



THE WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, NOVEMBER 5, 1850.

257

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-
Admiral of the same.

IN pursuance of the authority in me vested by a certain Act of the Imperial Parliament of Great Britain and Ireland, 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 Australian colonies," I do hereby notify and proclaim that the following portions of Crown Land will be offered for Sale, by Public Auction, by the Collector or Sub-Collectors of Revenue, at one o'clock, on the days and at the places hereinafter mentioned, at the upset prices affixed to each lot respectively, on the terms and conditions set forth in certain Land Regulations dated 14th June, 1843:

At *PERTH*, on *Wednesday, the 6th November next*,—

Guildford Building Allotment No. 177 Upset price £7.

At *PERTH*, on *Wednesday, the 8th January next*,—

Avon Location No. 72. Comprising 10 acres more or less, in form of a square, extending 10 chains NNW, and 10 chains WSW, from the Boundary Post near South corner of F. Whitfield's Location U 2. Upset price £1 per acre.

Given under my hand and Seal of the Colony, at *Perth*, this 4th day of *October, 1850*.

CHARLES FITZGERALD,
Governor, &c.

By His Excellency's command,
T. N. YULE.

Acting Colonial Secretary.

GOD SAVE THE QUEEN!!!

Colonial Secretary's Office, *Perth*,
October 18, 1850.

Depasturing Licenses.

ALL parties who may be desirous of obtaining Depasturing Licenses for the Year 1851, or of renewing those they already hold, are hereby reminded of the

necessity of making their application for the above purposes on or before the 1st of December next.

The present holders of Licenses neglecting to comply with this regulation will subject the same to forfeiture, and their runs being assigned to any other applicant.

By His Excellency's command,

T. N. YULE.

Acting Colonial Secretary,

Colonial Secretary's Office, *Perth*,
October 26, 1850

WHEREAS the practice of fishing from the Bridges or Causeways in the vicinity of *Perth*, is likely to result in serious injury to Passengers or to parties driving in carts or vehicles, the public are hereby warned that the same is contrary to the XVIII sec., of the Act 4 & 5 Vict. No. 17, which forbids any party to do or commit any act which shall cause or create any impediment, obstruction, nuisance, damage or annoyance in or to the free passage of any such line of communication, under a penalty of any sum not exceeding £5 over and above the amount of any damage occasioned thereby.

By His Excellency's command,

T. N. YULE,

Acting Colonial Secretary,

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-
Admiral of the same.

IN pursuance of the authority in me vested by a certain Act of the Imperial Parliament of Great Britain and Ireland, 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 Australian colonies." I do hereby notify and proclaim that the following portion of land will be offered for Sale by Public Auction, by the Sub-Collector of Revenue, at *Fremantle*, on *Wednesday the 27th November next*,

at 1 o'clock, at the upset price affixed thereto, on the terms and conditions set forth in certain Land Regulations, dated 14th June, 1843:

Fremantle Building Allotment No. 65. Upset price £20. Subject to the erection of a Wall.

Given under my hand and Seal of the Colony at Perth, this 29th day of Oct., 1850.

CHARLES FITZGERALD,
Governor, &c.

By His Excellency's command,
C. A. J. PIESSE,
Colonial Secretary.

GOD SAVE THE QUEEN!!

*Colonial Secretary's Office, Perth,
October 29, 1850.*

HIS Excellency the Governor directs it to be notified for the information of the public, that CHARLES ALEXANDER JOHN PIESSE, Esq., has been appointed under the Royal Sign Manual, to be Colonial Secretary of this territory, and has this day taken the oaths of office.

By His Excellency's command,
T. N. YULE.

Acting Colonial Secretary.

*Colonial Secretary's Office, Perth,
October 29, 1850.*

HIS Excellency the Governor has been pleased to appoint the HONORABLE CHARLES ALEXANDER JOHN PIESSE, Esq., Colonial Secretary, to be a Magistrate of this Territory.

By His Excellency's command,
T. N. YULE,

Acting Colonial Secretary.

*Colonial Secretary's Office, Perth,
October 31, 1850.*

IT is hereby notified for general information, that it is intended to complete a Survey of the following lines of road, to be cleared and opened for use as public lines of communication, pursuant to the provisions of existing Ordinances:—

1st. From Guildford to the new bridge over the Upper Swan River, by way of the bridges across Woodbridge, Jane's, and Susannah Brooks respectively, together with a branch connecting the above road with the detached road on right bank of Swan River, at some convenient spot for bridging the Middle Swan.

2nd. From the aforesaid bridge over the Upper Swan to Cruise's Mill on a tributary to Ellen's Brook, so as to join the road on right bank of the Swan already declared.

3rd. From the aforesaid bridge over the Upper Swan, to the Benedictine's station at Mourrin, on the Moore River, by way of Ellen's Brook and Bindoon.

By His Excellency's command,
C. A. J. PIESSE,
Colonial Secretary.

GOVERNMENT TENDERS

*Colonial Secretary's Office, Perth,
October 26, 1850.*

TENDERS (*in duplicate*), will be received at this office, up to 12 o'clock on Tuesday the 12th of November next, for fixing two Framed Partitions, and two Six Panelled Doors in the Messenger's room, Public Offices, also for making an Office Table for Colonial Secretary's Department.

For further particulars application to be made to the Superintendent of Public Works or Colonial Secretary.

By His Excellency's command,
T. N. YULE,
Acting Colonial Secretary,

*Colonial Secretary's Office, Perth,
October 23, 1850.*

Tenders for Wheat.

TENDERS (*in duplicate*) will be received at this Office, up to 12 o'clock on TUESDAY, the 19th November next, from such parties as may be willing to supply WHEAT for the use of Government, the produce of the harvest of 1850-51.

The quantity required will be 3,000 bushels, and no Tender will be accepted for a less quantity than 100 bushels.

Each Tender must state the price per bushel deliverable at Cruise's Mill, Steam Mill, Guildford; Windmill near Perth, or Water Mill, Perth, bags included.

Tenders will also be received for the whole or any part of the above quantity in 12 per cent Flour, deliverable at the Commissariat Store, Perth.

Both Wheat and Flour to be subject to approval.

The Contracts to be concluded on or before the 25th of March, 1851. Payment of which will be made in Cash or Treasury Bills.

By His Excellency's command,
T. N. YULE.

Acting Colonial Secretary,

*Return of the Revenue of the Colony of Western Australia
for the Quarter ending 30th of September, 1850.*

	£	s.	d.
Customs	1977	8	10
Harbor Dues	29	6	0
Land Sales	770	15	8
Land Revenue	97	0	0
Rents (exclusive of land)	42	17	9
Transfer Duties	9	15	0
Auction Duties	33	5	9
Licenses	37	0	3
Postage	90	7	9
Judicial Fines and Fees of Court	15	15	9
Fees of Public Offices	197	12	6
Reimbursements in aid of expenses incurred by Government	12	9	6
Special Receipts	29	15	6
	3343	10	3
Receipts in aid on account of the Parliamen- tary Grant	1728	18	8
Total	£ 5072	8	11

W. KNIGHT,
Auditor General.

*Abstract of the Expenditure of the Colony of Western Australia,
for the Quarter ending 30th September, 1850.*

	£	s.	d.	£	s.	d.
Salaries	2239	16	8			
Ditto provisional and temporary	8	10	0			
Allowances	202	8	10			
Office contingencies	51	17	11			
Total Establishments	2502	13	5			
Revenue Services	23	5	0			
Administration of Justice	56	3	3			
Charitable allowances	10	4	11			
Education	16	12	8			
Hospitals	66	12	7			
Police and Gaols	462	15	8			
Rent	5	0	0			
Transport	31	11	9			
Conveyance of Mails	64	15	5			
Works and Buildings	85	9	8			
Roads, Streets, &c.	167	0	6			
Miscellaneous Services	7	14	9			
Interest	64	7	6			
Government Vessels	230	9	1			
Aborigines	46	5	6			
Harbor Master	24	2	4			
	1362	10	7			
Total	£3,965	4	0			

W. KNIGHT,
Auditor General.

*Colonial Secretary's Office, Perth,
November 2, 1850.*

WEEKLY REPORT OF LICENSES ISSUED.

Depasturing Licenses.

James Knight, 20,000 acres, Vasse district.

Timber Licenses.

G. Embleton, 2 men, 1 month.

By His Excellency's command,
C. J. A. PIESSE,
Colonial Secretary.

*Colonial Secretary's Office, Perth,
November 1, 1850.*

HIS Excellency the Governor has been pleased to direct the publication of a General Order which has been issued by

the Honorable the Commandant, giving publicity to, and putting into operation in this colony, the Mutiny Act for the current year in conformity with the 104th clause of the said Act.

By His Excellency's command,
C. A. J. PIESSE,
Colonial Secretary.

Commandant's Office, Perth, Oct. 30, 1850.

GENERAL ORDER.

The Act of Parliament for punishing Mutiny and Desertion, passed the 25th day of March, 1850, having been received at this station, notice is hereby given, that by virtue of the 104th clause of the said Act, it is, and will continue in force in this colony from the date of this promulgation inclusive, until the 1st day of February, 1853, or until the receipt and promulgation in General Orders of the Mutiny Act for the ensuing year.

F. C. IRWIN,
Lieut. Col. and Commandant.

Colonial Secretary's Office, Perth,
October 30, 1850.

NOTICE.

HIS Excellency the Governor has directed the following letter, relative to the probable arrival in this Colony of a number of young Females, adapted for domestic servants, early in the ensuing year, to be made public, for the general information of the colonists.

By His Excellency's command,
C. A. J. PIESSE,
Colonial Secretary.

Colonial Assurance Company,
Limé Street Chambers,
(Next the East India House),
London, July 15, 1850.

MADAM,—I am instructed by the Board of Directors to inform you, that they contemplate making arrangements for sending to Western Australia a number of young females of good character and well trained in household duties, who they hope may prove a valuable acquisition to the settlement.

I have further to state, that as it will be indispensable to the success of this experiment, that the girls should be received on arrival, and assisted in settlement by the superintendence of ladies' of station in the colony, the Directors beg to express their respectful but earnest request and hope, that this important duty will be kindly undertaken by those ladies' who have already evinced their benevolent desire for the best interests of the colony, by accepting the office of Committee to the Perth Girls and Infant Schools.

It is probable that the girls will be selected from that class under the management of what is called Mr. Sydney Herbert's committee, and will sail about the 1st September, nothing is however positively arranged upon this subject.

In the hope that the ladies' committee will not decline the task of such general interest to the public, I shall have the honor to communicate from time to time all information about our proceedings on the subject.

And remain, &c.,
MARK DYETT,
Secretary.

Counter signed,
R. W. NASH,
Manager for the Colonies.

To the Secretary of
The Ladies' Committee of
The Girls and Infant Schools,
Perth, Western Australia.

General Post Office, Perth,
October 28, 1850.

Notice is hereby given for the information of the public, that from this date, during the summer months, the Fremantle Mail will be dispatched from this Office at 3 p.m., instead of 2 p.m. as heretofore.

A. HELMICH,
Post Master General.

Colonial Secretary's Office, Perth,
October 29, 1850.

H. E. the Governor directs the publication of the following despatch received from the Right Hon. the Secretary of State for the Colonies, conveying instructions for the Governor's guidance, in framing the Regulations for the leasing of Crown Lands; in consequence, however, of the non-arrival of the Order in Council alluded to by the Despatch, His Excellency is unable to establish the Depasturing Regulations, and the public are apprised that it will be impossible to dispose of any applications for lands, under the new system to be adopted, until the receipt of that Order in Council, which distinctly defines the lands that are to be classed A and B.

Should any unavoidable delay occur in the receipt of the Order in Council, which would induce the Governor to issue Depasturing Licenses, under existing regulations, for another twelvemonth, such a measure will not preclude the re-arrangement of the licenses in conformity with the instructions contained in such Order in Council, so soon as the same may come to hand.—*By His Excellency's command,*
T. N. YULE, *Acting Colonial Secretary.*

Downing-street, 23rd May, 1850.

Sir,—I have received your Dispatch No. 69, of the 24th of July last, enclosing for my consideration, three schemes for regulating the occupation of Waste Lands in Western Australia, of which one has been prepared by a committee of your own appointment, another adopted by a Public Meeting held for the purpose of considering the regulations proposed by the committee, and the third, framed by yourself, after a consideration of the two first.

II. I enclose an Order in Council, embodying in a great measure the suggestions of yourself and the committee, the principles of which, as you seem to have anticipated, I think clearly preferable to those advocated by the public meeting.

III. The following, you will observe, to be the leading provisions of the Order in Council now forwarded to you:—

The lands of the Colony are divided into class A and class B.

Within the limits of class A you are empowered to grant pastoral leases not exceeding one year in duration.

Within the limits of class B you are empowered to grant pastoral leases for eight years, at an annual rent of not less than £5, with the addition of ten shillings for every 1000 acres of land comprised in the lease. At the expiration of each year any part of the land leased may be sold by auction subject to right of pre-emption in the lease, and to the obligation of compensating him for any improvements effected on the land. During the currency of the lease, you are authorised to sell to the lessee, at its unimproved value, any part of the land held by him. And you are empowered to grant leases of runs, without competition, to existing occupants or applicants for land which has never been occupied. In all other cases, such leases are to be disposed of by auction.

IV. Throughout the whole colony you are entitled to grant tillage leases for eight years, of lots of land not exceeding 320 acres, with the power, as in the case of pastoral leases, of selling any part of the land without competition to the lessee during the currency of his lease. The annual rent is not to be less than £10 in the whole, nor than two shillings an acre, and the size of the lots sold is not to be less than ten acres. Tillage leases are also to be disposed of by auction, except, where they comprise land already included in any pastoral lease.

V. No leases framed in virtue of this Order in Council, whether pastoral or tillage leases, are to convey a perpetual right of renewal, but you are empowered to insert in any tillage lease, or in any pastoral lease of land within the limits of class B, a clause giving the lessee, on certain conditions, to be determined by yourself, the right to a single

renewal for a period not exceeding eight years. In no case is a lessee entitled to any compensation for his improvements after the expiration, abandonment, or forfeiture of his lease. With regard to the interest conveyed by these leases, you will observe that it is expressly provided by the 5th chapter of the Order in Council, (clause 7), that no pastoral lease shall preclude natives from seeking their subsistence over the run in their accustomed manner, nor settlers from passing over or examining the capabilities of the land; while the 4th clause of the same chapter gives you the fullest power to insert in all leases, such conditions and clauses of forfeiture as may be necessary for the protection of the public interest in these or any other respects.

VI. The terms of the Order in council, will, I hope, be found sufficiently explicit in all matters for which it is intended to provide, but you will observe a great deal is left by it to your own discretion. You are, for the most part, not obliged, but only empowered, to grant leases—to insert in those leases clauses of forfeiture and renewal—to determine the conditions on which that renewal is to take place, and to sell land without competition. The mode in which you intend to exercise this discretion must of course be communicated to the public in the form of Government Regulations; by which you will be able to prescribe the extent to which lessees or purchasers shall be charged with the cost of survey—the amount of deposit which will be required from them—the forms of runs or of tillage lots—the conditions to be inserted in clauses of renewal, and all other necessary matters of detail. On most of these points, I have no wish to fetter your discretion; you will be at liberty to follow the course most in accordance with the present practice, with such modifications as the experience of yourself, or of the officers by whom you are assisted may suggest. But on two points, viz., the terms on which leases are to be renewed, and the mode in which they are to be disposed of, it is necessary to explain the general principles by which I wish you to be guided.

VII. The leases in which you are authorized to insert a clause of renewal may be considered under three classes—first—tillage leases of land, not comprised within any run; 2ndly, tillage leases comprised within a run; and 3rdly, pastoral leases within the limits of class B.

VIII. In granting leases of the first class, the principal object to be kept in view is that of enabling persons of small means to cultivate land without the expense of immediate purchase. But in the meantime it is desirable that the Government Regulations should leave them under every inducement to purchase, as soon as their means admit, the land which they are bringing under cultivation. On the latter ground you will observe that I have not been able to sanction the very low rent which it was proposed to reserve on their leases, and with the same view I think, that the lessees right of renewal might properly be made contingent on his having purchased (at the unimproved value) during the currency of his lease, a certain proportion of the land let to him. If this proportion were taken at one quarter, (and I certainly think it should not be less,) the result would be that the occupier of 100 acres, which would be practically the minimum extent of a tillage lease, would be able to secure a renewal by expending £25 in land during his eight years lease, while a maximum lease of 320 acres would be renewable on the expenditure of £80. It appears to me that any person who was cultivating his land profitably (and it is for such persons that regulations like the present must be framed) could hardly be embarrassed by the necessity of such an expenditure.

IX. Holdings of the second class will possess a different value, and be held by a different class of persons. The committee appear to have anticipated much difficulty in allowing the stockholder to cultivate his run without at the same time allowing him to sell his produce, and they propose to meet this difficulty by simply removing the obstruction. It has appeared to me, however, that without conferring on the stockholders this unlimited power of using for agricultural purposes, land which is let on a mere pasture rent, the object of the committee will be answered by enabling the occupants of pastoral land to obtain tillage leases of such portions of land as they may wish to use for cultivation. Such leases therefore will probably comprise the homestead and improvements of the stock holder, and will be valuable not merely for their agricultural use, but as commanding, or at least subsidiary to the run of which they will form a part. They should therefore as far as possible, be made appendant to pastoral leases—should determine when the pastoral lease expires, and become *ipso facto* renewable if the pastoral lease is renewed. The renewal clause inserted in any lease of this class should be so framed as most effectually to carry out this object.

X. In leases of the third class—that is pastoral leases within the limits of Class B, there is no peculiarity which so clearly points out the conditions on which they should be made renewable. On the whole, however, I think it best that the lessee should be enabled to claim a renewal of his lease, if before its expiration he should either have purchased a stated portion of the land comprised in it, or it should be certified by the proper officer that the land is properly stocked, and that improvements of a prescribed value have been effected on it during the preceding eight years. What precise amount of purchase, or of improvements should be required, I leave for your own discretion I think, however that the sum spent in the purchase of land or in improvements should certainly not be less than £1 for every 100 acres under lease, and I see no reason why it should not be raised much above that amount.

XI. The other point on which explanation appears to be necessary is the mode of disposing of leases. You will observe that the Order in Council leaves you at liberty to grant pastoral leases without competition to the persons who at present occupy, or may hereafter be the first to discover and appropriate runs; and to grant tillage leases of land comprised within any run, also without competition, to the lessee of that run. Such grants you may properly make without requiring any larger payment from the lessee, than is necessary to secure the government from bearing an undue proportion of the preliminary expenses. But in all other cases pastoral and tillage leases should alike be disposed of by auction, the competition, if any, turning not on the amount of rent, but on the premium to be paid for the lease.

XII. With this general explanation of the principles by which I should wish you to be guided, I do not think that you will find any difficulty in supplying the necessary regulations as to details. I enclose, however, papers by which you will see what regulations have been adopted in the neighbouring colonies on this subject, and which may be of some assistance to you in forming those for Western Australia.

I have honor, &c.,
GREY.

Governor Fitzgerald,
&c., &c., &c.

Printed by Arthur Shenton, Government Printer,
Adelaide Terrace, Perth.