

**COPY**

**STATUTORY DECLARATION**  
by  
**LESLIE ARTHUR SHIELS**

I, **LESLIE ARTHUR SHIELS** of 17 Thorpdale Road, Mirboo North in Victoria, Retired, do hereby solemnly and sincerely declare:-

1. THAT I am a resident of the township of Mirboo North and have lived in Mirboo North all of my life. I am, at the time of making this Declaration, aged 83 years.
2. THAT I have always had an active interest in sport and was very interested in swimming as a sport as a young person. During my youth, I was actively involved in swimming carnivals and swimming activities in the Mirboo North Swimming Pool. The Swimming Pool was initially a hole that had been dug in the ground. Over the time, it was extended, bit by bit, and was ultimately cemented. I remember, before and after World War II, being engaged with swimming carnivals and often persons would travel from all over Gippsland and as far afield as Melbourne to participate actively in those carnivals. The pool, I remember had water supplied from springs to south of the Pool. The Committee, at the time, to my recollection, had dammed the spring area and used it to feed water into the Pool.
3. THAT my brother, Charles Walter Shiels was also active in connection with the Swimming Pool and was a member of the Committee before and after the Second World War. I remember further, discussions with my brother and from my own general knowledge, that the Committee was concerned to secure the lands upon which the springs were located. The Committee was concerned to secure these lands to ensure that there was a constant supply of water to the Pool and that the Pool's general surrounds were protected. I remember that my brother and Fitz James Stewart Scott were on the Committee. There was also Stan Milner. My understanding is that these three persons have now all since died. My belief was that, at or about the time of World War II or shortly thereafter, the Committee purchased lands surrounding the

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Pool to assist preserve the Pool and the water supply and the spring into the Pool. Shown to me and marked with the letters "A" and "B" respectively are copies of searches of Crown Grants Volume 6593 Folios 561 and 562. I identify the persons shown as joint proprietors on the Titles as my brother Charles and a person known to me as Fitz Scott. These persons were Committee members and, as I understand it, trustees in respect of the Pool.

4. THAT shortly after the War, the Mirboo Shire Council became more actively involved in the Pool and, after a time, the Committee ceased to operate and, to my knowledge, the Council became responsible for the operation of the Pool. My understanding is that the Shire Council subsequently built sheds for use for change rooms, a kiosk area and tournaments continued to operate in the Pool with people still coming from various areas. Members of the community were organised to assist to man the gates and donations taken on entry were contributed to improvements in the Pool area. The Shire's activities continued right throughout the post war years and the Shire, to my belief, subsequently constructed a high cyclone fence wire around the Pool and its environment which fence, to my knowledge, is still in the same position as it was at the time the Shire constructed the same. The Shire, to my belief, employed a caretaker to work there for many years, I believe, possibly over 20 years. The caretaker, to my knowledge, paid by the Shire. The caretaker known to be working there was Wally Carter who, I believe, has now retired.
5. THAT it is my belief that the money to buy the land, when it was purchased, was raised through community donations and fund raising such as New Year's Eve dances and the like. Effectively, the Committee raised the moneys but, ultimately, to keep the facility functioning, had to look to Mirboo North Shire Council to secure the same.
6. THAT my understanding in the recent decades was that the Shire was wholly responsible for the management operation and care of the Pool whether directly





Entered in the Register Book

Vol. 6593

Fol.

1318561

*W. J. Duggan*

Assistant Registrar of Titles.

George VI.,

by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas KING Defender of the Faith EMPEROR of India  
We all to whom these presents shall come GARRING WITNESSES in conformity with the laws relating to the sale and occupation of Crown lands in Our State of Victoria the person hereinafter named has in consideration of the sum of Thirteen pounds

which sum has been duly paid become entitled to a grant in fee simple of the surface and down to the depth of FIFTY feet below the surface of the land hereinafter described Now know ye that in consideration of the sum so paid and in pursuance of the law Us in that behalf enabling We DO HEREBY GRANT unto WALTER EVELYN MISSEN of Mirboo North Laborer

so much and such parts as lie above the depth of FIFTY feet below the surface of all near run or lane in the said State containing two acres three roods and two pence more or less being Allocation seven of Section nine in the Township of Mirboo North Parish of Mirboo County of Buln Buln

delineated with the measurements and abatals thereof in the map drawn in the margin of these presents and therein colored yellow PROVIDED nevertheless that the grantees shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though he held the land without limitation as to depth EXCEPTED nevertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the Mines Act 1928 in upon or under or within the boundaries of the land hereby granted AND reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and to search for and work disposed of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold silver and minerals in upon or under the land hereby granted AND ALSO reserving to Us Our heirs and successors—

- (i) all petroleum as defined in the Mines (Petroleum) Act 1926 on or below the surface of the said land and
- (ii) the right of access for the purposes of searching for and for the operations of obtaining such petroleum in any part or parts of the said land and
- (iii) rights of way for access and for pipe-lines and other purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being obtained in any part or parts of the said land.

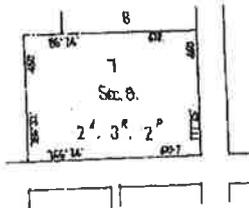
To hold unto the said Walter Evelyn Missen

in fee simple

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 168 of the Land Act 1928.

AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the Mines Act 1928 or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands PROVIDED that compensation shall be paid to the said Walter Evelyn Missen

his executors administrators assigns or transferees by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be a condition precedent to each right of entry.

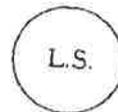


Dated the eight day of June in the year of our Lord One thousand nine hundred and thirty-nine being the day the person herein named became entitled to this Grant.

In testimony whereof We have caused this Our Grant to be sealed at Melbourne with the Seal of the said State.

Witness Our trusty and well-beloved Major-General Sir WINSTON JOSEPH DUGAN, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Governor of the said State of Victoria and its Dependencies in the Commonwealth of Australia.

*Winston Duggan*



10287  
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Note.—The bearings and measurements are approximately given in this plan. The measurements are in fathoms.

COLOURS  
O. Green BL. Blue O. Orange  
R. Red P. Purple B. Black  
C. Cross Hatched

DATE 24 MAY 1999

Charles Walter Shields Baker and  
Elizabeth James Stewart Scott Forestry  
Foreman both of Mirboo North and  
now <sup>joint</sup> proprietors of the within described estate by  
transfer registered on 6<sup>th</sup> December 1946  
and numbered 2045986

J. H. Newson  
Assistant Registrar of Titles



Entered in the Register Book  
Vol. 6593 Fol. 1318562  
J. W. Murray  
Assistant Registrar of Titles.

George VI.,

by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas KING Defender of the Faith Emperor of India  
TO all to whom these presents shall come GRANTING WHEREAS in conformity with the laws relating to the sale and occupation of Crown lands in Our State of Victoria the person hereinafter named has in consideration of the sum of TEN POUNDS

which sum has been duly paid become entitled to a grant in fee simple of the surface and down to the depth of FIFTY feet below the surface of the land hereinafter described HOW KNOW YE that in consideration of the sum so paid and in pursuance of the law Us in that behalf enabling We DO HEREBY GRANT unto WALTER EVELYN MISSEN of Mirboo North Laborer

so much and such parts as lie above the depth of FIFTY feet below the surface of ALL THAT PIECE OF LAND in the said State containing two acres and twenty-three perches more or less being Allotment eight of Section nine in the Township of Mirboo North Parish of Mirboo County of Buln Buln

delimited with the measurements and abatals thereof in the map drawn in the margin of these presents and therein colored yellow PROVIDED nevertheless that the grantees shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though he hold the land without limitation as to depth EXCEPTING nevertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the Mines Act 1928 in upon or under or within the boundaries of the land hereby granted AND reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and for the purpose aforesaid to search for and work dispose of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purpose aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold silver and minerals in upon or under the land hereby granted AND ALSO reserving to Us Our heirs and successors—

- (i) all petroleum as defined in the Mines (Petroleum) Act 1935 on or below the surface of the said land and
- (ii) the right of access for the purpose of searching for and for the operations of obtaining such petroleum in any part or parts of the said land and
- (iii) rights of way for access and for pipe-lines and other purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being obtained in any part or parts of the said land.

To hold unto the said Walter Evelyn Missen

in fee simple

PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 168 of the Land Act 1928.

AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the Mines Act 1928 or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands PROVIDED that compensation shall be paid to the said Walter Evelyn Missen

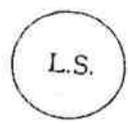
his executors administrators assigns or transferees by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be a condition precedent to such right of entry.

Dated the eighth day of June in the year of our Lord One thousand nine hundred and thirty-nine being the day the person herein named became entitled to this Grant.

In testimony whereof We have caused this Our Grant to be sealed at Melbourne with the Seal of the said State.

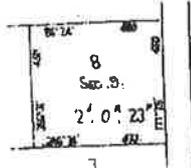
Witness Our trusty and well-beloved Major-General Sir WINSTON JOSEPH DUNAN, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Governor of the said State of Victoria and its Dependencies in the Commonwealth of Australia.

Winston Dugan



10287 4 4

ORIGINAL CROWN GRANT. Not to be dealt with outside the Titles Office.



NOTE.—The bearings and measurements are approximately given in 1856 plan. The measurements are in links.

Walter Shields Baker and  
 James Stewart Scott Forestry  
 both of Mirboo North are  
 proprietors of the within described estate by  
 transfer registered on 6<sup>th</sup> December 1946  
 and numbered 2045986

*J. Hewison*  
 Assistant Registrar of Titles

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STATUTORY DECLARATION  
OF  
LESLIE ARTHUR SHIELS

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