



THE WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, JANUARY 25, 1853.

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Proclamation.

By His Excellency CHARLES FITZGERALD,
Esquire, Commander in the Royal Navy,
Governor and Commander-in-Chief, in
and over the Territory of Western Aus-
tralia and its Dependencies and Vice-Ad-
miral of the same.

IN pursuance of the authority in me ves-
ted by a certain Act of the Imperial
Parliament, passed in the 5th and 6th
years of Her Majesty's reign, intituled
"An Act for regulating the sale of Waste
Lands belonging to the crown in the Aus-
tralian Colonies," I do hereby notify and
proclaim that the following portions of
land will be offered for Sale by Public
Auction, by the Collector and Sub-Collec-
tor of Revenue, at the places and on the
days hereinafter mentioned, at one o'clock
at the upset price affixed to each lot re-
spectively, on the terms and conditions set
forth in certain Land Regulations, dated
June, 1843:—

By the Collector of Revenue, at Perth,
on Wednesday, the 2nd day of February
next—

Avon Location No. 102—Comprising 10 acres
more or less, extending 11 chains 11 links WSW,
and 9 chains SSE from a spot on the SE bound-
ary of James Lloyd's Avon Location V situate 1
chain 89 links WSW from that Location's East
corner; opposite boundaries parallel and equal,
and all boundaries magnetic. Upset price £1
per acre.

Avon Location No. 103—Comprising 15½ acres
more or less, bounded on the NW by the Avon
River, on the SW by 10 acres on upper side of
James Lloyd's Avon Location V, and by an ENE
line from East corner of said 10 acres on the SE
by the newly marked Avon road, and on the NE
by Mr Hogan's 25 acres; boundaries magnetic.
Upset price £1 per acre.

Guildford Building Lot No. 103. Upset price
£10.

At Perth, on the 2nd March 1853.

Avon Location No. 104—Comprising 10 acres
more or less bounded on the NE by Avon Loca-
tion No. 103 of 15½ acres on the NW by the
Avon River—on the SW by location V of G.
Lloy's and a Public cemetery and vacant land—and
on the SE by the new Avon road. Upset price,
£1 per acre.

Avon Location No. 105—Comprising 1 acre
2 roods 13 perches more or less bounded on the
SE by G. Lilley's Avon Location No 74, on the
NE by location 83 and on the West by the new
Avon road. Upset price, £1 per acre.

*At Albany, on the 28th day of February
1853:—*

Plantagenet Location No. 63—Comprising 30
acres more or less, bounded on the West by 10
chains of East boundary of James Arber's Loca-
tion No. 60, and by a North line 7 chains to Hay
River, on the NE by the River, and on the South
by a West line from the River to Location 60; all
boundaries true. Upset price £1 per acre.

At Bunbury, on the 9th February next:

Wellington Location No. 89—Comprising 10
acres more or less, bounded on the SE by NW
boundary of K. Doolan's Sussex Location No. 14,
and extending thence 7 chains 30 links towards
the sea opposite boundaries parallel and equal.
Upset price £1 per acre.

At Bunbury on the 10 March 1853.

Wellington Location No 90—Comprising 70
acres more or less bounded on the SE by the
Wellington Location 77, 67, 65, 64, 41, 87, and 86
—on the NE by 6 chains of location 63—on the
SW by a line 6 chains 10 links in continuation of
SW boundary of location 86—and on the NW by
lines 19 chains and about 52 chains in length
parallel to NW boundary of location 41—and by
a line 3½ chains in length perpendicular thereto
between them. Also 8 acres more or less between
locations 41, 63, 77, and 64. Upset price £1 per
acre.

*At the Vasse, on the 2nd day of Fe-
bruary next:*

Sussex Location d—Comprising 40 acres more
or less, in form of a square, extending 20 chains
South and 20 chains West from a strong stake

near high water mark on West side of a projecting point of land about 2½ miles NW from Gammet Rock in Geographe Bay; opposite boundaries parallel and equal, and all bearings and boundaries true. Upset price &1 per acre.

Given under my hand and the Public Seal of the Colony, at Perth, this 4th day of December, 1852.

CHARLES FITZGERALD,
Governor, &c.

By His Excellency's command,
W. A. SANFORD,
Colonial Secretary.

GOD SAVE THE QUEEN!!!

*Colonial Secretary's Office, Perth,
January 14, 1853.*

HIS Excellency directs the appointment of Henry Drew, as Police Constable, *vice* Samuel Miller dismissed, for the town of Perth, to be notified for general information.

By His Excellency's command,
W. A. SANFORD,
Colonial Secretary.

*Colonial Secretary's Office, Perth,
January 7, 1852.*

TENDERS (in duplicate) will be received on the 1st February next, at Noon, from parties wishing to rent the Island of Rottneest from that date until the completion of the present year.

By His Excellency's command,
W. A. SANFORD,
Colonial Secretary.

Notice.

THE Public are requested to consult the *Government Gazette* for all information connected with official matters. The departure of mails and their Postal arrangements will be notified through this medium; when time will admit notices will also be posted at the Post Office and Court House of the different district towns.

The *Gazette* is forwarded to every Magistrate in the Colony who will at all times allow it to be perused by persons seeking information as to Government measures. Copies are always furnished to most of the Public Houses.

By His Excellency's Command,
For the Colonial Secretary
CHARLES SHOLL.

Notice.

*Colonial Secretary's Office, Perth,
January 22nd, 1853.*

THE Law at present regulating the granting of search warrants has been found in several cases to operate as a bar to their being issued notwithstanding the existence of a well grounded suspicion that had search warrants been granted such a course would have been followed by the recovery of stolen property and the detection of criminals.

With a view of obviating this difficulty His Excellency the Governor having taken

into consideration the peculiar circumstances of this colony and the absolute necessity of affording every facility for the detection of crime proposes laying before the Legislative Council at its next meeting a measure to enable Justices of the Peace upon any reasonable grounds of suspicion stated to them in writing under the hand of the person making such statement and whether upon oath or otherwise to issue a search warrant enabling the proper officer to search any number of houses named in such warrant by day or by night.

His Excellency is therefore desirous to give all the publicity in his power to such his intention that the public may have full opportunity for expression of opinion thereon.

By His Excellency's command,
For the Colonial Secretary,
CHARLES SHOLL.

*Colonial Secretary's Office Perth,
January 19, 1853.*

HIS Excellency the Governor directs the publication for general information of the following Port Regulations.

I.—The master of any vessel leaving, or permitting any person to leave, and any person leaving such vessel previous to the visit, or without the sanction of the Health Officer is liable to a penalty of (14 Vic., No. 11, s. 1) of £50.

II.—The Master of every vessel, on his arrival at or off any Port, Harbour, or Anchorage, to which any pilot has been appointed, is requested to give up the charge of the vessel to the first duly authorised Pilot who may offer himself, to conduct her into Port; such Pilot to produce his authority if required.

III.—The Master of every vessel shall furnish the Pilot or boarding officer with a written paper, containing a true account of the names of the place and country at which vessel shall have loaded, and also of all the places at which such vessel shall have touched on the voyage, and shall answer truly all such questions as shall be put to him by such Pilot or Officer, touching the health of the crew and passengers of such vessel during the voyage, and the cause of the death of any person, should such have taken place under the penalty of £100 for any neglect or refusal to furnish such paper, or for any false representation, or wilful omission (3 Wm. 4, No. 1, s. 3.) therein or false answer to such question.

IV.—The Harbour Master shall appoint the place where vessels shall moor or anchor, and as often as the master shall desire to shift the berth (4 & 5 Vic., No. 15, s. 5.) of his vessel, he shall notify such his wish to the Harbour Master, who shall direct and superintend her removal.

V.—All bags, boxes, and packets of letters or newspapers, directed to any person within this colony, shall, immediately after the arrival of any vessel within the

limits of any port or harbour, be sent on shore by the first safe and convenient opportunity, or shall be delivered, on demand, to any Postmaster or Port Officer; and the Master of such vessel shall sign and forward to the Postmaster or Port Officer, a declaration to the following effect, that is to say:—

“I, A, B., commander of the arrived from do, as required by law, declare that I have to the best of my knowledge and belief, delivered, or caused to be delivered, to the Post Office, every letter bag, package, or parcel of letters that was on board this ”

And if such declaration be false, the person making the same shall be liable to a penalty of £50. Any Master, passenger, or other person on board such vessel who shall detain any letter or newspaper (except letters concerning and to be delivered with goods on board, and letters containing any conveyance or other deed, commission, writ, or affidavit, or letters sent by way of introduction only, or concerning the bearer's private affairs) after such demand as aforesaid, shall be liable to a penalty of £5 (9 Vic No. 6 s. 6.) for each letter or newspaper so detained.

VI.—The master may demand of the Postmaster at the Port, 24 hours after the delivery of the mail One Penny for every letter or packet so delivered, except such as are addressed to the Governor or to any officer of the Government on public service.

(4 & 5 Vic. 2, s. 11. VII.—The Master of every vessel shall, within 24 hours after his arrival, and before bulk shall have been broken, deliver to the Collector of the Port of arrival, a report in writing of the arrival and voyage of such vessel, stating her name, country, and tonnage, (and, if British, the Port of Registry), the name and country of the Master, the country of the Owner, the number of the crew, and how many are of the country of such vessel, or whether she is laden or in ballast, and, if laden, the marks, numbers, and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned; and the Master of every vessel shall, at the time of making such report, deliver to the Collector the manifest of the cargo of such vessel, where a manifest is required, and, if required, shall produce to him any Bills of Lading, or a true copy thereof, for any and every part of the cargo laden on board; and shall answer all such questions concerning the vessel, cargo, crew, and voyage, as shall be demanded of him by the Collector, and shall sign a solemn declaration of the truth of such report; and if any goods shall be unladen before such report, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded, or refuse to sign such

declaration, he shall forfeit the sum of £100; and any goods subject to duty not so reported, shall be forfeited. He is also (4 & 5 Vic. No. 15 s. 6.) to deliver to the Collector a muster roll of the ship's company, a list of his passengers, a list of all sick persons on board, his clearance from the Port last left, and all such other papers and documents as such officer shall reasonably desire to inspect, and shall enter into a bond with a surety, to be approved of by such officer, or, at the discretion of the said officer, deposit the Certificate of Registry of his vessel as a security for the due observance of all the requisitions and prohibitions relative to the conduct of Masters of vessels in, or off any of the Ports of this colony, and the due payment of all Pilotage Fees, Harbour and Light Dues; and of all Rates, Fees, and Dues, contained and imposed in and by any Ordinance of the Legislative Council of the said colony, and in and by every regulation affecting such Port, issued under the authority of any such Ordinance.

14 Vic. No. 9, s. 1. VIII.—He is also immediately to make a separate report to the Collector, of all gun-powder on board; and such Collector is authorised to grant Permits to land the same according to law.

IX.—Any person who shall land or remove (14 Vic. No. 9, s. 8.) gunpowder otherwise than is provided for by law, shall be liable to the penalty of £10.

X.—The Collector or Sub-Collector of Customs may station any officer on board any vessel within the limits of any Port in the colony, and the Master of such vessel shall provide such officer sufficient room under the deck, in some part of the steerage or fore-castle, for his bed or hammock, (4 & 5 Vic. No. 2., s. 10.) under a penalty, in case of neglect or refusal so to do, of £100.

XI.—Any officer authorised by a Collector or Sub-Collector, may board any vessel arriving at any Port of this colony, and freely stay on board until all the goods laden therein shall have been duly delivered from the same, and such officer shall have free access to every part of the vessel, with power to fasten down hatchways, and to mark any goods before landing, and to lock up, seal, mark, and otherwise secure, any goods on board such vessel; and if any place, or any box, or chest, be locked, and the keys be withheld, such officer or officers, if he or they be of a degree superior to Tidewaiters, may open any such place, box, or chest, in the best manner in his or their power; and if any goods, liable to the payment of duties, shall be found concealed, without due entry thereof, on board of any vessel or boat, such vessel or boat, and such goods so concealed, shall be forfeited. And if any lock, mark, or seal, placed by such officer upon any goods on board, be wilfully broken, opened, or altered, before due delivery

of such goods, or if any such goods be secretly conveyed away, or if the hatchways, after having been fastened down by such officer, shall be (4 & 5 Vic. No 2, s 32.) opened, the master of such vessel shall forfeit £100.

4 & 5 Vic. No. 2, s 34. XII.—Every person who shall assist, or otherwise be concerned in the landing, or unshipping for the purpose of landing, of any goods subject to duty, upon which the duty shall not have been paid, or secured by entry, shall forfeit £100.

XIII.—Any person who shall throw, or cause to be thrown, out of any vessel in Port, any ballast or other rubbish into the water, or below high water mark, or who shall remove from any part of such Port, any sand, stone, or ballast, without the consent of the Harbour Master, shall (4 & 5 Vic. No 15, s 11) forfeit £50.

XIV.—If any corpse be thrown overboard within the precincts of any Port, the Master of the vessel from which such corpse shall have been removed, shall forfeit £25. The corpse of any person dying on board any vessel in harbour, shall be interred in the lawful burial ground on shore. Should such death be sudden, Masters are to report the circumstance immediately to the Government Resident at the Port.

XV.—Any person who shall wilfully remove, (4 & 5 Vic. No 15,) injure, or destroy any buoy, beacon, (s. 13,) or sea mark, shall forfeit £50.

XVI.—Any person who shall, without (4 & 5 Vic. No.) permission from the Harbour Master, (15, s. 14.) make fast any vessel, boat, raft, timber, or any other article, to any such buoy, beacon, or sea mark, shall forfeit £10.

XVII.—Any person knowingly or without lawful authority, taking any convict or person (14 Vic. No. 6, s. 15.) under sentence on board a vessel about to sail from the colony, is liable to a penalty of £50.

XVIII.—Any person in charge of a vessel, who shall know that a convict or person under sentence is concealed on board, and shall fail to give immediate notice thereof to the nearest Magistrate or Constable, and to deliver up such Convict or person under sentence to a Constable, or shall offer any obstruction to a Constable searching such vessel for any convict, or person under sentence, suspected to be therein, shall be deemed guilty of aiding and abetting in the intended escape of such convict or such person under sentence. Penalty, on conviction before Quarter (14 Vic. No, 6s. 16. 17) Sessions, £500 and 2 years' imprisonment.

XIX.—The Master of every vessel about to sail from this colony, shall deliver into the Office of the Collector or Sub-Collector of Revenue of the port of departure, a statement in writing, of all goods, wares, or merchandize exported in such

vessel from this colony, with the respective shippers and consignees thereof; and shall, if required so to do, verify such statement by his solemn declaration, and deliver also a list of the crew, cargo, and passengers together with a statement of the port to which he is bound, and shall also obtain a clearance of such vessel for her outward voyage; and any master who shall deliver a false statement, or shall attempt to sail without such clearance shall forfeit £50.

XX.—Any master of a vessel about to depart from this colony, who shall refuse or neglect to receive mails, or to deposit the same when received, in some secure and dry place, or to convey the same upon the then intended voyage, shall forfeit £100. And no master of any such vessel will be entitled to a Port Clearance until every mail tendered shall have been received, and a receipt in writing, shall have been given in duplicate for the same. Masters of vessels however, may demand one penny for every letter or packet, except the (9 Vic No 6, s. 8.) Governor's despatches, contained in such mail.

XXI.—On the Harbour Master making a signal from the flag-staff on the Gaol Hill, Fremantle, by hoisting the union jack half-mast high, the master of every vessel is requested to send down topgallant yards, strike topgallant masts, and let go the second anchor.

XXII.—Masters of vessels are requested to report to the Harbour Master any drunkenness, misconduct, or incivility on the part of the Pilots, or any irregularity in the management of Lighthouses.

XXIII.—The provisions of the "Passengers' Act, 1849," will be strictly enforced, so far as they are applicable to vessels arriving in, leaving, or performing voyages between the ports of this colony.

SPECIAL REGULATIONS :

APPLICABLE TO THE PORT OF FREMANTLE ONLY.

All Justices of the Peace, Superintendents, and Constables of Water Police, with their assistants may enter on board and search any vessel being within, or departing from, any ports of this colony, when, and so often as they may deem a (14 Vic., No 20. s 2.) search necessary.

II.—The Master of every vessel about to leave any port having a Water Police, shall, before clearing out at the Custom House, deliver to the Superintendent of Water Police, a true list, in writing, containing the names of the passengers and all other persons intending to proceed to sea in such vessel; and showing the disposal of such of the crew who arrived in such vessel, as may not then be proceeding to sea therein; and, in case such master shall refuse or neglect so to furnish such list within the time aforesaid, or if such list shall not contain a full and true statement of the particulars aforesaid, (14 Vic. No 20, s 3.) he shall be liable to a penalty of £20.

III.—Any person found on board a vessel after clearance, and whose name shall not be contained in such last mentioned list, may be

detained and (14 Vic. No 20, s 3.) lodged in custody.

IV.—Any Master of a vessel proceeding to sea, who shall knowingly suffer any person to embark therein, whose name shall not be mentioned in such (14 Vic., No 20, s. 5 & 6.) last mentioned list, is liable to a penalty of £50, unless such person, so embarking, shall have a special license for that purpose, from the Superintendent of Water Police or a Resident Magistrate.

V.—No Master of a vessel about to proceed to sea, shall weigh anchor between the time of sunset and sunrise, without special permission from the Colonial Secretary, or the Resident Magistrate of the Port, nor without having given previous notice thereof to the Superintendent of Water Police, at least one hour before sunset; nor until such vessel shall have been duly examined and searched; and having weighed anchor, after such examination, such Master or the Pilot in charge, shall not suffer such vessel to be brought up or to land, nor to deviate from her course, within the limits of any such Port, unless compelled by stress of weather or other unavoidable cause; nor to be boarded by any boat or vessel whatever, except Harbour Master or Pilot boats, or Water Police or Custom boats, or any boat or boats belonging to such vessel, unless in cases of unavoidable necessity, under a penalty (14 Vic., No 20, s. 7.) of £50.

VI.—Any person who shall resist or obstruct any officer whilst searching for, or endeavouring to secure any person on board, or shall rescue, or attempt to rescue, or assist any such person, shall be guilty of a misdemeanor (14 Vic., No 20, s. 8.) and be punishable by fine and imprisonment.

VII.—The Master of every vessel in Port shall at all times, by day and night, have at least one seaman in charge of the deck of such vessel, and if such Master or seamen in charge do not answer the challenge of the Superintendent of Water Police or of any Justice of the Peace Officer of Customs, Water Policeman or Constable, he shall for-

feit the sum of £5. And every person having the charge of, or being on board any boat belonging to such vessel, who shall not answer such challenge shall (14 Vic., No 20, s. 9.) be liable to a penalty of £5.

VIII.—Any authorised person who shall go on board, or be, or remain alongside any ship or vessel in any port, at any time after sunset and before sunrise, without the permission of the Master, may be lodged in custody, and on conviction, such (14 Vic., No 20, s. 10.) person shall forfeit £50.

IX.—Any person who shall land or embark between sunset and sunrise, at any other place, in any port, than the place appointed by the Governor, (and which place will be indicated by the Boarding Officer, Pilot, or Harbour Master) is liable to a penalty of £10. And every person landing or embarking at such appointed place, between sunset and sunrise, shall report the fact of such landing, or the intention of such embarkation, to the (14 Vic., No 20, s. 12.) Superintendent of Water Police, under a penalty of £40.

X.—The Master of every vessel carrying guns, on arrival in Port, shall cause the shot to be taken (14 Vic., No 20 s. 13.) out of such guns, under a penalty of £5.

XI.—No person is allowed to land on the island of Rottneet, without having previously obtained a written permission from the Colonial Secretary or from the Government Resident at Fremantle; and any person who shall so land contrary to the Regulations promulgated by Proclamation issued in the Government Gazette of 4th of September, 1840, under 4th Victoria, No 1, will be liable to a penalty of £10.

XII.—Notice is given at Fremantle, when the bar is not passable, by a Ball, hoisted at the yard arm of the flag-staff on Arthur's Head.

ARTHUR SHENTON, Government Printer, St. George's Terrace, Perth.