

WHITECHALK P.H.

STOCK ROUTE: —————

ROADS + TRACKS: —————

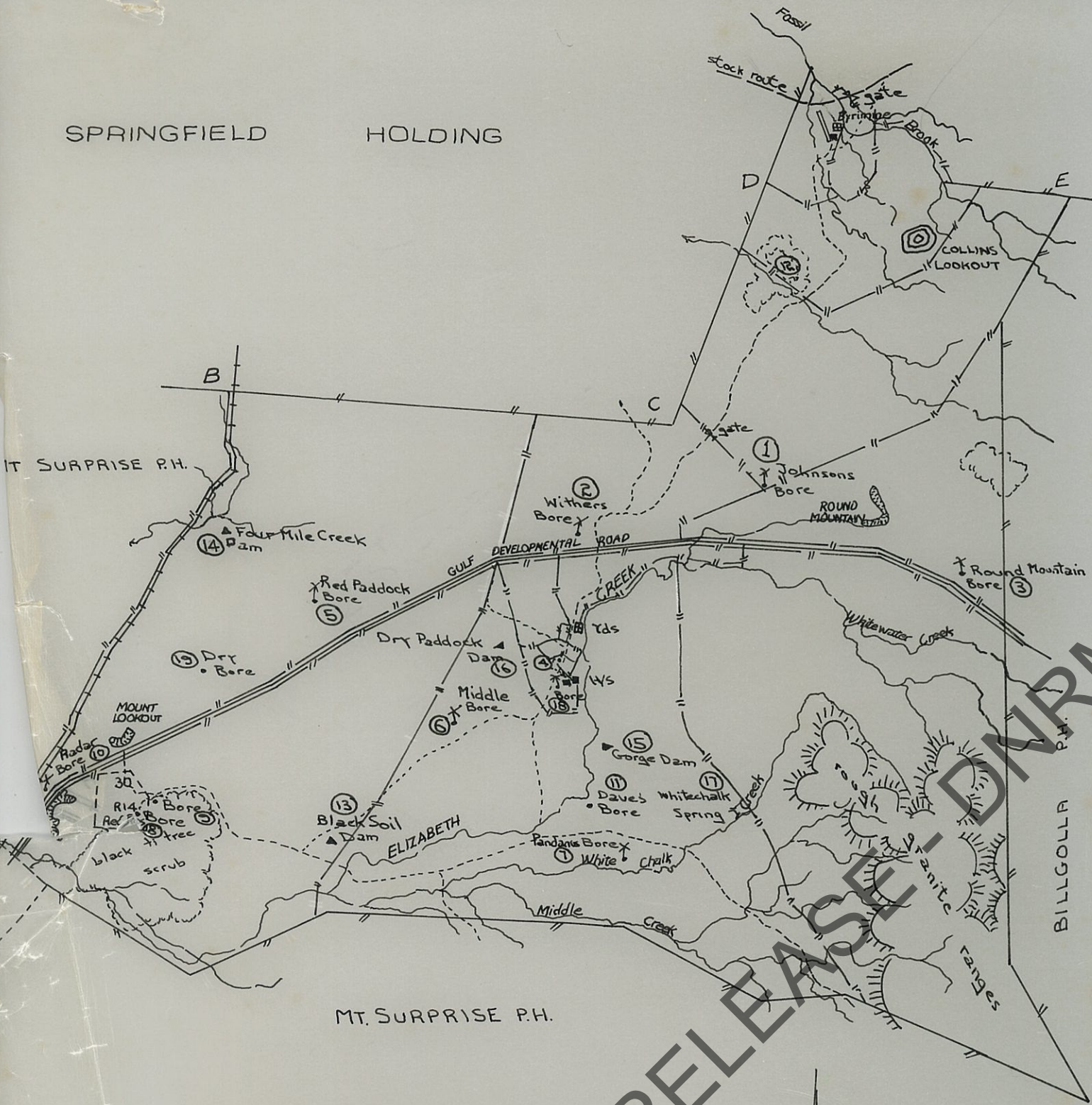
SCALE - 1:100 000



SPRINGFIELD

HOLDING

MT SURPRISE P.H.



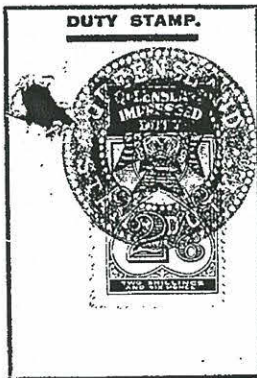
MT. SURPRISE P.H.

BILLGOLLA

WHITECHALK PASTORAL HOLDING.  
 GEORGETOWN L.A.D.  
 SCALE 1:100,000

RTI DL RELEASE - DIRM





VOL. S 7667 FOL. 26



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QUEENSLAND. VOL. 7667 FOL. 26

18/4/913  
Whitechalk Holding

Cook District.

LEASE OF PREFERENTIAL PASTORAL HOLDING

under Part III., Division I., of  
"The Land Acts, 1910 to 1961."



Elizabeth the Second, by the Grace of God, of  
the United Kingdom, Australia, and Her  
other Realms and Territories, Queen, Head  
of the Commonwealth, Defender of the Faith:—

To All to whom these Presents shall come, Greeting:

sch 4 - signature

Whereas,

ERNEST VINCENT ALLARD

in Our State of Queensland, in pursuance of Part III., Division I., of "The Land Acts,  
1910 to 1961" (hereinafter referred

to as "the said Acts"), is now entitled to a Lease of the Land described in the Schedule endorsed on  
these Presents for the term, and at the yearly rent hereinafter mentioned, and with, under, and subject to the  
conditions, stipulations, reservations, and provisos in the said Acts, and hereinafter contained: NOW KNOW YE

that, in consideration of the premises and of the sum of four hundred and eighteen pounds

paid for a full year's rent, and of the rent hereby reserved,  
We, in pursuance of the said Acts, DO HEREBY, for Us, Our Heirs and Successors, Demise and Lease unto the said

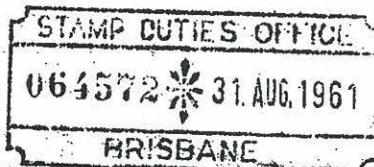
ERNEST VINCENT ALLARD

(hereinafter with his Successors in title designated "the Lessee ") and his lawful Assigns, ALL THAT  
Portion of Land situated in the District of Cook in Our said State more  
particularly described in the Schedule hereto, To HOLD unto the Lessee and his lawful Assigns  
for and during the term of thirty years, to be computed from the First  
day of April in the year One thousand nine hundred and sixty-one.

subject to the conditions and provisos in Part III., Division I., of the said Acts, to the condition  
of personal residence as defined by the said Acts, and in the notification dated the  
Fifteenth day of December, 1960, declaring the said land open for

Preferential Pastoral Lease, and to all other rights, powers, privileges, terms, conditions,  
provisions, exceptions, restrictions, reservations, and provisos referred to, contained, or prescribed  
in and by the said Acts, "The Mining on Private Land Acts, 1909 to 1956," and "The Petroleum  
Acts, 1923 to 1955," or any Regulations made or which may hereafter be made under the  
aforesaid Acts or any of them: YIELDING AND PAYING unto Us, Our Heirs and Successors on or before  
the Thirtieth day of September in each and every year during the first period of ten years  
of the said term, the yearly rent or sum of four hundred and eighteen pounds

being at the rate of Five pounds ten shillings  
per square mile per annum on the total area of the said Holding, and (subject to the provisions of the  
said Acts) in each and every year during each succeeding period of ten years,  
such yearly rent or sum as shall from time to time be determined by the Land Court,





767-26

such payments to be made at the Treasury in Brisbane, in Our said State, or at such other place as may from time to time be appointed by the Governor of Our said State in Council:

PROVIDED NEVERTHELESS and these Presents are upon the express condition that the lessee shall during the whole term of the lease, maintain all improvements on the holding existing at the commencement thereof in a good and substantial state of repair.

PROVIDED ALWAYS AND WE DO HEREBY RESERVE unto Us, Our Heirs and Successors, all Gold and Minerals (the term "Minerals" to have the same meaning as in "The Mining on Private Land Acts, 1909 to 1956"), on and below the surface of the said Land, and all Mines of Gold and Minerals, on and below the surface of the said Land: AND WE DO HEREBY ALSO RESERVE unto Us, Our Heirs and Successors, and to such persons as shall from time to time be duly authorised by Us in that behalf, during the term of the said Lease, the free right and privilege of access, including ingress, egress, and regress, into, upon, over, and out of the said Land, for the purpose of searching for or working Gold and Minerals, or any of them, or Mines of Gold and Minerals, or any of them, in any part of the said Land: AND WE DO HEREBY ALSO RESERVE unto Us, Our Heirs and Successors, all Petroleum (the term "Petroleum" to have the same meaning as in "The Petroleum Acts, 1923 to 1955"), on or below the surface of the said Land: AND ALSO all rights of access for the purpose of searching for, and for the operations of obtaining Petroleum in any part of the said Land: AND ALSO all rights of way for access and for pipe lines and other purposes requisite for obtaining and conveying Petroleum in the event of Petroleum being obtained in any part of the said Land: AND WE DO HEREBY ALSO RESERVE unto Us, Our Heirs and Successors, all Helium found in association with Petroleum in any part of the said Land: AND WE DO FURTHER RESERVE the right of any person duly authorised in that behalf by the Governor of Our said State in Council at all times to go upon the said Land, or any part thereof, for any purpose whatsoever, or to make any survey, inspection, or examination of the same.

In Testimony whereof, We have caused this Our Lease to be sealed with the Seal of Our said State.

Witness Our Trusty and Well-beloved SIR HENRY ABEL SMITH, Colonel ~~Commander of Our Royal Distinguished Order of Saint Michael and Saint George, on the Retired List of the Corps of Household Cavalry, Knight~~ Commander of Our Royal Victorian Order, Companion of Our Distinguished Service Order, Governor in and over Our State of Queensland and its Dependencies, in the Commonwealth of Australia, at Government House, Brisbane, in Queensland, aforesaid, this

Thirtieth day of July, in the tenth year of Our Reign and in the year of Our Lord One thousand nine hundred and sixty-one.

*Henry Abel Smith*



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Schedule referred to in the within Lease.

18/4913

Whitechalk District: Cook  
Lot 4913 in Plan PH229

Area: Seventy-six square miles.  
Amended Area: Seventy-five and a-half square miles.

Description:

Commencing on the eastern side of the Almaden-Forsayth Railway at its intersection by a three wire fence about three quarters of a mile north of Mount Surprise Railway Station, and bounded thence by that fence easterly about six miles to a telegraph line, by lines about 90 degrees one and a half miles, about 121 degrees one and a quarter miles, about 90 degrees one and a half miles, about 108 degrees three miles, about 329 degrees two miles, about 355 degrees seven and a quarter miles, about 20 degrees one mile and about 270 degrees half a mile to the left bank of Fossil Brook, by that bank downwards about three miles to a three and four barb wire fence, by that fence about 196 degrees four and a half miles, by a three barb wire fence about 270 degrees five and a quarter miles to the Almaden-Forsayth Railway; and thence by that railway southerly to the point of commencement; exclusive of a five chain road, a three chain road and portion 30 parish of Uraga.

sch 4 - signature  
1.1.14

Amended Description.

Commencing on the eastern side of the Almaden-Forsayth Railway at its intersection by a three wire fence about three quarters of a mile north of Mount Surprise Railway Station, and bounded thence by that fence easterly about six miles to a telegraph line, by lines about 90 degrees one and a half miles, about 121 degrees one and a quarter miles, about 90 degrees one and a half miles, about 108 degrees three miles, about 329 degrees two miles, about 355 degrees seven and a quarter miles, about 20 degrees one mile and about 270 degrees half a mile to the left bank of Fossil Brook, by that bank downwards about three miles to a three and four barb wire fence, by that fence about 196 degrees four and a half miles, by a three barb wire fence about 270 degrees five and a quarter miles to the Almaden-Forsayth Railway; and thence by that railway southerly to the point of commencement; exclusive of a road to a width of five chains, two roads to widths of three chains and portion 30, parish of Uraga.

sch 4 - signature  
6.1.

See S/O letter of 16/10/61  
EW 4912 Billgolla



# MEMORANDUM

DATE: 1 October 1992  
TO: MANAGER TITLING AND INFORMATION  
FROM: SENIOR SURVEYOR  
SUBJECT: BOUNDARY DISPUTE - MT SURPRISE HOLDING

*Copy Only*  
*original on*  
*Mt Surprise*  
*File*



DEPARTMENT  
OF LANDS  
FAR NORTH  
REGION  
  
TITLING AND  
INFORMATION

On about the 2nd September 1992 the Lessee of Mount Surprise Holding rang with concerns about the legal standing of a fence which has existed for some thirty years, and thought by himself, to be the boundary between Mt Surprise and Whitechalk Holding.

The common boundary between Mount Surprise and Whitechalk is currently defined by Plans PH 1560 and TE 29. These are both compiled plans. PH 1560 carries the disclaimer "Certain boundaries on this plan have not been marked on the ground and are approximate only". TE 29 States "Fences are to be adopted as boundaries where indicated and as approximately described by metes and bounds as shown hereon".

The third dimension of these cases is the fact that the compiled "about plans" are then plotted onto the available mapping in the areas. In this case the mapping is 1:250000 cadastral charts. It is noted the accuracies which exist between the grid and gradicule, topographic features, and the cadastre could not be stated to better than about 350 metres.

The dispute that has arisen in this case is that a fence, which is some 30 years old, exists on the Northern side of Elizabeth Creek in the vicinity of the Eastern most corner of the Town Reserve of Mount Surprise (also defined by compiled plan). This fence is thought, by the lessee of Mount Surprise, to be the common boundary. The plotting of the Holding on PH1560 and more clearly the working chart shows the boundary to be on the southern side of the same creek.

The sale litho of Whitechalk (copy attached) from 1961 clearly indicated that the boundary followed and irregular fence which generally followed along the northern side of Elizabeth Creek and crossing that creek in the vicinity of the junction of it and Whitechalk Creek.

National Mutual Tower Building  
Ground Floor, 15 Lake Street, Cairns  
DX41330 OR PO Box 937 CAIRNS QLD 4870

Contact:  
LES FEHLHABER  
  
Telephone:  
(070) 52 3226  
  
Facsimile:  
(070) 51 0851

NOT FOR RELEASE - CNRM



Similarly, a design of Mount Surprise Holding attached to the Gazettal of that Holding shows the boundary, in the area in question, following a fence, albiet shown to be slightly more regular. (Possibly a loss in detail due to scale.

Attached to a Memo on Mount Surprise file and dated 16th January 1959, is the metes and bounds description of lease from which it is believed the current plans have been conceived. This description states, (starting from the most easterly part of the area of the Mount Surprise Town Reserve it says)

"by a fence about 115 degrees about one and three eithth miles, about 120 degrees three quarters of a mile, about 60 degrees one and a half miles and about 93 degrees one and five-eithth miles, by a line about 90 degrees two miles and 115 degrees one and seven eithth miles, by a fence about 82 degrees one mile and by a line etc".

(Note: "by a fence" refers to all boundaries until "by a line")

The aerial photography in the area was taken in 1971. This is the only photography available for that area. It is not clear exactly where the irregular fence lies as only some parts seem visible. There appears no evidence of a fence in the area of the map where the common boundary in question is plotted.

In my opinion it is clear that the metes of the description seem to generalise the bounds (being the fence). It is a basic principle of surveying that monumentation (especially long standing monumentation) takes precedence over measurements.

I am therefore of the opinion that if the current fence, (being the only monumentation) which seems to separate the two properties is still in the position as described in the original sale litho of Whitechalk Holding, then this fence should hold as the boundary between the two properties.

It would be benefiticial for some sort of inspection to occur on the ground. Should a valuer be in the area he could supply information a to the status and approximate age of the fencing, and aslo investigate the possible existance of any old fencing on the southern side of Elizabeth Creek.

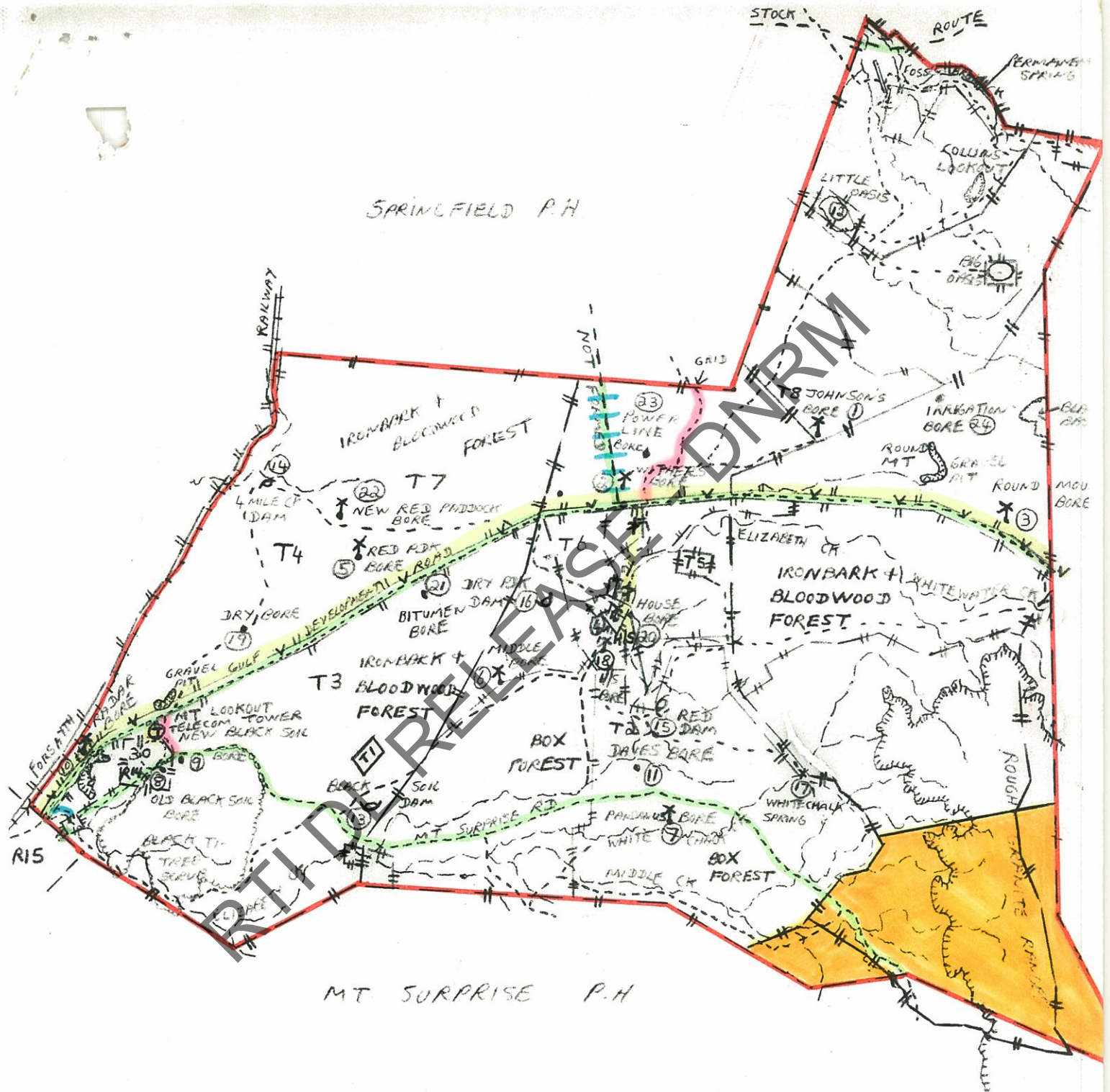
The holder of MT Surprise Holding is eagerly awaiting advice on the above.

sch 4 - signature

LC Fehlhaber  
Senior Surveyor  
Titling and Information

National Mutual Tower Building  
Ground Floor, 15 Lake Street, Cairns  
DX41330 OR PO Box 937 CAIRNS QLD 4870





SPRINGFIELD P.H

MT SURPRISE P.H

WHITECHALK P.P.H 18-4913 SHOWN :- —

GEORGETOWN L.A.D

SCALE 1:100 000

GAZETTED ROADS SHOWN :- —

ROADS TO BE CLOSED SHOWN :- —

ROADS TO BE OPENED SHOWN :- —

POWER LINES & TELECOM SHOWN :- —

AREA TO BE EXCISED FOR NATIONAL PARK SHOWN —

& PROPOSED SPECIAL LEASE



AREA TO BE SURRENDERED

EXISTING FENCE LINE

AGREED BOUNDARY

EASTERN BOUNDARY

FIELD RELEASE - DNR/M

PARISH OF YEDTHERON

IMPORTANT NOTES SOUTHERN BOUNDARY

Location of structures and boundaries, other than cadastral boundaries, on this plan are approximate only and are subject to confirmation by field survey.

Dimensions of runoff control structures are not shown to scale

course :  
In Pasture.....  
In Cultivation

REVISIONS		FIELD SHEET ISSUE	
Date	Remarks	Prepared	C.M.V.
		Checked	30/5/88
		Date	5/88
		DESIGN	
		Prepared	DSE
		Date	



# To be open for PASTORAL LEASE as PREFERENTIAL PASTORAL LEASING at THE LAND OFFICE, CAIRNS, on TUESDAY, 14th FEBRUARY,

Department of Public Lands,  
Brisbane, 15th December, 1960.

IT is hereby notified that the land hereunder described, situated in the Georgetown Land Agent's District, will, in terms of section 40 of "The Land Acts, 1910 to 1959," be open for Pastoral Lease as PREFERENTIAL PASTORAL HOLDINGS, on TUESDAY, the FOURTEENTH day of FEBRUARY, 1961, at ELEVEN O'CLOCK A.M., at the LAND OFFICE, CAIRNS, for a term of THIRTY years, and at the annual rent for the first period of ten years of such term as stated in each case respectively.

An applicant is required to lodge with his application for a lease the amount of a full year's rent, and any person who lodges with his application a notice in the prescribed form or to the like effect that he desires to be deemed an applicant for the other block included in this notification and deposits with his application an amount equal to the greater amount of notified rent per annum for either of the blocks specified in such application and notice shall be deemed to be an applicant for both blocks specified in such application and notice.

The said land will, unless previously applied for, remain open for lease as Preferential Pastoral Holdings until the Fourteenth day of August, 1961, and such of the land as has not then been applied for will, on and after MONDAY, the EIGHTEENTH day of SEPTEMBER, 1961, at ELEVEN O'CLOCK A.M., be open only for ordinary Pastoral Lease on the terms abovementioned.

### Maximum Area.

The maximum number of blocks which may be applied for or held by any one person, either as Preferential Pastoral Holdings or under ordinary Pastoral Lease, in the whole area to which this notification has reference, is one block.

### Maximum Mileage for Preferential Pastoral Holding

Until the Fourteenth day of August, 1961, no person who holds in his own right any estate or interest in a pastoral holding shall be competent to apply for an area specified in this notification if such area, together with the estate or interest aforesaid as ascertained in square miles, exceeds the maximum mileage stated in each case respectively.

### Priority by Personal Residence

An applicant for a Preferential Pastoral Holding, other than an unmarried female under the age of twenty-one years or a married woman (unless she has obtained an order for judicial separation or an order protecting her separate property), who in his application offers that the holding shall be subject to the condition of personal residence during the first seven years of the term, and undertakes to perform that condition, shall have priority.

It is hereby further notified that each lease will be subject to the condition that the lessee shall, during the whole term of the lease, maintain all improvements on the holding existing at the commencement thereof in a good and substantial state of repair.

The provisional valuation of the improvements on the land is as stated in each case respectively. The value of such improvements, as determined by the Land Court, or the excess over the amount paid as the provisional valuation, as the case may be, must be paid by the successful applicant within twenty-one days after notice of such value has been given to him.

L.O. 25 Georgetown.

ALAN FLETCHER,  
Minister for Public Lands and Irrigation.

THE GEORGETOWN LAND AGENT'S DISTRICT  
(Applications to be lodged at the Land Office, Cairns)

**WHITECHALK.**—Area, 76 square miles  
(Maximum mileage, 76 square miles)  
Annual rent, £5 10s. per square mile

Provisional valuation of improvements, £7,190

The Crown land comprised in the western part of Mount Surprise Surrendered Area (O.L. 352), exclusive of a road five chains wide, situated about one mile north-easterly from Mount Surprise Railway Station.

**BILLGOLLA.**—Area, 94 square miles  
(Maximum mileage, 94 square miles)  
Annual rent, £4 15s. per square mile

Provisional valuation of improvements, £1,280

The Crown land comprised in the eastern part of Mount Surprise Surrendered Area (O.L. 352), exclusive of a road five chains wide, situated about twenty-four miles easterly from Mount Surprise Railway Station.

Gov. Gaz., 17th Dec., 1960, page 2293

### Deposits to be Lodged with Applications

Block	Annual Rent
Whitechalk	£18 0 0

**WHITECHALK**  
76 sq. miles  
**BILLGOLLA**  
94 sq. miles  
**COUNTY OF TATE**  
Georgetown Land Agent's District  
Shires of Etheridge and Mareeba  
Scale: 2 Miles to an Inch

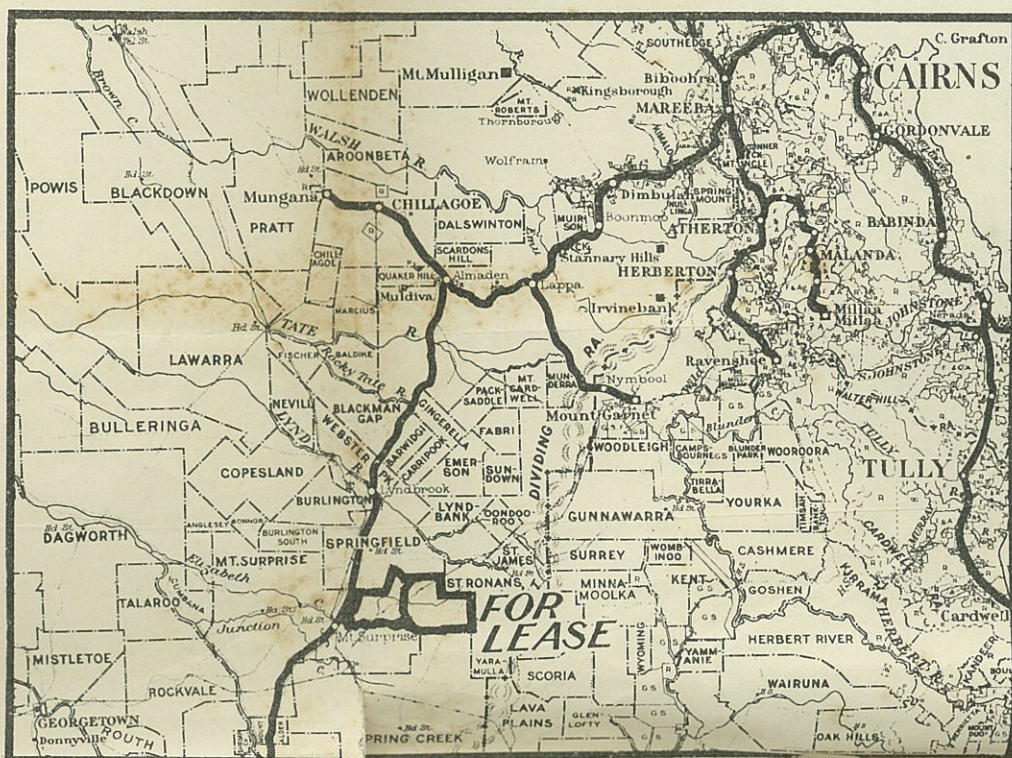


MOUNT SURPRISE H.

New Improvements

LOCAL SKETCH

Scale: 32 Miles to an Inch



DRAWN B



**WHITECHALK**

76 sq. miles

**BILLGOLLA**

94 sq. miles

**COUNTY OF TATE**

Georgetown Land Agent's District

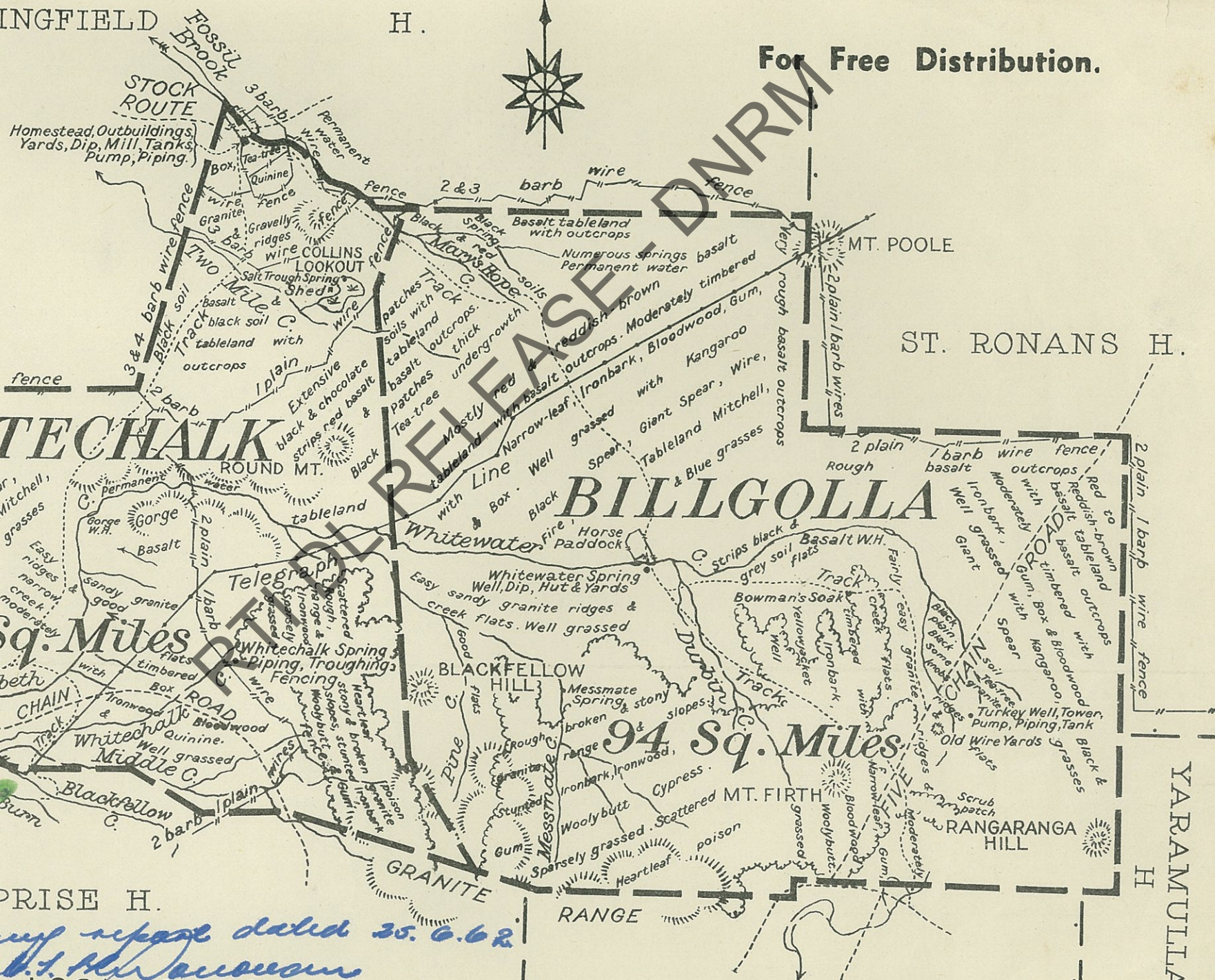
Shires of Etheridge and Mareeba

Scale: 2 Miles to an Inch

SPRINGFIELD

H.

For Free Distribution.



**WHITECHALK**

**BILLGOLLA**

76 Sq. Miles

94 Sq. Miles

MOUNT SURPRISE H.

RANGE

SPRING CREEK

*Plan to accompany report dated 25.6.62  
D. J. ...  
LOCAL SKETCH  
Scale: 3/2 Miles to an Inch*