



WESTERN AUSTRALIAN  
**GOVERNMENT GAZETTE.**  
PUBLISHED BY AUTHORITY.

SATURDAY, FEBRUARY 11, 1837.

[NUMBER 46

LAND REGULATIONS.

**T**HE Governor has been pleased to direct the following summary of the Land Regulations to be published for general information.

SALE OF LAND.

I.—The Lands open for selection continue to be those situated within the limits defined in a letter addressed by the Colonial Secretary to the Surveyor-General, 30th June, 1835 (A annexed.)

II.—The existing Regulations for the Sale of Land are contained in the two Government Notices of 30th December, 1831 (B and C annexed), modified, with regard to Naval and Military Officers, by the Regulations of 25th August, 1834, republished in the Colony on the 30th May, 1835 (D annexed), and extended to the Officers of the East India Company's Army, with the same modifications, by the Secretary of State's Despatch, dated 25th May, 1836 (G annexed); and with regard to Town Allotments, by the Notice of 17th September, 1834 (E annexed) Soldiers do not now receive either grants of Land, or Remission Money, upon being discharged.

III.—Upon reference to these Regulations, it will be perceived, that the following is the course to be adopted by ordinary Settlers, viz. :—

1. That all applications must be made in the prescribed form (F annexed), addressed to the Surveyor-General, and obtainable from the Collector, and Sub-Collectors at the Out-stations, of Revenue, on the payment of a fee of two shillings and sixpence.
2. That, after three months' notice, the Lands so applied, if approved by the Governor and actually surveyed in time, will be put up for sale by

Public Auction, at a price of 5s. per acre, or such higher rate as may be determined by the Government.

3. That, with the exception of special cases, the reasons for which must be assigned, each lot so put up will consist of not less than one square mile, or six hundred and forty acres.
4. That the highest bidder must pay down a deposit of ten per cent. at the time of sale, and the remainder of the purchase-money within one month, under penalty of forfeiting both Lands and Deposit.

RETIRED OFFICERS.

IV.—Upon reference to the second section of the Government Notice dated 30th December, 1831 (B annexed), it will be seen, that retired and half-pay Officers must apply in the same forms as ordinary Settlers (F annexed) But instead of obtaining the remission money, according to length of service only, therein laid down, they will be allowed such remission according to the graduated scale marked in the Regulations of 25th August, 1834 (D annexed), which combines the advantages arising from rank, and from length of services.

V.—In order to obtain this Remission, it is necessary,

1. That they transmit to the Colonial Secretary the permission granted by the Home Government to go on half-pay, or retire from the service, for the purpose of settling in the Colony, and likewise show if not stated therein, the date of their first commission.
2. That they obtain a Certificate, signed by the Colonial Secretary, stating the amount which they will be allowed in remission of the purchase money.

VI.—It will also be seen, from the 8th paragraph of the Regulations of 25th August, 1834 (D annexed), that retired and half pay Officers are

allowed to acquire, on payment of the upset price, Lands previously put up to sale, but not bought.

- VII.—In order to this,
3. Each Officer is permitted to obtain any one portion of such Land, deducting his remission money, and paying for the surplus, if any, at the upset price, without competition, and if such portion does not absorb the whole his of remission money, he is allowed, in like manner, to select a second portion.
  4. But it is clearly to be understood, that no second portion is to be allowed, if one of the two will absorb the whole of the remission money, and that both portions are to be selected at one and the same time.
  5. In cases of Officers entitled to remission of purchase money, who may apply to purchase Land not included in any existing survey, and who, in such circumstances, are directed to make written application to the Governor to that effect, the Governor's permission will be granted, upon the express conditions that the whole of such Officer's claim be exhausted in one portion; nor will any such permission be granted for any balance arising out of previous purchase in surveyed districts. This rule will be applicable, moreover, to all claims, from whatever source they may spring.
  6. In the event of approved purchases beyond the limits of any survey, not according with the description which the applicants have furnished, and for the accuracy of which they are responsible, it is not the Governor's intention to relieve them from the consequences of their error, should it be found that the quantities fall short of the whole portion proposed to be purchased by the parties; nor will they be entitled to any portion beyond the extent represented by them in their application, if there should be found to be a surplus; but in the latter case, the surplus will be resumed by the Crown, on the completion of the survey, from any such part of the Allotment it may be found advisable to resume.

TOWN ALLOTMENTS

VIII.—Allotments in the several Townships are to be applied for in the same form as Land (F annexed), and to be put up to sale in the same manner, at the several prices mentioned in the list attached to the Government Notice of 17th September, 1834 (E annexed), and be subject to the conditions therein prescribed.

*By His Excellency's command,*  
**PETER BROWN,**  
*Colonial Secretary.*

—  
 A.

LETTER FROM COLONIAL SECRETARY  
 TO SURVEYOR-GENERAL.

*Colonial Secretary's Office, Perth,*  
*June 30, 1835.*

SIR,—The Governor having, with the advice of the Executive Council, determined on carrying on the general Survey of the Colony in that portion of the Territory included within the 31st degree of Latitude and the 120th degree of Longitude, I am directed to inform you that it will be, in consequence, necessary for you to adopt such measures as circumstances may from time to time admit, for

effecting the same,—commencing with the Counties of Perth, Plantagenet, and York; and as it is His Excellency's intention, that as soon as any Lands shall have been surveyed and mapped that they shall be open for purchase, I am further to state, that it will be necessary for you to cause any addition to the Survey to be notified, for further information, in the Office Plans, in order that applicants may know the limits within which they may make selection.

In the event of any application being made to you as to whether purchases may be made beyond the limits of existing surveys, you will please inform the parties that the Governor will not object to such applications, provided the persons desirous of purchasing shall furnish, either from themselves or by the operation of private surveyors, satisfactory description of boundaries, &c.; it being, however, clearly understood, that Lands purchased under these circumstances must be held by the purchaser subject to any inconvenience which may arise, either from the inaccuracy of their descriptions, or otherwise, until the gradual extension of the Survey shall enable you to fix more precisely their true positions, extent, and limits.

With a view of giving publicity to these instructions, His Excellency is desirous of having them exhibited in your Office, in the usual manner.

The undermentioned Towns are to be considered open for purchase of Allotments, viz:—

Perth, Fremantle, Guildford, York, Augusta, Albany, Wyndham, Busselton, and Kingstown.

—  
 B.

GOVERNMENT NOTICE.

*Colonial Secretary's Office, Perth,*  
*December 30, 1831.*

His Excellency the Governor has been pleased to direct the following General Order to be published for general information.

*By His Excellency's command,*  
**PETER BROWN,**  
*Colonial Secretary.*

GENERAL ORDER.

*Horse Guards, February 24, 1831.*

His Majesty's Government having deemed it expedient to substitute new Regulations for those at present in force concerning the system of granting Crown Lands in the Australian Colonies, and under which no Land will in future be disposed of, otherwise than by Public Sale, it has become necessary to make a corresponding change in the arrangements which have hitherto been in force with respect to Military Settlers, and which have been published to the Army in the General Orders, dated 8th June, 1826, 16th May, 1827, and 24th August, 1827.

His Majesty has accordingly been graciously pleased to declare, that all the advantages held out to the Officers of the Army under those Orders, as far as relates to the sale of Commissions, shall continue and remain in full force; and with a view that each individual Officer may derive the same benefit from an allotment of Land as has been held out in the said Orders respectively, His Majesty has been pleased to command, that the following Regulations shall be promulgated for the information and guidance of Officers who may be disposed

to become Settlers in New South Wales and Van Diemen's Land, in substitution for those contained in the General Orders above referred to. The Officers of the Army wishing to become Settlers, shall, like all other individuals, procure Land by purchase only, at the Public Sales; but they will be entitled to a remission of the purchase money to the following amount, provided they shall produce testimonials of unexceptionable character from the General Commanding-in-Chief:—

Officers who have served twenty years and upwards, shall have a remission of £300.

Officers who have served fifteen years and upwards, £250.

Officers who have served seven years and less than ten, £150.

Each individual Officer who may obtain this remission will be required to give security that he and his family shall reside at least seven years in the Settlement, and he will also be required to provide for his own passage to the Colony, as well as for that of his family.

— — —  
C.

GOVERNMENT NOTICE.

*Colonial Secretary's Office, Perth.  
December 30, 1831.*

His Excellency the Governor has been pleased to direct that the following memorandum of the terms on which Land will be granted after the expiring of this year, shall be published for general information.

*By His Excellency's command,  
PETER BROWN,*

*Colonial Secretary.*

INFORMATION FOR THE USE OF THOSE WHO MAY PROPOSE TO EMBARK AS SETTLERS FOR THE NEW SETTLEMENT IN WESTERN AUSTRALIA.

It has been determined by His Majesty's Government, that Land shall in future be disposed of in Western Australia upon the same principles as in New South Wales and Van Diemen's Land; but the encouragement hitherto given to persons who might incur the expense of taking out labouring persons to the Colony will not be entirely withdrawn, at present.

The following is a summary of the Rules which it has been thought fit to substitute for those dated 20th July, 1830:—

1. A division of the whole Territory into Counties, Hundreds, and Parishes, is in progress. When that division shall be completed, each Parish will comprise an area of about twenty-five square miles.

2. All the Lands in the Colony not hitherto granted, and not appropriated for public purposes, will be put up for sale. The price will, of course, depend upon the quality of the land and its local situation; but no Land will be sold below the price of 5s. per acre.

3. All persons proposing to purchase Land not advertised for sale, must transmit a written application to the Governor in a certain prescribed form, which will be delivered at the Surveyor General's Office to all persons applying, on payment of the requisite fee of two shillings and sixpence.

4. Those persons who are desirous of purchasing will be allowed to select, within certain defined

limits, such portions of Land as they may wish to acquire in that manner. The portions of Land will be advertised for sale for three Calendar months, and will then be sold to the highest bidder, provided that such bidding shall at least amount to the price fixed by Article 2.

5. A deposit of ten per cent. upon the whole value of the purchase must be paid down at the time of sale, and the remainder must be paid within one Calendar month from the day of sale, previous to which the purchaser will not be put in possession of the Land; and in case of payment not being made within the prescribed period, the sale will be considered void, and the deposit forfeited.

6. On payment of the Money, a Grant will be made in fee simple to the purchaser, at the nominal Quit Rent of a pepper corn. Previous to the delivery of such Grant, a fee of forty shillings will be payable to the Colonial Secretary, for preparing the Grant, and another fee of five shillings, for enrolling it.

7. The Land will generally be put up to sale in lots of one square mile, or 640 acres; but smaller lots than 640 acres may, under particular circumstances, be purchased, on making application to the Governor in writing, with full explanation for the reasons for which the parties wish to purchase a smaller quantity.

8. The Crown reserves to itself the right of making and constructing such Roads and Bridges as may be necessary for public purposes in all Lands purchased as above, and also to such indigenous Timber, Stone, and other materials, the produce of the Land, as may be requisite for making and keeping the said Roads and Bridges in repair, and for any other public works. The Crown further reserves to itself all mines of precious Metals.

9. Those Settlers who may incur the expense of taking out labouring persons to the Settlement will be entitled to an abatement of the price at which the Land may have been purchased, at the rate of 20*l.* for the passage of every married labourer and his family.

10. Persons claiming such an abatement from the price paid for Land, will be held responsible for any expense the Colonial Authorities may be compelled to incur for the maintenance, during the first year after their arrival, of the labourers, in respect of whom it has been allowed.

— — —  
D

GENERAL ORDERS.

*Horse Guards*

The General Commanding-in-Chief directs, that the annexed Memorandum, which has been issued from the Colonial Department, containing "Information for the use of Military and Naval Officers proposing to settle in the British Colonies," be promulgated to the Army in general orders.

*By Order of the General Commanding-in-Chief,  
JOHN MACDONALD,*

*Adjutant-General.*

INFORMATION FOR THE USE OF MILITARY AND NAVAL OFFICERS PROPOSING TO SETTLE IN THE BRITISH COLONIES.

*Colonial Office, August 25, 1835*

1. Annexed is a statement of the Regulations

according to which, with such modifications as local circumstances may render necessary, Lands belonging to the Crown are disposed of in the several British Colonies in North America, as well as a statement of the Regulations in force in the Australian Colonies.

2. Under these Regulations, Naval and Military Officers cannot receive free grants of Land; but, in buying Land, they are allowed a remission of the purchase-money according to the undermentioned scale:—

Field Officers of twenty-five years' service and upwards, in the whole 300.

Field Officers of twenty years' service and upwards, in the whole 250*l*.

Field Officers of fifteen or less years' service, in the whole 200*l*.

Captains of twenty years' service and upwards, in the whole 200*l*.

Captains of fifteen years service, or less, in the whole 150*l*.

Subalterns of twenty years' service and upwards, in the whole 150*l*.

Subalterns of seven years' service, or less, in the whole 100*l*.

Regimental Staff Officers and Medical Staff Officers of the Army and Navy will be deemed to be come within the benefits of this rule.

3. Officers of the Army or Navy who propose to proceed to the Colonies, in order to take advantage of this indulgence, should provide themselves with Certificates from the Office of the General Commanding-in-Chief, or the Lords Commissioners of the Admiralty, shewing that their emigration has been sanctioned, and stating exactly their rank and length of service. No Document from the Office of the Secretary of State is necessary.

4. Officers on half-pay residing in the Colony where they propose to settle, may be admitted to the privileges of Naval and Military Settlers, without referring to this Country for testimonials, provided they can satisfy the Governor that there is no objection to their being allowed the indulgence, and that their return of their rank and length of service is accurate, and provided, if they belong to the Navy, that they produce their Letter of leave of Absence from the Admiralty.

5. Military Chaplains, Commissariat Officers, and Officers of any of the Civil Departments connected with the Army, cannot be allowed any privileges on the subject of Land. Pursers, Chaplains, Midshipmen, Warrant Officers of every description, and Officers of any of the Civil Departments connected with the Navy, must also be considered as not qualified for those privileges. Although members of these classes may have been admitted formerly, and under a different state of circumstances, they must now be excluded.

6. Gentlemen who have ceased to belong to His Majesty's Service cannot be allowed the advantages to which they were entitled while in the Army or Navy. It is not, however, proposed to affect, by this rule, Officers who desire to quit the Service for the express purpose of settling in the Colonies; it is only required, that when they resign their Commissions, they should apply for a Certificate from the General Commanding-in-Chief, or from the Lords Commissioners of the Admiralty, that they do so with a view

of emigrating; and such Certificate, if produced to the Governor of any Colony within one year from its date, but not otherwise, will be a sufficient warrant for allowing the Bearer the same advantages as Officers still in His Majesty's Service. Officers who have sold out within the last twelve months preceding the date of this Memorandum, will be allowed the usual privileges, notwithstanding their want of the Certificate required by these Regulations, if they present themselves to the Governor of the Colony within a year from the present date. And all Officers who have been recommended by the General Commanding-in-Chief, will be entitled to their privileges, without regard to any observation which might otherwise be offered by the Regulations now established.

7. Officers cannot be allowed advantages in the acquisition of Land in any Colony, unless it be their intention to fix their residence in that Colony. In order to insure the observance of this rule, it has been determined, that the titles to Land obtained by Officers who take advantage of the peculiar regulations existing in their favour, shall be holden for a period sufficient to prove that they have not repaired to the Colony for the mere purpose of gaining possession of a portion of Land, and then departing. Two years is the period for which it has been decided that the titles shall be kept back; this delay will be sufficient for the salutary object in view, and will not constitute any serious inconvenience to the *bonâ fide* Settler.

8. By the annexed Regulations for the disposal of Crown Lands, it will be observed that the general Sales will take place periodically; but in order to prevent inconvenience to Officers who may arrive in the intervals between those sales, and be desirous at once to obtain an allotment, the Governors of the Colonies are authorised to allow Officers to acquire, at any time, on payment of the upset price, Lands which have previously been offered for sale, and not been bought. Officers will thus be relieved from delay at the time of establishing themselves in the Colony. They will also be enabled, by this arrangement, which will permit them to obtain their Land at a fixed price, to choose such a quantity as shall be equivalent to the amount of the remission to which they are entitled, instead of being liable to be called upon to pay a balance, which must be the case if they bid for Lands at a sale by Auction.

9. There being little or no Crown Land available in Prince Edward's Island, Officers cannot be offered any privileges in the acquisition of Land in that Colony. In Cape Breton, an Island in which the natural inducements for the settlement of Officers are not very considerable, it is necessary, from local circumstances, that there should not be a remission of purchase-money, as in other Colonies. To such Officers as may wish to settle in this Island, allotments of Land will be granted on the same scale and conditions as before the general introduction of the system of selling the Crown Lands, viz. :—

To a Lieutenant Colonel . . . . .	1,200 acres.
Major . . . . .	1,000 "
Captain . . . . .	800 "
Subaltern . . . . .	500 "

The same rule will be observed in Nova Scotia.

Government Office

E

Colonel Kent also Office  
Fall 17th September 1833

The accompanying Bill was Regulated in regard  
future equipment of Town Militia Army  
acted by the Governor, in concurrence with  
Council of the Executive Council, the same are in  
published for the information of all whom they  
concern: -

1 The Town and Urban Militia open to  
the public, will be published from time to  
time through the General Office, by authority of  
Governor, where they may be inspected during  
Saturday Office hours, as also at the Office of  
General Government Records.

2 For more details of obtaining Town or Militia  
Militia from the Governor can be seen in  
reference, and must apply for the same in  
printed form, like that at the Office of the  
of Revenue, at Bath, or the Director of Customs  
of Revenue of Dec of 1833  
reference, they acknowledge on the form.

The form to be filled up by the applicant with the

and name of length, and forwarded to the

general, for transmission to the Bureau of

The fee and cost of each month, with such

as the case may require; when, if approved, if

be admitted for sale by Public Auction in

successive parcels

The size of lot or building, whether

be determined with Official Plans, and the general

size of the urban lots will be four acres. Any

quarter or smaller quantity of land in excess

the lot to be put up at such price as may be

at the time of sale.

(To be continued)

General Land Office  
Public Land Survey, Oct 1897

The Secretary the Governor needs to be notified for  
general information, that the fact for the acceptance  
of the Act of 11th Dec. the month, and 1<sup>st</sup> Jan the

month of 1893 as notified with the State

Surveyors, that the regulations found with

the Act of 11th Dec, and the Secretary

State

Public Land Survey, General

Public Land Survey