



Government Gazette

EXTRAORDINARY OF WESTERN AUSTRALIA.

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*Colonial Secretary's Office,
Perth, 18th January, 1882.*

HIS Excellency the Governor has been pleased to direct the publication of the following correspondence for general information.

By His Excellency's Command,
GIFFORD,
Colonial Secretary.

No. 211.

WESTERN AUSTRALIA.

Government House, Perth,

MY LORD, 25th November, 1881.

With my Despatch No. 73 of the 25th June, 1880, I submitted to you the draft Land Regulations for the Kimberley District, which, subject to certain amendments, were approved by Your Lordship's Despatch No. 37 of the 14th September, and were subsequently included in the revised copy of the General Regulations forwarded by me with my Despatch No. 20 of the 21st January last. These revised Regulations having been carefully considered and recast in the Colonial Office, have been returned to me in print with Your Lordship's Despatch No. 61 of the 29th July, for final revision in the Colony, and on the return to Perth of the Surveyor General, who is now examining the route of the proposed Albany Railway, I hope to send back the draft print of the Regulations without further delay, and will gladly take advantage of Your Lordship's proposal to cause copies to be printed at home in pamphlet form.

2. In the meanwhile I have the honor to forward an Address from the Legislative Council, representing in effect that in the opinion of that body the Regulations for the Kimberley District are over-stringent, and recommending a modification of the same. A copy of the debate which took place in the Legislative Council is submitted for Your Lordship's consideration. It cannot, I think, be denied that a considerable portion of the land taken up in the first instance will revert to the Crown in consequence of the non-fulfilment of the stocking clauses. Whether this is due, as stated by Mr. Marmion, to the fact that an apprehension exists that the district may not turn out so well as was at first expected, or to any other cause, I think it is beyond a doubt that an extension of the time for stocking would promote the settlement of the district; and as the Legislature of the Colony is in favor of such extension I am not aware of any good reason why I should refrain from recommending the proposal to Your Lordship's favorable consideration.

3. It is further suggested by the Council that that portion of clause 12 of the Kimberley Regulations (revised print, Section 76) requiring that the proportion of stock provided for therein shall be upon the land comprised in each and every lease, should be amended, and that "it shall be sufficient if the said stock shall be within the district, and further that the possession of the stock by the Lessee shall for the purposes of the Regulations be considered a sufficient compliance therewith."

4. It is urged that if a Lessee holds several non-contiguous blocks in the district it is hard to compel him to keep his stock separated in the proportions required by the Regulations when it might otherwise be greatly to his advantage to be able to move the stock from one locality to another. In wet seasons, for instance, it is absolutely necessary to move the stock from the low lands in the neighbourhood of the rivers to higher and dryer situations; and as there is great weight in this argument, it appears to me, as to the Council, that so long as a Lessee maintains within the district the number of stock which the Regulations expect him to maintain in proportion to the acreage in his possession, there can be no great objection to assenting to the suggestion of the Council. No doubt the Regulations, if altered, will not provide so effectual a check against land-jobbing, but on the whole, regard being had to the injury likely to be inflicted on *bonâ fide* settlers by the existing rule, I feel justified in supporting the amendment proposed, and in submitting it for Your Lordship's approval.

5. I shall be glad if Your Lordship will communicate to me your decision on these points as soon as convenient, in order that I may make it known without waiting for the formal promulgation of the revised copy of the Regulations.

I have, &c.,
WILLIAM C. F. ROBINSON.

P.S.—A copy of the print of the Regulations prepared in the Colonial Office is returned herewith for convenience of reference.

The Right Honorable
The Earl of Kimberley,
&c., &c., &c.

[ENCLOSURE.]

To His Excellency Sir William Cleaver Francis Robinson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the territory of Western Australia and its Dependencies, &c., &c., &c.

The Legislative Council has the honor of submitting to Your Excellency the following Resolution adopted this day:

“That it is desirable that all leases of lands in the Kimberley District issued prior to 31st December, 1881, shall, notwithstanding any regulation to the contrary, not be liable to forfeiture for non-fulfilment of stocking conditions till 31st December, 1884.

“That all leases issued between 31st December, 1881, and 31st December, 1882, shall not be liable to forfeiture for non-fulfilment of stocking conditions till 31st December, 1885.

“That all leases issued between 31st December, 1882, and 31st December, 1883, shall not be liable to forfeiture for non-fulfilment of stocking conditions till 31st December, 1886.

“That all leases issued between 31st December, 1883, and 31st December, 1884, shall not be liable to forfeiture as aforesaid till 31st December, 1887.

“That all leases issued between 31st December, 1884, and 31st December, 1885, shall not be liable to forfeiture as aforesaid till 31st December, 1887.

“And that it is desirable to rescind that portion of Clause 12 of the Kimberley Regulations requiring that the proportion of stock provided for therein shall be upon the land comprised in each and every lease, and it is desirable to provide in lieu thereof that it shall be sufficient if the said stock shall be within the District. And further that the possession of the stock by the lessee shall for the purposes of the Regulations be considered a sufficient compliance therewith.”

16th September, 1881.

Telegram from Earl of Kimberley to Governor,
Western Australia.

London, 17th January, 1882.

Sixteenth. Kimberley Leases. Delay in stocking approved. Also principle of moving stock by genuine occupiers. Despatch follows.

KIMBERLEY.

NOTICE.

Commissioner of Railways' Office,

Perth, 18th January, 1882.

IN consequence of repairs being required to the Locomotives, Trains advertised to start from Fremantle at 10·15 a.m., 3·30 p.m., and 10 p.m., also those from Perth at 11·5 a.m., 4·20 p.m., and 10·50 p.m., will be discontinued until further notice.

By Command,

CLAYTON T. MASON,

Acting Commissioner of Railways.