land in respect of which this application is made, or any part thereof, or my interest therein, or the usufruct thereof; that I intend to occupy the said land for my own use and benefit solely; that, if my application be granted, it is my intention to comply with the provisions of the 5th section of the *Wattles Act* 1890, and that the statements made by me in reply to the questions hereto subjoined are true and correct in every particular.

N.B.—State here at what Money Order Office or Receipt and Pay Office you wish to pay the survey charge for the allotment herein applied for.

[Approximate Cost of Paper.—Preparation, not given; Printing (760 copies), £16 10s. 0d.]

QUESTIONS AND STATEMENTS REFERRED TO IN THE DECLARATION.

Questions.	Statements in Reply.
1. What is your occupation, and where have you resided during the last twelve months? ... ..	
2. Do you own any land in fee-simple? If so, state the number of acres, situation, and purpose to which it has been applied ... ..	
3. Have you at any time obtained any land under lease or license from the Crown? If so, Under what section and Act? ... .. Where situated? ... .. What area? ... .. What use did you make of it? ... ..	
4. Have you obtained a lease or leases under Section 5 the <i>Wattles Act</i> 1890? ... .. When? ... .. In what parish situated? ... .. Area? ... ..	

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue 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—

Declared at \_\_\_\_\_ in the colony of Victoria, this \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_, before me,  
Justice of the Peace in and for the \_\_\_\_\_ Bailiwick of 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.
County— Parish— Allotment— Section— Extent— acres. roods. perches.		Date and hour of receipt of application. } Report— Date of transmission of order to survey to authorized surveyor. }  Land Officer at

\* The magistrate's signature is only required here in cases where the applicant is a marksman, and can neither read nor write.

\* I hereby certify that this declaration was read to the declarant in my presence this \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_

Justice of the Peace in and for the \_\_\_\_\_ Bailiwick of the colony of Victoria.

NOTE.—This application will not be received by the Land Officer unless accompanied by a "Certificate of Registration," which can be obtained of any Receiver of Revenue on payment of a fee of One pound.

SCHEDULE II.—SEC. 2.—WATTLE TREES CULTIVATION REGULATIONS.

APPLICATION BY A LESSEE OF A GRAZING AREA UNDER PART III. OF "THE LAND ACT 1884," OR DIVISION 3 PART I. OF THE "LAND ACT 1890," TO SURRENDER HIS LEASE AND OBTAIN A WATTLE TREES CULTIVATION LEASE.

\* Here state fully I, \_\_\_\_\_ of\* \_\_\_\_\_ being the holder of a Grazing Area Lease under { Division 3 Part I. of the *Land Act* 1890 } hereby make application to surrender such lease, and obtain in lieu thereof a lease under section 5 of the *Wattles Act* 1890, for the land described here- under. I forward herewith my lease under { Division 3 Part I. of the *Land Act* 1890 } and surrender of Part III. of *The Land Act* 1884 }

† Strike out the unnecessary words. same duly executed.

I, \_\_\_\_\_ of \_\_\_\_\_ hereby declare that † I have not at any time held a lease for the cultivation of wattle trees under this Act? That I hold under this Act \_\_\_\_\_ acres; and that the area I now desire to obtain would not, if added to the area already held by me under this Act, exceed 1,000 acres; that I am not under eighteen years of age; And 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 or promised to enter into any agreement to permit any other person to acquire by purchase or otherwise the land in respect of which this application is made, or any part thereof, or my interest therein, or the usufruct thereof; that I intend to occupy the said land for my own use and benefit solely; that if my application be granted, it is my intention to comply with the provisions of the 5th section of the *Wattles Act* 1890, and that the statements made by me in reply to the questions hereto subjoined are true and correct in every particular.

N.B.—State here at what Money Order Office or Receipt and Pay Office you wish to pay the survey charge for the allotment herein applied for.

QUESTIONS AND STATEMENTS REFERRED TO IN THE DECLARATION.

Questions.	Statements in Reply.
1. What is your occupation, and where have you resided during the last twelve months? ... ..	
2. Do you own any land in fee-simple? If so, state the number of acres, situation, and purpose to which it has been applied ... ..	
3. Have you at any time obtained any land under lease or license from the Crown? If so, Under what section and Act? ... .. Where situated? ... .. What area? ... .. What use did you make of it? ... ..	
4. Have you obtained a lease or leases under section 5 of the <i>Wattles Act</i> 1890? ... .. When? ... .. In what parish is the holding situated? ... .. Area? ... ..	

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue 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—

Declared at \_\_\_\_\_ in the colony of Victoria, this \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_, before me,  
Justice of the Peace in and for the \_\_\_\_\_ Bailiwick of 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.
County— Parish— Allotment— Section—  acres. roads. perches. Extent—		Date and hour of receipt of application. } Report— Date of transmission of order to survey to authorized surveyor. }  at _____ Land Officer

\* The magistrate's signature is only required here in cases where the applicant is a marksman, and can neither read nor write.

\* I hereby certify that this declaration was read to the declarant in my presence this \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_

Justice of the Peace in and for the \_\_\_\_\_

Bailiwick of the colony of Victoria.

SCHEDULE III.—SEC. 3.—WATTLE TREES CULTIVATION REGULATIONS.

THE "WATTLES ACT 1890," SECTION 5.

Notice is hereby given that applications as specified hereunder for leases under section 5 of the *Wattles Act* 1890 have been received by the Department of Lands and Survey:—

No. of Application.	Name.	Parish.	Area.

SCHEDULE IV.—SEC. 7.—WATTLE TREES CULTIVATION REGULATIONS.

APPLICATION FOR AN AGRICULTURAL ALLOTMENT UNDER SECTION 9 OF THE "WATTLES ACT 1890."

\* Here state fully I, \_\_\_\_\_ of \* \_\_\_\_\_ hereby make application, under section 9 of the *Wattles Act* 1890, for the allotment described hereunder; and I hereby request that (if necessary) an authorized surveyor be instructed to make a survey, for me and on my account, of the said allotment, and to supply plan of same; and I undertake to pay all authorized fees for the making of the said survey and plan, or for any modification thereof; and to accept a licence subject to the terms, covenants, and conditions which may lawfully be imposed.

I, \_\_\_\_\_ of \_\_\_\_\_ hereby declare that I have not taken up a pre-emptive right; † that I have selected under this and previous Land Acts \_\_\_\_\_ acres; that no selection made by me under this or 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 this or any previous Land Act or Acts, exceed 320 acres; that I am not under eighteen years of age; ‡

† If applicant has not selected, he may strike out the words in italics.  
‡ 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 have obtained a decree of judicial separation."

And 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 nor promised to enter 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 I intend to occupy the allotment for my own use and benefit solely; that if my application be granted, it is my intention within twelve months after receipt of the licence, and thenceforward during the currency of the same, to occupy the allotment by residing thereon in my own proper person, and to comply with the covenants and conditions of the 44th section of the *Land Act* 1890, and that the statements made by me in reply to the questions hereto subjoined are true and correct in every particular.

N.B.—State here at what Money Order Office or Receipt and Pay Office you wish to pay the survey charge for the allotment herein applied for.

QUESTIONS AND STATEMENTS REFERRED TO IN THE DECLARATION.

Questions.	Statements in Reply.
1. What is your occupation, and where have you resided during the last twelve months? ... ..	
2. Do you own any land in fee-simple? If so, state the number of acres, situation, and purpose to which it has been applied ... ..	
3. Have you at any time obtained any land under lease or license from the Crown? If so, Under what section and Act? ... .. Where situated? ... .. What area? ... .. What use did you make of it? ... ..	

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue 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—

Declared at \_\_\_\_\_ in the colony of Victoria, this \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_, before me  
Justice of the Peace in and for the \_\_\_\_\_ Bailiwick of 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.
County— Parish— Allotment— Section— acres, roods, perches. Extent—		Date and hour of receipt of application } Report— Date of transmission of order to survey to authorized surveyor } Land Officer at

\* The magistrate's signature is only required here in cases where the applicant is a marksman, and can neither read nor write.

\* I hereby certify that this declaration was read to the declarant in my presence this \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_.

Justice of the Peace in and for the \_\_\_\_\_ Bailiwick of the colony of Victoria.

SCHEDULE V.—SEC. 7.—WATTLE TREES CULTIVATION REGULATIONS.

APPLICATION FOR NON-RESIDENCE LICENCE UNDER SECTION 9 OF THE "WATTLES ACT 1890."

\* Here state fully the place of abode and the occupation of the applicant. I, \_\_\_\_\_ of\* \_\_\_\_\_ hereby make application, under section 9 of the *Wattles Act* 1890, for the allotment described hereunder; and I hereby request that (if necessary) an authorized surveyor be instructed to make a survey, for me and on my account, of the said allotment, and to supply plan of same; and I undertake to pay all duly authorized fees for the making of the said survey and plan, or for any modification thereof, and to accept a licence subject to the terms, covenants, and conditions which may lawfully be imposed.

† If applicant I, of hereby declare that I have not taken  
 has not selected, he up a pre-emptive right ; † that I have selected under this and previous Land Acts acres;  
 may strike out the words in italics. that no selection made by me under this or 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 this or any previous Land  
 Act or Acts, exceed 320 acres ; that I am not under eighteen years of age ; ‡

‡ 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 have obtained a decree of judicial separation."  
 And 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 or promised to enter 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 I intend to improve the allotment for my own use and benefit solely ; that if my application be granted, it is my intention to comply with the provisions of the 49th section of the Land Act 1890, respecting improvements to be effected upon land held under non-residence licences ; and that the statements made by me in reply to the questions hereto subjoined are true and correct in every particular.

N.B.—State here at what Money Order Office or Receipt and Pay Office you wish to pay the survey charge for the allotment herein applied for.

QUESTIONS AND STATEMENTS REFERRED TO IN THE DECLARATION.

Questions.	Statements in Reply.
1. What is your occupation, and where have you resided during the last twelve months? ... ..	
2. Do you own any land in fee-simple? If so, state the number of acres, situation, and purpose to which it has been applied ... ..	
3. Have you at any time obtained any land under lease or licence from the Crown? If so, Under what section and Act? ... .. Where situated? ... .. What area? ... .. What use did you make of it? ... ..	

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue 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—

Declared at in the colony of Victoria, this day of 189  
 before me, one of Her Majesty's Justices of the Peace in and for the colony of Victoria, Bailiwick of

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.
County— Parish— Allotment— Section— acres, roods, perches. Extent—		Date and hour of receipt of application } Report— Date of Transmission of order to survey to authorized surveyor } Land Officer at

\* The magistrate's signature is only required here in cases where the applicant is a marksman, and can neither read nor write.

\* I hereby declare that this declaration was read to the declarant in my presence this day of 189

One of Her Majesty's Justices of the Peace in and for the colony of Victoria, Bailiwick of

SCHEDULE VI.—SEC. 4.—WATTLE TREES CULTIVATION REGULATIONS.

LEASE UNDER SECTION 5 OF THE "WATTLES ACT 1890."

THIS INDENTURE made the first day of in the year of our Lord One thousand eight hundred and between His Excellency Governor and Commander-in-Chief in and over the Colony of Victoria and its dependencies in the name and on behalf of Her Most Gracious Majesty Queen Victoria of the one part and of in the Colony of Victoria (hereinafter called the "Lessee") of the other part.

Whereas the Governor by Order in Council dated the day of and made by virtue and in pursuance of the powers contained in the third section of the Wattles Act 1890 has directed that certain unoccupied lands of the Crown of which the land hereinafter described forms part may be leased as in that Act provided And whereas such Order in Council or a copy thereof together with a plan or plans of the land therein referred to has lain on the Table of the Legislative Council and on that of the Legislative Assembly for the full period of thirty days And whereas the Governor with the advice of the Executive Council has agreed to grant a lease for the cultivation of wattle trees of the land hereinafter described for the term of years at the annual rent of being the rent fixed and reserved in accordance with the provisions of the said

third section of the *Wattles Act* 1890 to the lessee subject to the provisions of the said Act and to the terms conditions covenants and provisoes hereinafter contained And whereas the lessee has paid half a year's rent in advance Now this Indenture witnesseth that in consideration of such payment aforesaid and of the rent hereby reserved and of the terms conditions covenants and provisoes hereinafter contained by the lessee his executors administrators and assigns to be respectively paid observed and performed Her Majesty doth by these presents grant and demise unto the lessee his executors administrators and assigns all that piece or parcel of land situate and being in the parish of

county of \_\_\_\_\_ in the Colony of Victoria containing \_\_\_\_\_ acres more or less being part of the land specified in the Order in Council aforesaid and delineated on the plan laid on the Table of the Legislative Council and on that of the Legislative Assembly therewith in accordance with the provisions of the second section of the said Act and thereon numbered \_\_\_\_\_ in the said parish and also delineated on the plan drawn in the margin of these presents and therein coloured yellow together with the appurtenances excepting and reserving unto Her Majesty her heirs and successors all gold and auriferous earth or stone and all mines containing gold in and under the said demised premises together with liberty for Her Majesty her heirs and successors and her and their agents and servants at any time or times during the said term to enter upon the said land and to search and mine therein for gold or to remove therefrom any gold and any auriferous earth and stone and for the purposes aforesaid to sink shafts and do any other things which may be necessary or usual in mining And also excepting and reserving to Her Majesty her heirs and successors and her or their licensees liberty and right of ingress egress and regress at all times through over and across the premises hereby demised with or without horses cattle and other animals carts waggons and carriages to or from any other Crown land from and to any public road or track subject to such regulation to be made by the Governor with the advice of the Executive Council as may for the time being be in force And also excepting and reserving unto Her Majesty her heirs and successors and all persons specially licensed in that behalf by the Governor in Council full and free liberty at all times to enter upon the said demised lands and therefrom to cut and take away live or dead timber To have and to hold the premises hereinbefore expressed to be hereby demised unto the lessee his executors administrators and assigns for the term of \_\_\_\_\_ years from the day of the date hereof Yielding and paying therefor during the said term the yearly rental of \_\_\_\_\_ by two equal half-yearly payments in advance on the first day of \_\_\_\_\_ and the first day of \_\_\_\_\_ in every year clear of all deductions the first of the said half-yearly payments having been made as aforesaid the next of the said half-yearly payments to be made on the first day of \_\_\_\_\_ next and the last of the said half-yearly payments to be made on the first day of \_\_\_\_\_ next preceding the expiration of the said term And the lessee doth hereby for himself his heirs executors administrators and assigns covenant with Her Majesty her heirs and successors that he the lessee his executors administrators and assigns will during the said term pay the said rent hereinbefore reserved in advance at the times and in manner hereinbefore appointed for payment thereof clear of all deductions And also will during the said term pay all existing and future rates assessments and taxes for the time being payable either by landlord or tenant in respect of the said premises And also will not assign sublet subdivide or part with the possession of the land hereby demised or any portion thereof without the previous consent of the Board of Land and Works signified in writing And also will at once after the granting of this lease to the satisfaction of the Board of Land and Works commence and continue to destroy and will within one year after the granting of this lease have destroyed to the satisfaction of the Board of Land and Works the animals and birds by the *Land Act* 1890 (hereinafter referred to as "the said Act") included in the term "vermin" or which the Governor with the advice of the Executive Council may by proclamation in the *Government Gazette* declare to be vermin for the purposes of the said Act upon such land and will keep the same free of such animals and birds Bathurst burr wild briar and gorse to the satisfaction of the Board of Land and Works during the currency of this lease And also will repair and keep in good condition and repair during the continuance of the term hereby granted all houses fences wells reservoirs tanks dams and all improvements of a permanent character situated on the premises hereby demised whether made erected or constructed by the said lessee his executors administrators or assigns or not reasonable wear and tear and damage by fire storm and tempest alone excepted and that the lessee his executors administrators or assigns will not remove fill up or render useless or cause to be removed filled up or rendered useless any of the same without first obtaining the permission of the Board of Land and Works signified in writing And also will not during the continuance of the term hereby granted ring or destroy or except for the purpose of fencing or building or domestic use on the land hereby demised cut down any timber in or upon the land hereby demised unless with the sanction of the Board of Land and Works signified in writing and then only under the supervision of an officer appointed in that behalf by the said Board And also will to the satisfaction of the said Board of Land and Works during each of the first six years except the first year from the granting of this lease sow or plant wattle trees or such other species of tannin-producing trees or plants as may be approved of by the said Board of Land and Works on one-fifth part at least of the land hereby demised and within six years will sow or plant wattle trees or some other tannin-producing trees or plants approved as aforesaid on the whole of the land demised And also will from time to time sow or plant to the satisfaction of the said Board of Land and Works in the place or stead of any wattles or tannin-producing trees which shall be stripped dead decayed or become unproductive during the said term other wattles or tannin-producing trees approved as aforesaid and otherwise at all times maintain the sowing or planting of such trees to the satisfaction of the said Board of Land and Works And also will if not sooner called upon under the provisions of the *Fences Act* 1890 within two years from the date of these presents enclose a third part and within three years two-third parts and within four years the whole of the land hereby demised with a good and substantial sheep and cattle proof fence and will keep the same in good repair during the continuance of the term hereby granted to the satisfaction of the said Board of Land and Works And also will at the expiration or sooner determination of the said term hereby granted peaceably deliver up to Her Majesty her heirs or successors the premises hereby demised together with all houses fences wells reservoirs tanks dams and all improvements that now are or may be made erected or constructed thereon in such good or sufficient repair and condition as aforesaid and in all respects in such state and condition as shall be consistent with the due performance of the several covenants hereinbefore contained And also will permit any person appointed in that behalf by the Board of Land and Works at any time to enter upon the premises hereby demised to ascertain if the conditions and covenants of this lease are being performed by the lessee And also that every holder of a miner's right or mining lease shall have the right and be allowed by the lessee his executors administrators and assigns to enter upon the land hereby demised and search for gold and to mine thereon and to erect and occupy mining plant and machinery upon making compensation to the lessee his executors administrators or assigns for surface damage the same to be ascertained in default of agreement in the manner provided by the *Lands Compensation Act* 1890 And also that these presents shall become absolutely void on any assignment thereof save under the provisions hereinbefore contained Provided always and it is hereby agreed and declared that Her Majesty her heirs and successors may at any time and from time to time during the said term resume possession of any part or parts of the land hereby demised which may in the opinion of the Governor with the advice aforesaid be required for the purposes of water supply irrigation works races dams and ditches or timber reserves or for public railways roads canals or other internal communication through such lands or for mining purposes upon payment to the lessee or his executors administrators or assigns for his improvements on the land so resumed the full value to be determined in accordance with regulations made or to be made under the *Wattles Act* 1890 of all houses fences (within the meaning aforesaid) wells reservoirs tanks dams wattle plantation and of all improvements of a permanent character made erected or constructed by the lessee his executors administrators or assigns during the currency of this lease on the land resumed Provided always that the sum paid in respect of such improvements by the Board of Land and Works shall not exceed the sum expended thereon by the lessee his executors administrators or assigns And it is hereby declared that in case possession of any part or parts of the said land shall be resumed as aforesaid the covenants provisions and agreements herein contained with reference to the whole of the premises shall continue in force and apply to such part of the same as shall be left in the possession of the lessee his executors administrators or assigns aforesaid Provided always and it is hereby agreed and declared and these presents are upon this condition that in the event of the lessee his executors administrators or assigns becoming the licensee or licensees of any portion of the land hereby demised under the provisions of section 9 of the *Wattles Act* 1890 and his or their licence thereafter being annulled for any breach of the provisions of the *Land Act* 1890 or of the condition of such licence or if and whenever there shall be a breach of or non-compliance with any of the covenants by the lessee herein contained and the Governor with the advice aforesaid shall determine that this lease shall in consequence be avoided (and the production of the minute of the proceedings of the Executive Council whereat such determination was arrived at shall be conclusive evidence thereof) or if the land hereby demised or any part thereof is assigned whether by operation of law or otherwise except as hereinbefore mentioned then these presents and the term hereby created shall be void and of no effect

NOTE.—The lengths of the boundaries are approximately given in this plan in links.

And immediately thereupon it shall be lawful for any bailiffs of Crown lands or for any other agents or officers authorized in that behalf by Her Majesty or by the Governor with the advice aforesaid without any demand whatsoever to enter upon the land hereby demised and the lessee his executors administrators and assigns and all persons claiming under or through 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 or in an action for the recovery of land and a writ of *habere facias possessionem* or writ of possession 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 proceeding taken for or on account of the same by any person whatsoever the defendants or defendant to such action may plead leave and licence thereto and these presents shall be conclusive evidence of the leave and licence of the lessee his executors or administrators and all persons claiming under or through him or them to any bailiff of Crown lands and all persons acting in the matters complained of in such action or other proceedings And the lessee for himself his executors administrators and assigns further covenants with Her Majesty her heirs and successors in manner following that is to say that in the event of any portion of the land hereby demised being at any time or times required by the Commissioners of Victorian Railways for the construction of railways railway stations or railway works already or hereafter authorized to be constructed or by the Governor or Administrator of the Government of Victoria by and with the advice of the Executive Council thereof hereinafter designated the Governor in Council for the construction of water supply works irrigation works reservoirs dams races water-courses or drains or for public roads or highways to be hereafter set out by the Governor in Council he the said lessee his executors administrators or assigns will upon being allowed by the Commissioners of Victorian Railways or Governor in Council one month after receiving notice in writing from the Commissioners of Victorian Railways or Governor in Council that the land is so required for the removal by him or them of any houses buildings or fences upon the land so required remove such houses buildings and fences and relinquish possession of the land so required and that neither he nor they will make any claim for compensation whatsoever for the said houses buildings fences or wattle or other tannin-producing trees or for any improvements upon the said land or for the cost which he or they may incur in such removal nor will he or they make any claim for compensation for any right or interest which he or they may possess in such lease or in such land beyond a proportionate reduction of rent which shall in all cases be fixed by an officer appointed by the Governor in Council for such purpose nor in respect of the severance of such land from the other lands held under this lease And it is hereby expressly agreed between the parties hereto that this covenant is to be construed as a release by the said lessee his executors administrators and assigns to Her Majesty her heirs and successors from all or any payment to her or them and from all claims thereto which might otherwise have been made in respect of resumption of any portion of the land hereby demised for railway purposes or for the purpose of the construction of water supply works irrigation works reservoirs dams races water-courses or drains or for public roads or highways under the before contained conditions for resumption by or on behalf of Her Majesty her heirs and successors And it is hereby lastly agreed and declared that the term "Governor" in these presents shall mean the Governor or the Administrator of the Government of the Colony of Victoria for the time being unless such meaning shall be inconsistent with the context.

In witness whereof His Excellency Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies hath on behalf of Her Majesty the Queen caused this demise to be sealed with the seal of the said Colony and the Lessee hath hereunto set his hand and seal.

Signed sealed and delivered by the above-named \_\_\_\_\_ in the presence of— (L.S.)

SCHEDULE VII.—SEC. 5.—WATTLE TREES CULTIVATION REGULATIONS.

"WATTLES ACT 1890."—SECTION 5, SUB-SECTION 2.

County— \_\_\_\_\_ Address—  
 Parish— \_\_\_\_\_ Date—  
 Allotment— \_\_\_\_\_  
 Area— \_\_\_\_\_  
 acres.

Sir, I, \_\_\_\_\_ of \_\_\_\_\_ being the holder of a Wattle Trees Cultivation Lease, as per margin, and having paid all rents and fees due thereon, and otherwise complied with all the covenants and conditions of the said lease, hereby apply to the Board of Land and Works for its sanction, in writing, to the transfer of the said lease to \_\_\_\_\_ of \_\_\_\_\_ One pound, being the fee for the Certificate of the Board's sanction, is forwarded herewith.

I have the honour to be, Sir,  
 Your most obedient Servant,

The President of the Board of Land and Works.

DECLARATION TO BE MADE BY LESSEE WHEN APPLYING TO TRANSFER.

I, \_\_\_\_\_ of \_\_\_\_\_ in the colony of Victoria, do solemnly and sincerely declare that I have paid all rents and fees due to date in respect of my lease under section 5 of the *Wattles Act 1890*, for allotment \_\_\_\_\_ parish of \_\_\_\_\_ that I have erected \_\_\_\_\_ chains of fencing on the land of the value of \_\_\_\_\_ per chain, and that I have cultivated wattle trees and effected other improvements upon the said land to the value of £ \_\_\_\_\_. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared before me, at \_\_\_\_\_ }  
 in the colony aforesaid, this \_\_\_\_\_ }  
 day of \_\_\_\_\_ in the year of our Lord }  
 One thousand eight hundred and ninety- \_\_\_\_\_ }

Justice of the Peace.

APPLICATION BY PROPOSED TRANSFERREE FOR THE TRANSFER TO HIM OF A LEASE FOR THE CULTIVATION OF WATTLE TREES UNDER SECTION 5 OF THE "WATTLES ACT 1890."

I, \_\_\_\_\_ of \_\_\_\_\_ hereby make application for the transfer to me of the Wattle Trees Cultivation Lease described below, and I undertake, in the event of the said transfer being sanctioned by the Board of Land and Works, to faithfully carry out all the covenants and conditions of the said lease.

Signature— \_\_\_\_\_

† Strike out the unnecessary words. I, \_\_\_\_\_ of \_\_\_\_\_ hereby declare that† I have not at any time held a lease for *Wattle Trees Cultivation under this Act*; or that I hold under this Act \_\_\_\_\_ acres; and that the area I now desire to obtain by transfer would not, if added to the area already held by me under this Act, exceed 1,000 acres; that I am not under eighteen years of age; And 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 or promised to enter into any agreement to permit any other person to acquire by purchase or otherwise the leasehold in respect of which this application is made, or any part thereof, or my interest therein, or the usufruct thereof; that I intend to occupy the said leasehold for my own use and benefit solely; that if my application be granted, it is my intention to comply with the provisions of the 5th section of the *Wattles Act 1890*, and that the statements made by me in reply to the questions hereto subjoined are true and correct in every particular.

QUESTIONS AND STATEMENTS REFERRED TO IN THE DECLARATION.

Questions.	Statements in Reply.
1. What is your occupation, and where have you resided during the last twelve months?	
2. Do you own any land in fee-simple? If so, state the number of acres, situation, and purpose to which it has been applied ... ..	
3. Have you at any time obtained any land under lease or license from the Crown? If so, Under what section and Act? ... .. Where situated? ... .. What area? ... .. What use did you make of it? ... ..	
4. Have you obtained a lease or leases under section 5 of the <i>Wattles Act 1890</i> ? ... .. When? ... .. In what parish situated? ... .. Area? ... ..	

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue 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—

Declared at \_\_\_\_\_ in the colony of Victoria, this \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_, before me \_\_\_\_\_ Justice of the Peace in and for the \_\_\_\_\_ Bailiwick of the colony of Victoria.

County.	Parish.	Allotment.	Section.	Extent.

\* The magistrate's signature is only required here in cases where the applicant is a marksman, and can neither read nor write.

\* I hereby certify that this declaration was read to the declarant in my presence this \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_.

Justice of the Peace in and for the \_\_\_\_\_

Bailiwick of the colony of Victoria

SCHEDULE VIII.—SEC. 9.—WATTLE TREES CULTIVATION REGULATIONS.

LICENCE (SECTION 9 OF THE "WATTLES ACT 1890.")

THIS INDENTURE made this first day of \_\_\_\_\_ in the year of our Lord One thousand eight hundred and \_\_\_\_\_ between His Excellency \_\_\_\_\_ Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies in the name and on behalf of Her Most Gracious Majesty Queen Victoria of the one part and \_\_\_\_\_ of \_\_\_\_\_ in the said colony (hereinafter called "the licensee") of the other part.

Whereas the licensee being a person entitled by virtue of the *Wattles Act 1890* to become a licensee of an allotment of land subject to the provisions of Division 3 of Part I. of the *Land Act 1890* has applied for this licence and made the declaration required by the 44th section of the *Land Act 1890* (hereinafter referred to as the "said Act") the Governor with the advice of the Executive Council has agreed to grant the same on the faith that the applicant does not by becoming the licensee violate or fail to comply with any of the provisions of the said Act or the *Wattles Act 1890* And whereas the Governor with the advice aforesaid has approved of and directed the conditions and provisions hereinafter contained to be inserted in this licence framed in accordance with the regulations made in pursuance of the provisions of the said Act And whereas the licensee has paid half a year's fee for occupation in advance Now this Indenture witnesseth that in consideration of the payment aforesaid of the fee for occupation hereby reserved and of the agreements by the licensee hereinafter contained the Governor with the advice aforesaid and in exercise of the power given by the *Wattles Act 1890* and by the said Act doth hereby demise and grant unto the licensee licence and liberty



to enter upon and personally to occupy in accordance with the provisions of the said Act all that piece or parcel of land situate and being in the parish of \_\_\_\_\_ county of \_\_\_\_\_ in the colony of Victoria containing \_\_\_\_\_ acres more or less and delineated on the plan drawn in the margin of these presents and thereon coloured yellow hereinafter referred to as the "said allotment" for the term of six years from the date of this licence Yielding and paying therefor during the said term a yearly fee for occupation of \_\_\_\_\_ being calculated at the rate of One shilling per annum for each and every acre or fractional part of an acre contained in the said allotment the said yearly fee to be paid in advance by equal half-yearly payments on the first day of \_\_\_\_\_ and the first day of \_\_\_\_\_ in every year clear of all deductions the first of the half-yearly payments having been made in conformity with the provisions of the said Act the next of the said half-yearly payments to be made on the first day of \_\_\_\_\_ next and the last of the half-yearly payments to be made on the first day of \_\_\_\_\_

next preceding the expiration of the term of this licence The licensee for himself his heirs executors and administrators hereby agrees with the Governor as follows To pay the said licence-fee in moieties in advance at the times and in manner hereinbefore appointed for payment thereof clear of all deductions And also all existing and future rates assessments and taxes for the time being payable by landlord or tenant in respect of the premises Not during the currency of this licence to assign the licence nor to transfer his right title and interest therein or in the said allotment or any part thereof nor to sublet the said allotment or any part thereof To at once and to the satisfaction of the Board of Land and Works commence and continue to destroy and within two years after the issue of this licence to have destroyed to the satisfaction of the Board the animals and birds by the said Act included in the term "vermin" or which the Governor with the advice of the Executive Council may by proclamation in the *Government Gazette* declare to be vermin for the purposes of the said Act upon such land and to keep the same free from such animals and birds to the satisfaction of the said Board during the currency of this licence To enclose within six years from the issue of this licence if not sooner called upon under the provisions of the *Fences Act 1890* the land herein comprised with a fence of such kind as shall come within the meaning assigned to the word "fence" by the *Land Act 1890* and keep the same in repair during the continuance of this licence Within twelve months after the issue of this licence to commence and thenceforward during the continuance of this licence without intermission (except for any period specified in a notice registered

NOTE.—The lengths of the boundaries are approximately given in this plan in links.

in conformity with the provisions of the 44th section of the said Act) to occupy personally the said allotment To make and erect on the said allotment before the end of the sixth year from the commencement of this licence substantial and permanent improvements of the value of One pound for every acre and fractional part of an acre of the allotment At all times during the continuance of this licence *bonâ fide* to comply with all and not to violate any of the provisions of the said Act The land comprised in this licence is subject both during the currency of this licence and after the licensee shall have acquired the fee-simple thereof to the right of any person being the holder of a miner's right or of a mining lease to enter therein and thereon and to mine for gold and silver and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those on which such person had at the time of the passing of the said Act the right to mine for gold and silver in and upon Crown lands provided that compensation shall be paid to the licensee by such persons for surface damage to be done to such lands by reason of mining thereon such compensation to be determined as provided by the 121st section of the said Act and the payment thereof to be a condition precedent to such right of entry and this licence is subject to the conditions that the licensee shall at all times during the currency hereof permit every such person to exercise the right aforesaid The Governor with the advice of the Executive Council or the Board of Land and Works for and on behalf of Her Majesty her heirs and successors may at any time during the currency of this licence resume possession of all or any part or parts of the lands comprised in the said allotment which may be required for reserves for public purposes or for the purpose of water supply irrigation works races dams and ditches or for railways roads canals or for tramways or other internal communication or for mining purposes provided that any moneys which may have been paid by the licensee to the Crown in respect of the lands so resumed or expended by him thereupon shall be repaid to him together with such other moneys as compensation for such resumption as to the Governor with the advice of the Executive Council seems fit The preceding provision shall be construed as independent of and concurrent with the powers conferred by the 68th section of the said Act In case possession of any part or parts shall be resumed as aforesaid the agreements and conditions herein contained with reference to the whole shall continue in force and apply to such part as shall be left in the possession of the licensee If and whenever any part of the said fees for occupation shall be in arrear whether the same shall have been demanded or not or if and whenever there shall be a breach of any of the agreements positive or negative by the licensee herein contained or if this licence shall be assigned whether by operation of law or otherwise save as in the said Act is otherwise expressly provided or if the said allotment or any part thereof is sublet or in case the licensee do not within twelve months after the issue of this licence and thenceforward during the continuance of this licence without intermission (except as hereinbefore mentioned) personally occupy the said allotment or in case substantial and permanent improvements certified in writing under the seal of the Board of Land and Works or under the hands of arbitrators as provided by the said Act 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 said allotment by the licensee before the end of the sixth year from the commencement of this licence or if it shall at any time be shown to the satisfaction of the Governor with the advice aforesaid (and that it has been so shown the production of a copy of the *Government Gazette* containing a notice purporting to be signed by the responsible Minister of the Crown for the time being administering the said Act or Division 3 of Part I. of the said Act so declaring or notifying or declaring or notifying that this licence has become forfeited and void shall be conclusive evidence) that the licensee became such licensee or that he held or continued to hold this licence in violation of or non-compliance with any of the provisions of the said Act or that the licensee has committed a breach of or not fulfilled any of the conditions of this licence then and in any of such cases this licence shall be void and of no effect And as ancillary and without prejudice to the provisions of the 45th and 125th sections of the said Act it is hereby agreed that immediately upon this licence so becoming void and of no effect it shall be lawful for any bailiffs of Crown lands or for any other agents or officers authorized in that behalf without any demand whatever to enter upon the said allotment and the licensee and all persons claiming under or through him 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 or in an action for the recovery of land and a writ of *habere facias possessionem* or writ of possession 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 whatsoever the defendants or defendant to such action may plead leave and licence thereto and these presents shall be conclusive evidence of the leave and licence of the licensee and all persons claiming under him to any bailiff of Crown lands and all persons acting in the matters complained of in such action or other proceeding It is hereby declared that if the licensee during the said period of six years occupy the said allotment for not less than five years and fence and make the improvements of the nature and value hereinbefore mentioned on the said allotment during the said period of six years and prove to the satisfaction of the Board of Land and Works (to be certified under its seal) by such evidence as the said Board may require that he has complied with the said conditions and with all other conditions hereof he shall be entitled at any time within twelve months after six years from the commencement of this licence to demand and obtain from the Governor in Council 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 such lease shall be for a term of fourteen years at a yearly rent of One shilling for each acre or fractional part of an acre so demised payable in equal parts half-yearly in advance and will contain besides the usual covenants for the payment of rent and a condition for re-entry on non-payment thereof such other terms conditions covenants and provisos as the Governor in Council thinks fit And upon 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 or fractional part of an 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 in Council may direct Provided also that if it be proved to the satisfaction of the responsible Minister of the Crown aforesaid by the licensee that owing to ill health he is unable to reside on the said allotment or that for any other reason it is expedient to do so the said Minister may cause the said allotment to be put up for sale by auction Provided also that in the case of the insolvency or death of the licensee during the currency of this licence it shall not be obligatory on the assignee or trustee in insolvency or on the executors or administrators of such licensee to comply with the said condition of occupation Provided also that in the case of the insolvency or death of the licensee during the currency of this licence it shall be lawful for the assignee or trustee in insolvency or for the executors or administrators of such licensee to assign such licence to any person who is qualified for becoming a licensee under Division 3 of Part I. of the said Act and such person shall thereupon be with respect to such licence in the same position as though he had been the original licensee Except as herein otherwise expressly provided the

word "licensee" shall include his executors and administrators and any person or persons in whom this licence may under the provisions of the said Act become vested. And the licensee for himself his executors and administrators further covenants and agrees with Her Majesty her heirs and successors in manner following that is to say: In the event of any portion of the land hereby demised being at any time or times required by the Commissioners of Railways for the construction of railways railway stations or railway works already or hereafter authorized to be constructed or by the Governor in Council or Administrator of the Government of Victoria by and with the advice and consent of the Executive Council thereof hereinafter designated the Governor in Council for the construction of water supply works irrigation works reservoirs dams races water-courses or drains or for public roads or highways to be hereafter set out by the Governor in Council he the said licensee his executors and administrators will upon being allowed by the Commissioners of Railways or Governor in Council one month after receiving notice in writing from the Commissioners of Railways or Governor in Council that the land is so required for the removal by him or them of any buildings erections or fences upon the land so required remove such buildings erections and fences and relinquish possession of the land so required and that neither he nor they will make any claim for compensation whatsoever for the said buildings erections or fences or for any improvements or for any moneys expended upon the said lands or for the cost which he or they may incur in such removal nor will he or they make any claim for compensation for any right or interest which he or they may possess in such land beyond a proportionate reduction in the Licence-fee which shall in all cases be fixed by an officer appointed by the Governor in Council nor in respect of the severance from the other lands occupied by him or them under this licence. And it is expressly agreed between the parties hereto that this covenant is to be construed as a release by the said licensee his executors and administrators to Her Majesty her heirs and successors from all or any payment to him or them and from all claims thereto which might otherwise have been made in respect of resumption of any portion of the land hereby demised for railway purposes or for the purposes of the construction of water supply works irrigation works reservoirs dams races water-courses or drains or for public roads or highways under the before contained conditions for resumption by or on behalf of Her Majesty her heirs and successors. And it is hereby lastly declared that the term "Governor" in these presents shall mean the Governor or the Administrator of the Government of the Colony of Victoria for the time being unless such meaning shall be inconsistent with the context.

(L.S.)

In witness whereof His Excellency

Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, hath on behalf of Her Majesty the Queen caused this indenture to be sealed with the seal of the said colony, and the Licensee has hereunto set his hand and seal.

Signed sealed and delivered by the above-named

in the presence of—

SCHEDULE IX.—SEC. 9.—WATTLE TREES CULTIVATION REGULATIONS.

NON-RESIDENCE LICENCE (SECTION 9 OF THE "WATTLES ACT 1890").

THIS INDENTURE made this first day of \_\_\_\_\_ in the year of our Lord One thousand eight hundred and \_\_\_\_\_ between His Excellency Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies in the name and on behalf of Her Most Gracious Majesty Queen Victoria, of the one part, and \_\_\_\_\_ of \_\_\_\_\_ in the Colony of Victoria hereafter called "the licensee" of the other part.

Whereas the licensee being a person entitled by virtue of the *Wattles Act* 1890 to become a licensee of an allotment of land subject to the provisions of Division 3 of Part I. of the *Land Act* 1890 has applied for this licence and has paid a half-year's fee therefor in advance. And whereas the Governor with the advice of the Executive Council has approved of and directed the conditions and provisions hereinafter contained to be inserted in this licence framed in accordance with the regulations made in pursuance of the provisions of the said last-mentioned Act. Now this Indenture witnesseth that in consideration of the payment aforesaid of the fee for this licence hereby reserved and of the agreements by the licensee hereinafter contained the Governor with the advice aforesaid and in exercise of the power given by the said Acts doth hereby demise and grant unto the licensee licence and liberty to enter upon improve and occupy all that piece or parcel of land (hereinafter referred to as the "said allotment") situate in the parish of \_\_\_\_\_ county of \_\_\_\_\_ in the Colony of Victoria containing \_\_\_\_\_ acres more or less and delineated on the plan in the margin of these presents and thereon coloured yellow for the term of six years from the day of the date of this licence. Yielding and paying therefor during the said term a yearly fee for this licence of Two shillings per annum for each and every acre or fractional part of an acre contained in the said allotment the said yearly fee to be paid in advance by equal half-yearly payments on the first day of \_\_\_\_\_ and the first day of \_\_\_\_\_ in every year clear of all deductions the first of the said half yearly payments having been made in advance the next of the said half-yearly payments to be made on the first day of \_\_\_\_\_ next and the last of the said half-yearly payments to be made on the first day of \_\_\_\_\_ next preceding the expiration of the term of this licence. The licensee for himself his heirs executors and administrators hereby agrees with the Governor as follows: To pay the said licence-fee in moieties in advance at the times and in the manner hereinbefore appointed for payment thereof clear of all deductions. And also all existing and future rates assessments and taxes for the time being payable by landlord or tenant in respect of the premises. Not during the currency of this licence to assign the licence nor to transfer his right title and interest therein or in the said allotment hereinbefore described and herein comprised or any part thereof nor to sublet the said allotment or any part thereof. To at once and to the satisfaction of the Board of Land and Works commence and continue to destroy and within two years after the issue of this licence to have destroyed to the satisfaction of the said Board the animals and birds by the said Act included in the term "vermin" or which the Governor with the advice of the Executive Council may by proclamation in the *Government Gazette* declare to be vermin for the purposes of the said Act upon such land and to keep the same free from such animals and birds to the satisfaction of the said Board during the currency of this licence. To enclose within six years from the issue of this licence if not sooner called upon under the provisions of the *Fences Act* 1890 the land herein comprised with a fence of such kind as shall come within the meaning assigned to the word "fence" by the *Land Act* 1890 and keep the same in repair during the continuance of this licence. To make and erect on the said allotment before the end of the third year from the commencement of this licence substantial and permanent improvements of the value of One pound for every acre and fractional part of an acre of the allotment and before the end of the sixth year from the said commencement of this licence substantial and permanent improvement of the value of One additional pound for every acre or fractional part of an acre of the said allotment. At all times during the continuance of this licence *bonâ fide* to comply with all and not to violate any of the provisions of the *Land Act* 1890 (hereinafter referred to as the said Act). The land comprised in this licence is subject both during the currency of this licence and after the licensee shall have acquired the fee-simple thereof to the right of any person being the holder of a miner's right or of a mining lease to enter therein and thereon and to mine for gold and silver and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those on which such person had at the time of the passing of the said Act the right to mine for gold and silver in and upon Crown lands provided that compensation shall be paid to the licensee by such persons for surface damage to be done to such lands by reason of mining thereon such compensation to be determined as provided by the 121st section of the said Act and the payment thereof to be a condition precedent to such right of entry and this licence is subject to the condition that the licensee shall at all times during the currency hereof permit every such person to exercise the right aforesaid. The Governor with the advice of the Executive Council or the Board of Land and Works for and on behalf of Her Majesty

NOTE.—The lengths of the boundaries are approximately given in this plan in chains.

her heirs and successors may at any time during the currency of this licence resume possession of all or any part or parts of the lands comprised in the said allotment which may be required for reserves for public purposes or for the purpose of water supply irrigation works races dams and ditches or for railways roads canals or for tramways or other internal communication or for mining purposes provided that any moneys which may have been paid by the licensee to the Crown in respect of the lands so resumed or expended by him thereupon shall be repaid to him together with such other moneys as compensation for such resumption as to the Governor with the advice of the Executive Council seems fit. The preceding provision shall be construed as independent of and concurrent with the powers conferred by the 68th section of the said Act. In case possession of any part or parts of the said lands shall be resumed as aforesaid the agreements and conditions herein contained with reference to the whole shall continue in force and apply to such part as shall be left in the possession of the licensee. If and whenever any part of the said fees for this licence shall be in arrear whether the same shall have been demanded or not or if and whenever there shall be a breach of any of the agreements positive or negative by the licensee herein contained or if this licence shall be assigned whether by operation of law or otherwise save as in the said Act is otherwise expressly provided or if the said allotment or any part thereof is sublet or in case substantial and permanent improvements certified in writing under the seal of the Board of Land and Works or under the hands of arbitrators as provided by the said Act 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 said allotment by the licensee before the end of the third year from the commencement of this licence or in case substantial and permanent improvements certified as hereinbefore mentioned to be of the value of One additional pound for every acre and fractional part of an acre of the allotment shall not have been made on the said allotment by the licensee before the end of the sixth year from the commencement of this licence or if it shall at any time be shown to the satisfaction of the Governor with the advice aforesaid (and that it has been so shown the production of a copy of the *Government Gazette* containing a notice purporting to be signed by the responsible Minister of the Crown for the time being administering the said Act or Division 3 of Part I. of the said Act so declaring or notifying or declaring or notifying that this licence has become forfeited and void shall be conclusive evidence) that the licensee became such licensee or that he held or continued to hold this licence in violation of or non-compliance with any of the provisions of the said Act or that the licensee has committed a breach of or not fulfilled any of the conditions of this licence then and in any of such cases this licence shall be void and of no effect. And as ancillary and without prejudice to the provisions of the 45th and 125th sections of the said Act it is hereby agreed that immediately upon this licence so becoming void and of no effect it shall be lawful for any bailiff of Crown lands or for any other agents or officers authorized in that behalf without any demand whatever to enter upon the said allotment and the licensee and all persons claiming under or through him for ever to expel and remove therefrom without any legal process whatsoever and so effectually as any sheriff might do in case Her Majesty had obtained judgment in ejectment or in an action for the recovery of land and a writ of *habere facias possessionem* or writ of possession 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 whatsoever the defendants or defendant to such action may plead leave and licence thereto and these presents shall be conclusive evidence of the leave and licence of the licensee and all persons claiming under him to any bailiff of Crown lands and all persons acting in the matters complained of in such action or other proceeding. It is hereby declared that if the licensee fence and make the improvements of the nature and value hereinbefore mentioned on the said allotment during the said respective periods of three and six years and prove to the satisfaction of the Board of Land and Works (to be certified under its seal) by such evidence as the said Board may require that he has complied with the said conditions and with all other conditions hereof he shall be entitled at any time after the period of the currency of the licence or during the term of the lease hereinafter mentioned to demand and obtain from the Governor in Council a Crown grant upon payment of Two pounds for each acre or fractional part of an acre or otherwise he may obtain a lease of the said allotment and such lease shall be for a term of fourteen years at a rent of Two shillings per annum for each acre or fractional part of an acre so demised payable in equal parts half-yearly in advance and will contain besides the usual covenants for the payment of rent and a condition for re-entry on non-payment thereof such other terms conditions covenants and provisoes as the Governor in Council thinks fit. And upon 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 Two pounds for each acre or fractional part of an 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 in Council may direct. Provided also that in the case of the insolvency or death of the licensee during the currency of this licence it shall be lawful for the assignee or trustee in insolvency or for the executors or administrators of such licensee to assign such licence to any person who is qualified for becoming a licensee under Division 3 of Part I. of the said Act and such person shall thereupon be with respect to such licence in the same position as though he had been the original licensee. Except as herein otherwise expressly provided the word "licensee" shall include his executors and administrators and any person or persons in whom this licence may under the provisions of the said Act become vested. And the licensee for himself his executors and administrators further covenants and agrees with Her Majesty her heirs and successors in manner following that is to say. In the event of any portion of the land hereby demised being at any time or times required by the Commissioners of Railways for the construction of railways railway stations or railway works already or hereafter authorized to be constructed or by the Governor or Administrator of the Government of Victoria by and with the advice and consent of the Executive Council thereof (hereinafter designated the Governor in Council) for the construction of water supply works irrigation works reservoirs dams races water-courses or drains or for public roads or highways to be hereafter set out by the Governor in Council he the said licensee his executors and administrators will upon being allowed by the Commissioners of Railways or Governor in Council one month after receiving notice in writing from the Commissioners of Railways or Governor in Council that the land is so required for the removal by him or them of any buildings erections or fences upon the land so required remove such buildings erections and fences and relinquish possession of the land so required and that neither he nor they will make any claim for compensation whatsoever for the said buildings erections or fences or for any improvements or for any moneys expended upon the said lands or for the cost which he or they may incur in such removal nor will he or they make any claim for compensation for any right or interest which he or they may possess in such land beyond a proportionate reduction in the licence-fee which shall in all cases be fixed by an officer appointed by the Governor in Council nor in respect of the severance from the other lands occupied by him or them under this licence. And it is expressly agreed between the parties hereto that this covenant is to be construed as a release by the said licensee his executors and administrators to Her Majesty her heirs and successors from all or any payment to him or them and from all claims thereto which might otherwise have been made in respect of resumption of any portion of the land hereby demised for railway purposes or for the purposes of the construction of water supply works irrigation works reservoirs dams races water-courses or drains or for public roads or highways under the before contained conditions for resumption by or on behalf of Her Majesty her heirs and successors. And it is hereby declared that the term "Governor" in these presents shall mean the Governor or Administrator of the Government of the Colony of Victoria for the time being unless such meaning shall be inconsistent with the context.

In witness whereof His Excellency

Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, hath, on behalf of Her Majesty the Queen, caused this indenture to be sealed with the Seal of the said Colony, and the Licensee hath hereunto set his hand and seal.

(L.S.)

Signed sealed and delivered by the above-named

in the presence of—

And the Honorable Charles Henry Pearson, acting as Her Majesty's Commissioner of Crown Lands and Survey for Victoria, shall give the necessary directions herein accordingly.

G. WILSON BROWN,  
Clerk of the Executive Council.