



EXTRA

GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

Friday, 20th JANUARY, 1865.

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PROCLAMATION.

By His Excellency John Stephen Hampton, Esquire, Governor and Commander-in-Chief in and over the Territory of Western Australia and its Dependencies, and Vice Admiral of the same.

WHEREAS by an Act of the Imperial Parliament of Great Britain intituled "An Act to repeal the Acts of Parliament now in force respecting the disposal of the Waste Lands of the Crown in the Australian Colonies and to make other provisions in lieu thereof," It is provided that it should be lawful for Her Majesty by Instructions under Her Signet and Sign Manual or through one of Her Principal Secretaries of State to regulate the sale, letting, disposal and occupation of Waste Lands of the Crown in Western Australia, and the disposal of the proceeds arising therefrom until Parliament should otherwise provide. And whereas Her Majesty's Principal Secretary of State for the Colonies has authorised and instructed me to publish the following Regulations for the Sale, Letting, Disposal and Occupation of the Waste Lands of the Crown within the Northern Districts of the said Colony, and also for the sale and letting of Mineral Lands of the Crown within the said Colony, NOW THEREFORE I, the said Governor, pursuant to the authority vested in me in that behalf, do hereby proclaim and issue the following Regulations:—

Given under my hand, and issued under the Public Seal of the said Colony, at Government House at Perth, this 17th day of January, in the year of our Lord 1865.

J. S. HAMPTON,
Governor, &c.

I. S.

By His Excellency's Command,
FRED. P. BARLEE,
Colonial Secretary.
GOD SAVE THE QUEEN !!!

REGULATIONS FOR THE DISPOSAL OF THE WASTE
CROWN LANDS IN THE NORTHERN DISTRICTS OF
WESTERN AUSTRALIA.

FOR THE SALE OF LANDS.

1.—With a view to providing for the early and

extensive Settlement of the Northern portion of the Territory of Western Australia, in which large tracts of good country are reported to have been recently discovered; the Country Lands therein which shall first be selected for purchase as hereinafter provided, to the total extent of 150,000 acres, within twelve calendar months from the date on which these Regulations shall come into operation, shall be sold at the fixed price of Seven Shillings and Sixpence per acre; and any portion of the said quantity of 150,000 acres which may remain unsold at the end of the twelve months aforesaid, or the purchase of which shall not then have been fully completed, shall be sold afterwards at not less than Ten Shillings per acre, or such other sum as may then have been established as the minimum price for Waste Crown Lands in Western Australia.

2.—One town lot of half an acre may be sold at the same rate and at the same time to every purchaser of 160 acres of such Country Lands, or of each multiple thereof, within twelve calendar months from the date on which these Regulations shall come into operation.

3.—Every application for Country Land must be for 80 acres, or for some multiple thereof.

4.—The deposit on any application for land must be one tenth of the purchase money thereof.

5.—One calendar month shall be allowed for completing a purchase, and paying the title deed fee of £1.

6.—Any balance of payment due upon a purchase, which shall not be paid within the month allowed by clause 5, shall be charged with a fine of 5 per cent in addition within the next 60 days, and of 10 per cent in addition after the expiration of the said 60 days.

7.—If the total amount of purchase money, fines and title deed fee, be not paid within 6 calendar months from the date of sale, the sale shall be cancelled, and all payments forfeited to the Crown.

8.—No purchaser of land shall have any right to occupy the same until his purchase shall have been completed by payment of the balance due thereon, and the title deed fee.

9.—Country Lands available for general purchase shall be within such limits of territory as shall from time to time be publicly notified as open for sale by the Government Resident.

10.—Within such limits there shall at all times be open for purchase by the first bonâ fide Applicant who may have paid the required deposit of 10 per cent (1) all unsold and unreserved lands

within Class A of the existing Land Regulations, (2) all unsold lands in Class C of the existing Land Regulations which may not be public reserves or held under any lease chargeable with rent, (3) all unsold portions of any Class C Lease (except a selected homestead) after the expiration of the first year of the lease, and the expiration of six calendar months' notice to be given by the Government Resident or any person authorized by the Colonial Government, and (4) after the expiration of the third year of the lease, and of a like notice, all unsold portions of any such homestead.

11.—All sales of land within the limits referred to in clause 10 shall be made and conducted by the Government Resident of the District; to whom Applications are to be made in the prescribed Forms.

12.—The Government Resident shall also be Sub-Collector of Revenue, and shall receive all applications and payments for land.

13.—Applications for land shall have priority according to the actual time of receipt by, and payment of deposits to, the Government Resident.

14.—Applicants for Town and Suburban lots by purchase shall have the benefit of the upset price as their first bidding at Auction.

15.—Claims to Town lots in virtue of Country lands purchased, shall lapse if the required lots be not selected within six months after the completion of the purchase of the country land.

16. No title deed fee will be charged for town lots acquired by the purchase of country land.

17. Full titles will be prepared at Perth; and in the mean time the completion of a purchase shall be notified to the purchaser, and such notification shall serve as authority for the immediate occupation of the land.

18.—One title deed fee only shall be charged for all adjoining town and suburban lots purchased by any one person at any one sale, provided that the same may be required to be included in one and the same deed. The same rule is to apply to adjoining Country lots.

19.—Town and Suburban lots shall be sold by Public Auction by the Government Resident or his appointee, at a time and place to be publicly notified, and after notice of not less than two weeks.

20.—The upset price of Town and Suburban lots shall be notified from time to time by the Government Resident.

21.—Compensation shall be given according to valuation or agreement for any lawful improvements effected on lands under lease which may be resumed for public purposes, or be purchased by other than the lessee of such lands, provided such improvements were made prior to the notice of the intended resumption.

22.—Payments for land shall be receivable at the Revenue Office in Perth, at the option of applicants, to whom receipts are to be given for transmission to the Government Resident with any application for land.

23.—Purchasers of Country Land within the Limits of Class C Leases, shall have no free right to depasture stock within such limits, except upon their own purchases.

24.—All unsold lands shall be liable to resumption by the Government wholly or in part, and at any time, for public purposes.

25.—In laying out the Country, or in receiving applications for the purchase of land, suitable sites shall be reserved for the exclusive use of Aboriginal natives, so as to afford them free access to wood and water.

26.—No Convict or person holding a Ticket-of-Leave, or person under sentence or order of Transportation or of Penal Servitude, shall be introduced or allowed to remain within the Northern portion of the Territory of Western Australia to which these Regulations are intended to apply.

27.—Save in so far as the same are altered by these Regulations, the existing Land Regulations are to be deemed to be in force in the New Districts.

WESTERN AUSTRALIA.

REGULATIONS AS TO MINERAL LANDS.

For the Sale of Mineral Lands.

1.—Lands known or supposed to contain minerals shall be termed "Mineral Lands", and shall be sold as such to the first applicants for the same, in lots of not less than 80 acres each, and at the fixed price of (£3) Three Pounds per acre, payable by a deposit of one Pound per acre at the time of application and of a similar amount on the same date in each of the two following years; or such Lands shall be let on mining license or lease, in the manner and on the terms hereinafter provided.

2.—An application to purchase mineral land shall be addressed to the Surveyor General in the form F annexed, and shall be accompanied by the receipt of the Collector, or of a Sub-Collector of Revenue, for a deposit of one tenth of the purchase money.

3.—On the Governor's approval of an application to purchase mineral land, the deposit aforesaid shall be increased to the sum of twenty shillings per acre; after the full payment of which the purchaser shall be entitled to occupy and make use of the land for mining purposes during the twelve calendar months thence next ensuing; on payment of the second instalment of twenty shillings, the purchaser shall have a similar right to occupy the land for the twelve months next following; and on the complete payment at any time of the total price of (£3) Three Pounds per acre, together with the Title Deed fee of One Pound, the purchaser shall receive the full title to the land purchased.

For License to test Mineral Land.

4.—Any person desirous of examining and testing the mineral qualities of land previous to purchasing or leasing the same as mineral land shall, on approved application, addressed to the Surveyor General in the form W annexed, be granted a mining license in that behalf in the form Y, for the term of one complete year from the date of approval; subject to renewal for a second year at the option of the Governor.

5.—An application for a mining license shall be accompanied by the receipt of the Collector of Revenue for the full amount of rent chargeable for a year in advance at the rate of 2 shillings per acre; an application for the renewal of a License shall be accompanied by a similar receipt for rent at the rate of 4 shillings per acre. No such license or renewal shall be issued for a less term than one year, nor for a smaller sum than £8.

6.—On the Governor's approval of an application a mining license will be issued, conveying to the licensee for a definite period, the exclusive use of the land described therein for mining purposes only; together with a right to depasture thereon any horses or cattle working upon the land, and the use of any indigenous timber, firewood, rock or soil growing or being thereon which may be required for the construction of buildings, fences, implements, machinery, shafts, dams, stock-yards and other works, improvements or other purposes on the land, but not for sale or removal off it.

7.—No minerals, ores, rock or soil shall be removed off any land comprised in a mining license during the currency thereof, beyond such small quantities as may reasonably be required as specimens or samples.

8.—The Governor may declare, by notice in the Government Gazette, that any mining license has become forfeited, if it be shown to his satisfaction that mining researches thereon have been abandoned for one month continuously.

For leasing Mineral Lands.

9.—The holder of any mining license shall, on approved application, addressed to the Surveyor General in the form X, be entitled to exchange his license for a mining lease, for any period not exceeding 10 years, and at an annual rent of eight shillings per acre, payable in advance.

10.—For the same period and on the same terms, mining leases shall be granted to other persons on approved application; but it shall not be necessary that an applicant for a mining lease shall have previously held a mining license.

11.—Mining Leases shall be issued in the form Z annexed, and shall convey all the rights and privileges enumerated in section 6, together with a right of property in all ores and minerals raised from the land, as well during the lease as during the currency of any previous license.

12.—Mining leases and licenses shall be transferable in the manner pointed out in Chapter 5 of the general Land Regulations, on its being shown to the Governor's satisfaction that mining operations within the land have been carried on to a reasonable extent; and on payment of a fee of 20 shillings on the transfer of a lease, and of 10 shillings on the transfer of a license; such fee to be paid at the time of making application for approval of the transfer.

Miscellaneous.

13.—No mining license or lease shall be granted within the limits of an occupied tillage lease, except to the lessee of such tillage lease, or to others with his written consent.

14.—The purchaser of mineral land or the lessee of a mining license or lease, shall pay to the lessee of any pastoral lease, full compensation according to agreement or approved valuation, for all lawful improvements which may have been made by such last mentioned lessee on any portion of his lease that may be thus absorbed for mining purposes.

15.—In no case shall the holder of a mining license or lease be entitled to any compensation for improvements, or for outlay of any description, after the expiration, abandonment, or forfeiture of his holding. On the determination of any such license or lease, all minerals and ores remaining on or in the land, and all improvements and works above and below the surface, shall revert to the Crown, unless it may otherwise have been previously arranged and sanctioned by the Governor.

16.—The Governor shall sell at any time to the lawful occupant of a mining license or lease, or to any other person with the lessee's consent in writing, any portion of the land comprised therein, in lots of 80 acres each, and at the fixed price of £3 per acre, payable as arranged in section 1; and no land comprised within a mining license or lease shall be sold during the currency of such holding otherwise than is herein provided.

17.—The lands available for selection as mineral lands, or for mining licenses and leases, shall be all the waste lands of the Crown open to general selection for purchase, lease or license; and all lands under pastoral lease or license, except such homesteads as may have been, or which may hereafter be selected under authority of any existing Regulations.

18.—The acreage to be included within any one mining lease or license shall not be less than 80 acres, nor more than 160 acres.

19.—All rents chargeable for mining leases shall be payable to the Collector, or to a Sub-Collector of Revenue within 15 days next after the established rent day named in any such lease; failing which payment, a lease shall be absolutely and indefeasibly forfeited unless, within 30 days after such rent day, the lessee shall duly pay the full amount of the annual rent, together with an additional sum equal to one half of the same. But the Governor may, in his discretion, cancel any such forfeiture, on sufficient grounds shown, and on the lessee duly paying within 60 days next after such rent day, a sum equal to twice the established rent for the current year.

20.—The residue of any unexpired term for which a forfeited or abandoned mining lease may have been granted, shall not afterwards be disposed of, unless the applicant for the same shall duly pay in manner aforesaid such sum in addition to the established rent as the Governor may direct.

21.—All deposits and instalments which may have been paid on account of mineral lands shall be forfeited, together with all claims to the land, if by any default of an applicant for the same, a purchase or lease shall not be duly completed.

22.—There shall be no right of way or thoroughfare through or over any enclosed portion of mineral land purchased or leased under these Regulations, except by recognized roads, or for Government purposes.

23.—In all other respects, the rules for the sale, letting and disposal of the waste lands of the Crown in Western Australia, shall apply to all lands therein which may be required for mineral purposes.

24.—Nothing in these Regulations contained shall be deemed to apply to auriferous lands, or to coal.

SCHEDULE OF FORMS IN THE APPENDIX.

F.	Form of Application to purchase Mineral Land.		
W.	Do.	Do.	for a Mining License.
X.	Do.	Do.	for a Mining Lease.
Y.	Do.	of a Mining License.	
Z.	Do.	of a Mining Lease.	

APPENDIX.



[FORM F.]

Application to purchase a Mineral Lot of Crown land in
Western Australia.

All the Names of the Applicant at full length, his address and calling.	Acres.	District.	Reference to mark in the Official Maps.	Remarks.

I hereby apply to purchase the mineral land hereunder described, according to existing Regulations.

Boundaries required.

Signature of } _____
Applicant }

Place and date _____

To the Honorable the Surveyor General.

(If the land is included within any existing lease, a certificate is to be inserted here that it is known to contain minerals)



Received the deposit £ at o'clock on day of 186 .

_____ Collector Revenue.

Application admissible for sale as a mineral lot at £3 per acre.

_____ Surveyor General.

Approved for sale as above, at fixed price of £3 per acre.

_____ Governor.

APPENDIX.

[FORM W.]

Application for a Mining License in Western Australia.

Place, _____ Date, _____

SIR,

I hereby apply for a License for one year to examine and test the mineral qualities of the portion of Crown Land hereunder described, under the Regulations applicable thereto.

District

Acres

Description of Boundaries.

Signature of Applicant _____

(If the land applied for is included within any existing lease, a Certificate is to be inserted here, that it is known or supposed to contain minerals.)

To The Hon. The Surveyor General.

Received the Deposit £ _____ at _____ o'clock on _____ day of _____ 18 ____ .

_____ Collector of Revenue.

Remarks by Surveyor General.

Approved,

_____ Governor.

APPENDIX.

[FORM X.]

Application for a Mining Lease of Crown Land in Western Australia.

Place, _____ Date, _____

SIR,

I hereby apply for a mining lease of the portion of Crown Land hereunder described, for the term of eight years, under the Regulations applicable thereto.

District

Acres

Description of Boundaries.

Signature of Applicant. _____

(If the land applied for is included within any existing pastoral lease or mining license, the particulars of such must here be stated, and a Certificate added that the land is known or supposed to contain minerals.)

To The Hon. the Surveyor General.

Received the Deposit £ _____ at _____ o'clock on _____ day of _____ 18

_____ Collector of Revenue.

Remarks by Surveyor General.

Approved,

_____ Governor.

[FORM Y.]

MINING LICENSE. No.

District of

Western Australia.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c. To all to whom these presents shall come Greeting: Know Ye that We of Our especial Grace and in consideration of the sum of to Our Collector of Revenue of Our said Colony already paid by (hereinafter named the Lessee) and in consideration of the premises, and in exercise of the powers in this behalf to Us given by an Act of the Imperial Parliament intituled "An Act to repeal the Acts of Parliament now in force respecting the disposal of the Waste Lands of the Crown in the Australian Colonies, and to make other provisions in lieu thereof," and by certain Regulations for the sale, letting, disposal and occupation of the Waste Lands of the Crown within the said Colony, proclaimed and published by Our Governor of Our said Colony the 20th day of August, 1864, made in pursuance of the provisions of the said Act, have granted unto the said lessee, his executors, administrators and allowed assigns, full liberty license power and authority for themselves, their agents, and servants to enter upon, dig, work, mine, and search for copper ore, and all other metals, ores and metallic minerals whatsoever within under and throughout ALL that piece or parcel of land specified in the Schedule hereto, with liberty to do all things necessary or convenient for searching for the said minerals, and with allowance to depasture any horses and cattle working on the said land for such purposes, and the use of any indigenous timber, firewood, rock and soil growing or being thereon for the construction of buildings, fences, implements, machinery, shafts, dams, stock yards and other works and improvements thereon and thereunder connected with mineral purposes on such land, (but shall not sell or remove the same off the said land) and all other necessary or convenient powers for the purposes aforesaid, To Hold, exercise, and enjoy the premises unto the said Lessee, his executors, administrators and allowed assigns, for the term of one year from the day of 186 Subject from time to time during such term to resumption and occupation of such land or any part thereof by Us, Our Heirs and Successors for public purposes, and subject to the Crown entering on and disposing thereof, or any part thereof, in such manner as for the public interest may seem best. Provided that no minerals, ores, rocks, or soil shall be sold or removed from off such lands, or be otherwise appropriated during the said term, except in such small quantities as may reasonably be required as specimens or samples. And it is hereby declared that if it be shown to the satisfaction of Our Governor aforesaid that the said Lessee, his executors, administrators or allowed assigns have abandoned such mining researches for one calendar month continuously during the said term, or if the said lessee, his executors, administrators or allowed assigns shall be convicted of felony, or if any clause, proviso or condition of this license, or the said Regulations, shall be infringed by the said lessee, his executors, administrators or allowed assigns, then and in either of such cases it shall be lawful for Our Governor aforesaid to declare by a notice to be published in the Government Gazette of Our said Colony that this said license is forfeited, and thereupon these presents and the term hereby granted shall be absolutely void and forfeited, and it shall be lawful for Us Our Heirs and Successors, into and upon the said demised premises, or any part thereof in the name of the whole, to re-enter and have again in Our and their former estate, without making to the said lessee, his executors, administrators, or allowed assigns any compensation for any improvements or outlay thereon or thereunder. Provided that on the expiration of this demise by efflux of time, forfeiture or otherwise, all minerals, ores, works, and improvements obtained, effected or made on the said lands shall revert and belong to Us, Our Heirs and Successors, unless otherwise sanctioned by our said Governor in writing, Provided the said term shall not be transferable without the written approval of Our said Governor, nor unless he shall be satisfied that mining researches within such lands have been carried on to a reasonable extent by the said Lessee, and all fees on such transfer have been duly paid. And provided that a renewal of such license may be granted by our said Governor in his discretion. And provided lastly that these presents and the terms hereby granted shall be subject to all the powers, provisos and clauses set forth in such Regulations above referred to and relating to the leasing of mineral lands, as if the same had been expressed or set forth herein.

SCHEDULE HEREIN REFERRED TO.

In witness whereof We have caused Our Governor to affix hereto the Public Seal of Our said Colony, this day of 18 .

Governor, &c.

FORM OF TRANSFER.

I hereby transfer all my right, title and interest in Mining License No. _____
of _____ acres in the District of _____ Western Australia, to

Dated this _____ day of _____ 18 .

Witness—

Signature _____

Received the fee of Ten Shillings on this transfer.

Surveyor General.

I approve the said transfer.

Governor.

[FORM Z.]

MINING LEASE, No. _____

District of _____

Western Australia.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c., &c. To all to whom these presents shall come Greeting: Know Ye, that We, of Our especial Grace, and in consideration of the sum of £ _____ to Our Collector of Revenue for the Colony of Western Australia, already paid by

(hereinafter named the lessee) and also in consideration of the rents and stipulations hereinafter reserved and contained on the part of the said lessee, his executors, administrators and allowed assigns to be paid and done, and in exercise of the powers in this behalf to Us given by an Act of the Imperial Parliament intituled "An Act to repeal the Acts now in force respecting the disposal of Waste Lands of the Crown in the Australian Colonies, and to make other provisions in lieu thereof," and by certain Regulations for the sale, letting, disposal and occupation of the Waste Lands of the Crown within the said Colony, proclaimed and published by Our Governor of our said Colony, the 20th day of August, 1864, and made in pursuance of the provisions of the said Act, and of all other powers enabling us in this behalf, do by these presents grant and demise unto the said Lessee, his executors, administrators, and allowed assigns, ALL copper and lead mines, and veins, beds, nets, and bunches of copper and lead ore, and all other mines and minerals whatsoever (except the precious metals and coal) lying within or under ALL THAT PIECE OR PARCEL OF LAND specified in the Schedule hereunder written, together with the said land, with full liberty, power and authority by themselves and their agents and servants, to enter upon the said lands hereby demised or any part thereof, and there to break the surface, and search for, work, win, and obtain the said ores and minerals, and for that purpose to dig, sink, drive, and make pits, shafts, drifts, headways, levels, adits, soughs, trenches, and sluices, and to build and make engines, furnaces, smelting houses, stamping mills, ore and store houses, hovels and stables and other erections, and to sell, convert and carry away, and otherwise appropriate such copper, lead and other minerals to his and their own use and benefit, as well as all ores and minerals raised by

same respectively from off such land.) And it is declared that these presents, and the term hereby granted, shall not be transferable without the written consent of our Governor, in the form indorsed hereon, nor unless he shall be satisfied mining operations on the said land, have been carried on by the said Lessee, his executors, administrators, or allowed assigns, and that all fees on any such transfer have been paid; and that We, Our Heirs and Successors are not nor shall be liable or responsible for any error in the description boundaries, quantity or qualities of the land hereby demised, or in respect of any claims which may be set up by any other person or persons to any part or parts of the said land; and shall not be liable to compensate the said Lessee, his executors, administrators, or allowed assigns, for any loss or damage which may arise from the exercise of all or any of the powers hereby reserved, save and except in so far as may be provided for by the said Regulations; And provided lastly that these presents, and the term hereby created, shall be subject to all the powers, provisoes, and clauses set forth and contained in such Regulations above referred to, which relate to the leasing, and disposal of mineral lands, as if the same had been particularly expressed and set forth herein.

SCHEDULE HEREIN REFERRED TO.

In witness whereof We have caused Our Governor to affix hereto the Public Seal of Our said Colony this day of 18

Governor, &c.

FORM OF TRANSFER.

I hereby transfer all my right, title, and interest in Mining Lease No. of
acres in the District of Western Australia, to

Dated this day of 18

Witness

Signature

Received the fee of 20 Shillings on this Transfer.

Surveyor General,

I approve of this Transfer.

Governor.