



# Government Gazette

OF

WESTERN AUSTRALIA.

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[1846.

Colonial Secretary's Office, Perth,  
September 30, 1846.

His Excellency the Governor is pleased to direct the publication for general information, of the following Regulations for the disposal of the Waste Lands of the Crown in Western Australia, which will be considered in force until further notice.

By His Excellency's command,

(Signed for) PETER BROWN,

Colonial Secretary.

G. F. MOORE.

## REGULATIONS

For the Disposal of the Waste Lands of the Crown in Western Australia.

I. On all Waste Lands of the Crown, hereafter to be alienated or conveyed, for any estate or interest, there will be reserved to her Majesty her heirs and successors, as heretofore, all mines of gold and silver and also one-fifteenth of all other metals and ores containing other metals, lying upon, in, or under such lands, payable in kind, at the mouth of the pit, shaft, gallery, quarry, or other place from which they may be raised. This, together with the following reserved rights, necessary for the collection of such Royalty, will be inserted in the Deeds of Grant.

ii. A right of free access to all mines, by duly appointed servants of the crown.

iii. A right to select, for free occupancy, a portion of land, not exceeding one quarter of an acre, near the mouth of every pit, shaft, gallery, quarry, or other place, from which metallic minerals may be drawn, for a residence or store, for such person or persons as may be appointed to receive the Queen's dish or dues, but for no other purpose, with privilege of access, of building thereon, and of removing buildings so erected.

iv. The right of commuting, from time to time, for periods not exceeding twelve calendar months, the Queen's fifteenth in kind, for

payments in money.

V. The right of recovering such money payments by distress, as in cases of rent, in the event of their remaining unpaid for a period of twenty-one days beyond the day on which they may be due under any contract or agreement in that respect duly made.

VI. All questions regarding the commutation or composition of Royalties, will be considered and determined by the Governor in Executive Council, and application for that purpose must therefore be addressed to the Colonial Secretary, sealed and marked on the envelope - "Tender for commutation on Royalties." Applications for renewal of contracts, must be delivered to the Colonial Secretary one full month before the expiration of the contracts, for the renewal of which such applications are made.

VII. Lands will in general be sold as heretofore, but with the reservations already stated. When known, or suspected to contain mineral ores, they will be proclaimed for as long a period before sale as the law will permit, generally about three months. If not known

or suspected to contain minerals, the period of proclamation before sale will be about a month.

VIII. Lands put up for sale and not sold, and open to selection without competition, will be subject to the same Royalties as other Waste Lands of the Crown.

IX. Lands known to contain metals and metallic ores, or minerals of any kind, may be obtained by lease, with the right of mining, for periods not exceeding twenty-one years, if so desired by capitalists. In such lease there will be reserved the same Royalties as upon lands sold in fee-simple; but the price of the lease will be subject to competition at public Auction.

X. On applications for leases of lands with mining rights being approved by the Governor in Council, the leases will be proclaimed for sale at Auction, in the same manner as lands intended for sale in fee-simple.

XI. All leases so to be granted will contain clauses of forfeiture, and provisions for re-entry, for non-payment of Royalties or for underletting, or assignment of the whole or any portion of the lands by the lessee without license in that behalf first obtained from her Majesty, or the Governor in Council acting in that behalf for her Majesty. Also a proviso that it shall not be lawful for her Majesty or any person acting on behalf of her Majesty, to sell the reversionary estate, expectant upon the determination of the lease, without the consent in writing of the lessee or other party to whom the lease may then belong.

XII. Subject to the charges mentioned in the Act of Parliament 5 & 6 Vict. c36, and to those of collection, the gross proceeds of the Queen's Royalties on Mines will be appropriated and applied to the like purposes as the proceeds of the sale of Waste Lands of the Crown, under and by virtue of the provisions of that Act.

XIII. A fee of One Pound Sterling will be charged to meet the expense of preparing leases, whatever may be the amount of property conveyed.

XIV. Payment for Lands known or suspected to contain metallic or other minerals, will only be received in Cash. Remission certificates having been given for the purpose of enabling parties to make a new selection of land better suited for the purposes of agriculture and pasture, than that surrendered to the crown on the plea of its unfitness for such objects, are not considered applicable to the purchase of tracts known or suspected to contain minerals. The same observation will apply also to any right of selection of agricultural lands.

#### PROCLAMATION.

By His Excellency ANDREW CLARKE, Esquire K.H. Governor and Commander-in-Chief in and over the Territory of Western Australia and its Dependencies, and Vice-Admiral of the same.

GOVERNMENT GAZETTE.

In pursuance of the authority in me vested, by a certain Act of the Imperial Parliament of Great Britain and Ireland, and passed in the fifth and sixth years of Her Majesty's reign, intituled "An Act for regulating the sale of Waste Lands belonging to the Crown in the Australian Colonies," I do, hereby, notify and proclaim, that the following portion of land, in the District of Perthshire, will be offered for sale by Public Auction, by the Collector of Revenue, at Perth, on Wednesday the 28th day of this present month, at the upset price affixed thereto, on the terms and conditions set forth in certain land regulations dated the 14th June, 1843.

Perth Suburban Lots, No. 19 and No. 21, containing about 4 acres each, and situate on Lake Sutherland.  
Upset price £3:10s. per acre.

Given under my Hand and Seal, this first day of October, 1846.

ANDREW CLARKE,

Governor and Commander-in-Chief.

GOD SAVE THE QUEEN!!!

By His Excellency's command,

(Signed for) PETER BROWN,

Colonial Secretary.

G.F. MOORE.

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Colonial Secretary's Office, Perth,  
September 17, 1846.

His Excellency the Governor, having heard with sincere satisfaction, of the discovery of the existence of Metalliferous Ores in this colony, is pleased to direct it to be notified for general information, with a view to prevent any apprehension as to the Royalties to be reserved to the Crown in all future grants of land, known or supposed to contain such Ores, that the amount of such Royalty will not for the present exceed One Fifteenth of the proceeds of the Mine, and that with the exception of this reservation and the conditions necessary for the securing of it, all lands will be put up to sale as heretofore. Despatches on this subject are expected from Her Majesty's Government, and full regulations for the information and guidance of the Public will shortly be promulgated.

By His Excellency's command,

(Signed for) PETER BROWN,

Colonial Secretary.

G.F. MOORE.

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Colonial Secretary's Office, Perth,  
September 21, 1846.

His Excellency the Governor has been pleased to direct that the following letter, lately received from the Colonial Secretary of Van Diemen's Land, and its enclosure, be published for general information.

By His Excellency's command,

(Signed for) PETER BROWN.

Colonial Secretary,

G.F. MOORE.

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Van Diemen's Land,

Colonial Secretary's Office,  
May 19, 1846.

SIR,

I have the honour to forward to you, for the information of His Excellency Governor Clarke, a copy of a letter which has been addressed to the Collector of Customs at this port.

I have the honour to be Sir,  
Your obedient servant,

(Signed)

J.E. BICHENO.

The Hon. Colonial Secretary,  
Western Australia.

(Copy of Enclosure).

Colonial Secretary's Office,  
May 18, 1846.

Sir.-In reference to the communication addressed to your predecessor from this office, dated the 9th Nov., 1841, instructing the Collector of Customs to admit the produce of the Colonies on New Holland duty free, I am directed to annul the instruction contained in that communication, and to request that you will be guided by the terms of the Act 8th Vict., No. 18.

I have the honour &c.,  
(Signed)

J.E. BICHENO.

The Collector of Customs.

Note.- The Ordinance of the Lieutenant Governor and Council of Van Diemen's Land above referred to, (18th of 8th Vict.) enacts that, an ad valorem duty of fifteen per cent. shall be levied on all produce and manufactures imported into Van Diemen's Land or its Dependencies, except upon imports from Great Britain or from New South Wales and its Dependencies.

(Signed for) PETER BROWN,

Colonial Secretary.

G.F. MOORE.

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NOTICE.

Notice is hereby given that the next General Quarter Sessions of the Peace of our Sovereign Lady the Queen, for the Colony of Western Australia, will be holden at the Court-House, at Perth, in and for the said Colony, on Wednesday, the 7th day of October next, at the hour of nine in the forenoon of the same day. Dated the 25th day of Sept., 1846.

A.H. STONE,

Clerk of the Peace.