



WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.
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THE GOVERNMENT GAZETTE.

COMPARATIVE STATEMENT OF THE *DISBURSEMENTS* MADE BY THE COLONIAL
 TREASURER, ON ACCOUNT OF THE COLONY OF WESTERN AUSTRALIA, IN THE
 YEARS ENDED ON 31ST OF DECEMBER 1836, AND 31ST OF DECEMBER 1837;
 SHEWING THE INCREASE OR DECREASE UNDER EACH HEAD OF SERVICE.

| HEADS OF EXPENDITURE. | Expenditure, 1836. | | | Expenditure, 1837. | | | Increase. | | | Decrease. | | |
|---|-----------------------|----|------------------|-----------------------|----|------------------|-----------|----|-----------------|-----------|----|------------------|
| | £. | s. | d. | £ | s. | d. | £. | s. | d. | £. | s. | d. |
| Salaries | 4981 | 12 | 3 $\frac{1}{4}$ | 5163 | 2 | 6 | 181 | 10 | 2 $\frac{1}{4}$ | | | |
| Surveys and Explorations | 807 | 10 | 6 $\frac{3}{4}$ | 389 | 18 | 0 $\frac{3}{4}$ | | | | 417 | 12 | 6 |
| Roads and Bridges | 501 | 18 | 2 | 330 | 19 | 8 | | | | 170 | 18 | 6 |
| Collection of Revenue | 239 | 2 | 7 $\frac{1}{2}$ | 240 | 0 | 10 $\frac{1}{2}$ | 0 | 18 | 3 | | | |
| Relief to the Destitute | 272 | 19 | 1 | 219 | 18 | 2 $\frac{3}{4}$ | | | | 53 | 0 | 10 $\frac{1}{4}$ |
| Mounted Police | 603 | 9 | 3 | 302 | 13 | 4 | | | | 300 | 15 | 11 |
| Maintenance of Colonial Vessel, in- cluding Purchase | 1935 | 8 | 7 | 845 | 1 | 9 $\frac{3}{4}$ | | | | 1090 | 6 | 9 $\frac{1}{4}$ |
| Administration of Justice | 479 | 8 | 1 $\frac{1}{4}$ | 450 | 2 | 4 $\frac{3}{4}$ | | | | 29 | 5 | 8 $\frac{1}{2}$ |
| Post Office Department | 50 | 0 | 0 | 94 | 1 | 8 | 44 | 1 | 8 | | | |
| Native Tribes | 159 | 16 | 0 | 75 | 12 | 6 $\frac{1}{2}$ | | | | 84 | 3 | 5 $\frac{1}{2}$ |
| Printing and Stationery | 182 | 11 | 10 $\frac{1}{2}$ | 149 | 3 | 0 | | | | 33 | 8 | 10 $\frac{1}{2}$ |
| Advances to Settlers | 111 | 16 | 9 | | | | | | | 111 | 16 | 9 |
| Government House | 131 | 10 | 7 $\frac{1}{2}$ | 344 | 1 | 5 | 212 | 10 | 9 $\frac{1}{2}$ | | | |
| Court-House, Perth | 410 | 0 | 0 | 326 | 15 | 0 | | | | 83 | 5 | 0 |
| Public Offices, Perth | | | | 1059 | 0 | 0 | 1059 | 0 | 0 | | | |
| Arrears of Pay to Residents | | | | 206 | 7 | 9 $\frac{1}{2}$ | 206 | 7 | 9 $\frac{1}{2}$ | | | |
| Miscellaneous | 460 | 8 | 6 $\frac{1}{4}$ | 672 | 17 | 3 $\frac{1}{2}$ | 212 | 8 | 9 $\frac{1}{4}$ | | | |
| Balance of Treasurer's Account Current of Receipts and Disbursements at Albany between July 1, 1834, and January 31, 1837.. .. . | | | | | | | 168 | 6 | 4 | 168 | 6 | 4 |
| Totals | 11327 | 12 | 5 | 11038 | 1 | 10 $\frac{1}{4}$ | 2085 | 3 | 10 | 2374 | 14 | 4 |

PETER BROWN, |
 F. C. IRWIN, | *Members of Council.*

Perth, February 6, 1838.

Colonial Secretary's Office, Perth,
February 17, 1838.

APPLICATIONS FOR FULL TITLES OF
GRANTS OF LAND.

THE undermentioned Applications for full Titles of Grants of Land and Town Allotments having been approved by His Excellency the Governor, the Parties interested, or their Agents, are requested to call at this Office to make the necessary arrangements for the preparation of the Deeds of Grant, viz. :—

| | | |
|----------------------|-------------|-------------|
| Walter Pace, | 5000 acres, | Yorkshire. |
| H. MacDonald, | 533 " | Perthshire. |
| M. & J. S. Clarkson, | 205 " | Peninsula. |
| A. H. Stone, | 5320 " | Yorkshire. |
| John Morrell, | 4600 " | Ditto. |
| Thomas Hester, | 400 " | Plantar. |
| J. H. Monger, | 200 " | Perthshire. |
| James Dodds, | 2000 " | Yorkshire. |
| Joseph Harris, | 2080 " | Williams. |
| J. S. Harris, | 2440 " | Ditto. |
| M. J. Currie, | 5000 " | Avon River. |

| | |
|-------------------|---------------------------|
| J. Mitchell, | Perth Building Lot V 20. |
| G. F. Moore, | Ditto A 5 $\frac{3}{4}$. |
| C. H. Sutherland, | Ditto 22 L. |
| Thomas Porley, | Ditto 3 G. |
| William Lamb, | Fremantle Ditto No. 3. |

By His Excellency's command,

PETER BROWN,

Colonial Secretary.

Colonial Secretary's Office, Perth,
February 21, 1838.

AN Application having been addressed to the the Local Government by a Settler, in which he claims an unconditional Title to his Lands, upon the ground of his having invested Capital upon certain Articles enumerated in the 3d Clause of the Circular Notice dated Downing-street, 3d February, 1828; His Excellency the Governor has been pleased to direct the following Copy of the Reply, which has been transmitted to him, to be published for general information.

By His Excellency's command,

PETER BROWN,

Colonial Secretary.

"The Circular Notices of December 1828, January 13th and February 3d 1829, contained certain Propositions on the part of the Government to persons proposing to settle in Western Australia. Between these two Parties, the Documents in question became, in fact, Contracts or Agreements for doing certain things, upon certain conditions. It is in this light that the Notices have been contemplated, and admitted on sundry occasions, by the Ministers for the Colonies; nor is it easy to imagine any other view which can reasonably be taken of them.

The Parties to those Agreements were the Crown, on the one hand, desirous of effecting the Colonization of the Country: and, on the other

hand, all such Individuals as might propose to become Settlers in the new Colony, with a view to obtain Land. That this was the general intent and spirit of the Agreement, may be clearly proved by implication, as well as by the whole tenor of the conditions expressed. But to propose to settle, in the view naturally taken of that term, is to engage to devote means to the purposes of Colonization. It would not be a fulfilment of such an engagement, simply to land in the Colony, or to be prepared to invest Capital, or even to invest it, in moveable Property, which the Owner might sell or dispose of, or re-export, at his own convenience. Nothing short of the full and faithful performance of the proposition to settle and invest Capital in the improvement of Land could entitle the Settler to claim from the Crown the fulfilment of its pledge; and any evasion or contravention of this condition would defeat the Individual's claim to the advantages held out. The Documents in question do not lead one to infer this obligation, only from their general purport and design, but they actually and distinctly explain the terms on which persons proposing to settle would receive Grants or Assignments, and the condition on which alone a permanent interest in Land could be acquired by Grantees. By the first and second Clauses of these Circulars, persons proposing to settle, and prepared to invest Capital in the improvement of Land, were to receive Grants or Allotments in the ratio of their means, and on proof of actual investment in certain articles considered to be suitable to the purposes of productive industry, or in the cultivation of Land, or in solid improvements, to the satisfaction of the Local Government, they were, according to the 5th Clause, to become entitled to their Land in fee-simple. But, by Clause 6th, all Lands thus allotted (whether in occupancy or in fee-simple) were to be held subject to the condition of effecting, within periods specified, an actual outlay upon the Land assigned out of the means which the proposing Settler had virtually engaged to employ in the enterprize; and in default of the faithful fulfilment of this pledge, the Land was to revert to the Crown.

It has been said that the 5th and 6th Clauses being in contradiction to each other, individuals are entitled to claim the most favorable consideration; but, in fact, no such contradiction exists;—nor would an idea of this sort have arisen, if it had not been imagined that a Title in Fee-simple must necessarily be unconditional. This, however, cannot for a moment be maintained, and certainly nothing can be more distinctly laid down than that the Grant referred to in Clause 5 is rendered conditional by the following Clause (namely, the 6th.) Unless, then, it be contended that the Circulars are not to be viewed in reference to the several clauses and expressions taken conjointly, it must be admitted that the improvement of the Land was, in all cases and circumstances, an unavoidable condition attached to the Grant.

It may be here stated, that the Government had no immediate object in the establishment

of Conditions, beyond a proper provision for securing the actual settlement of the Country, and the protection of bonâ fide Settlers against unfair pretensions. That such Conditions were necessary, no one will doubt, for if Land had been assigned unconditionally to all persons prepared to invest, or even to persons who had invested, Capital or Property of an unfixed and moveable description, what security would there have been for the Colonization of the Country? or what protection would have been enjoyed by actual Colonists against the acts of persons willing to visit the Country in the period of its infancy, in order, by a shew of capital, to secure extensive tracts of Land, and then to abandon it for a time, until, by the efforts and outlay of others, it had acquired a considerable value. Happily for the interests of the Community, the Government has possessed the means, by a firm and steady application of the original Regulations, to protect it against such injurious practices.

Having thus explained the view which the Local Government has ever taken upon the subject of the Circular Notices generally, it remains to consider the claim which you make to a Title in Fee-simple on other Ground than that of Cultivation or Improvement. In accordance with the 5th Clause, it was undoubtedly competent to apply for a conditional Title to Lands in fee-simple, as soon as you had effected the necessary Investments specified in Clause the 3rd to the satisfaction of the Officer administering the Local Government. But in the early period of the Settlement there were no Surveys, and it was consequently impracticable to issue formal Grants, even if the Local Government had been entirely satisfied that the Investments in any case were such as to secure the due fulfilment of the bargain between the Crown and the Grantee. Under such circumstances, the only practicable course was to issue Licenses of Occupation, which were, as far as bonâ fide Settlers were concerned, as good Tenures as conditional Titles in Fee-simple; and such accordingly became the practice of the Colony. At the present time, some of the reasons which led to this arrangement are removed; and whenever competent Surveys have been effected, and the Governor can be satisfied that the necessary Investments have been duly made, he would not object to an exchange of such formal Titles for the Licenses to occupy: but there are few perhaps who would consider the difference between these two modes of Tenure as equivalent to the expense of the Fees imposed on Deeds of Conveyance, until, by the full performance of the Location Duties, an unconditional Title may be duly claimed."

*Colonial Secretary's Office, Perth,
February 8, 1838.*

SALE OF CROWN LAND.

IN Tuesday, the 28th Instant, at Noon, the Collector of Revenue will offer for Sale by Public Auction, in front of the Public Offices, Perth, the undermentioned Portion of CROWN LAND, subject to the general Land Regulations: (640) Six hundred and forty Acres, situate and being on the east shores of Lakes Iondal-up and Boorarrilup, Perthshire, and marked in the Map of the District in the Survey Office as No. 102.

For further particulars, reference to be made to the Offices of the Surveyor-General and Collector of Revenue, Perth.

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

*Colonial Secretary's Office, Perth,
February 15, 1838.*

REPAIRS TO THE NORTHERN JETTY OF FREMANTLE FERRY.

NOTICE is hereby given, that Tenders in Triplicate will be received at this Office until Thursday, the 1st of March, at Noon, for the execution of certain Repairs on the Northern Jetty of Fremantle Ferry.

Specifications may be seen at the Office of the Resident, Fremantle, and Civil Engineer, Perth.

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

*Colonial Secretary's Office, Perth,
February 15, 1838.*

THE Tender of Mews & Cox for the Repairs of the Guildford Ferry Boat, has been accepted.

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

*Colonial Secretary's Office, Perth,
February 15, 1838.*

THE Tender of Messrs. G. & L. Leake for the supply of eight Reams of Foolscap, has been accepted.

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

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