



THE WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, DECEMBER 17.

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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
vested by a certain Act of the Impe-
rial Parliament of Great Britain and Ire-
land, passed in the 5th and 6th years of
Her Majesty's reign, intituled "An Act
for regulating the sale of Waste Lands be-
longing to the Crown in the Australian co-
lonies." I do hereby notify and proclaim
that the following portions of Crown Land
will be offered for Sale, by Public Auction,
by the Collector of Revenue, at Perth, at
one o'clock, on Wednesday, the 8th Janu-
ary next, at the upset price affixed thereto
on the terms and conditions set forth in
certain Land Regulations dated 14th June,
1843:—

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!!!

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 Impe-
rial Parliament of Great Britain and Ire-
land, passed in the 5th and 6th years of
Her Majesty's reign, intituled "An Act
for regulating the Sale of Waste Lands

Colonies." I do hereby notify and pro-
claim that the following portions of land
will be offered for Sale by Public Auction
by the Sub-Collector of Revenue, at Fre-
mantle, on Thursday, the 2nd January
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. 160. Upset
price £20.

Fremantle Building Allotment No. 428; upset
price £20. Subject to the erection of a wall.
Fremantle Building Allotment No. 429. Upset
price £20; subject to the erection of a wall.

Fremantle Building Allotment No. 567. Upset
price £20.

Fremantle Building Allotment No. 556. Upset
price £20.

Fremantle Building Allotment, No. 535. Up-
set price, £20.

Given under my hand and Seal of the Colony
at Perth, this 22nd day of November,
1850.

CHARLES FITZGERALD,
Governor, &c.

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

GOD SAVE THE QUEEN!!!

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 Impe-
rial Parliament of Great Britain and Ire-
land, passed in the 5th and 6th years of
Her Majesty's reign, intituled, "An Act
for regulating the sale of Waste Lands be-
longing to the crown in the Australian co-
lonies." I do hereby notify and proclaim that
the following portions of land will be offered
for Sale by Public Auction by the Collec-
tor or Sub-Collectors of Revenue, at one
o'clock on the days and at the places here-
inafter mentioned, at the upset price affixed

lations dated 14th June, 1843.

At **PERTH**, on *Wednesday, the 22nd January 1851* :—

Swan Location No. 122—Comprising 10 acres more or less, with frontage on Melville Water, adjoining North boundary of Gallop's Location No. 85—the South boundary being 8 chains in length, and the West boundary 8 chains 87 links. Upset price £1 10s. $\frac{1}{2}$ acre.

At **BUNBURY**, on *Wednesday the 22nd January, 1851* :—

Bunbury Building Allotments Nos. 99 and 100 Upset price £10 each lot.

Given under my hand and Seal of the Colony, at Perth this 13th day of December, 1850.

CHARLES FITZGERALD,
Governor, &c.

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

GOD SAVE THE QUEEN!!!

Postage on Parcels.

*Colonial Secretary's Office, Perth,
December 12, 1850.*

HIS Excellency the Governor directs it to be notified for general information that all Ship Parcels passing through any of the Post Offices in this colony, will be charged postage at the rate of (6d.) sixpence per pound weight, provided the parties to whom they are addressed do not object to their being opened by the Postmaster, to ascertain if any letters are enclosed therewith, in which case, the letters will be charged the usual rate of postage in addition to the above charge upon the parcel.

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

NOTICE is hereby given that the next General Annual Licensing Meeting for the district of Perth, will be held at the Court House at Perth, on Tuesday, the 31st day of December inst., at ten o'clock in the forenoon.

GEO. FRED. STONE,
Clerk to the Magistrates.

Licensing Meeting, Guildford.

NOTICE is hereby given that a General Annual Licensing Meeting of Her Majesty's Justices of the Peace, acting in and for the district of Guildford, will be holden on Monday, the 30th day of December, at the Court House, at 11 o'clock in the forenoon, for the purpose of receiving applications for Licensing Public Houses for the ensuing year.

E. H. DE BURGH,
Clerk to the Magistrates.

Licensing Meeting, Toodyay.

NOTICE is hereby given that a General Annual Licensing Meeting of Her Majesty's Justices of the Peace, acting for the Toodyay and Northam districts, will be holden on Monday, the 30th day of December, at the Court House Toodyay, at 12 o'clock in the forenoon.

J. S. HARRIS,
Resident Magistrate.

Licensing Meeting, Bunbury.

NOTICE is hereby given that a General Annual Licensing Meeting of Her Majesty's Justices of the Peace, acting in and for the district of Wellington, will be holden on Tuesday, the 31st day of

December, at 11 o'clock in the forenoon, for the purpose of receiving applications for Licenses to keep Public Houses, Slaughter Houses, and to ply Boats for hire, during the ensuing year.

GEORGE ELIOT,
Resident Magistrate.

*Colonial Secretary's Office, Perth,
December 9, 1850.*

TENDERS (*in duplicate*), will be received at this office, up to 12 o'clock on Tuesday, the 24th instant, for Water Transport to and from Fremantle, Perth, Upper Swan, and the Out Ports.

Tenders to specify—

For stores and Baggage at $\frac{1}{2}$ ton.

For Passengers and prisoners at $\frac{1}{2}$ head.

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

MEMORANDUM.

*Colonial Secretary's Office, Perth,
December 13, 1850.*

WITH reference to the Order in Council of Her Majesty, for the leasing of Crown lands, &c., His Excellency the Governor directs it to be notified for general information, that a Proclamation will be made as soon as the Regulations for carrying out this order are framed by the Governor in Executive Council, stating the exact period from which such Order will have the force of law. But with the view of accommodating those parties wishing to obtain tillage leases for the year 1851, applications for such leases will be received at once, to prevent the inconvenience of waiting the time necessary for framing these bye laws; but no such tillage lease so granted for the year 1851, will be considered to confer on the party holding the same, any right of renewal or other privilege connected therewith, and all interest in the same will absolutely cease and determine on the expiration of the lease.

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

At the Court at Buckingham Palace, the 22nd day of March, 1850. Present—

The Queen's Most Excellent Majesty

His Royal Highness Prince Albert

Lord President Earl Grey

Lord steward Lord John Russell

Lord Chamberlain Sir John Hobhouse, Bt.

Earl of Carlisle Sir George Grey, Bart.

Whereas by an act passed in the 10th year of the reign of her present majesty, intituled "an act to amend an act for regulating the sale of waste lands belonging to the crown in the Australian Colonies, and to make further provision for the management thereof," after reciting that it might be expedient that various rules and regulations should be made respecting the more effectually making demises or licenses of the waste lands of the crown in the colonies of New South Wales, South Australia, and Western Australia, for any term of years, not exceeding fourteen, and respecting the reservation on such demises or licenses of any such rents or other pecuniary services, and respecting the insertion therein of such conditions and clauses of forfeitures as therein are mentioned, and respecting the division of the said colonies into districts, within which alone such demises or licenses might be made to take effect, and respecting the renewal of any such demises or licenses, and respecting the conflicting claims of different persons to obtain any such demise or license, and respecting any right of pre-emption, which it might be proper to give to the holders of any such demise or license, and respecting the forfeiture of any such demises or licenses on the conviction of any holders thereof of certain offences in any such

colony, and respecting any other matters or things which might be requisite either for carrying into more complete effect, the occupation in manner therein mentioned, of such waste lands as aforesaid, or for preventing the abuses incident thereto, it was enacted, that it should be lawful for her majesty by any order in council to make and establish all such rules and regulations as to her majesty may seem meet, for the purposes aforesaid or for any of them, and that all such Orders in Council, should have the force and effect of law in the colonies aforesaid.

And whereas it is expedient that rules should be made for regulating the occupation of the waste lands of the crown in the colony of Western Australia, it is hereby ordered by the Queen's most excellent majesty, by and with the advice of the Privy Council, that from and after the proclamation of this Order in Council, in the said Colony of Western Australia, the rules and regulations comprised in the following chapters, shall in the said Colony of Western Australia, be observed and have the force and effect of law.

And it is further ordered, that for the purposes of the present Order, the term Governor shall signify the person who for the time being shall be lawfully administering the government of the said Colony, and the term "tillage lease" shall signify a lease giving the lessee the right of cultivating the land comprised therein, and the term "pastoral lease," shall signify a lease giving to the holder thereof, the right of occupying the land comprised therein for pastoral purposes exclusively, and the term "run" shall signify the tract of land comprised in any pastoral lease, and the term "lessee" shall include the executors, administrators and assigns of such lessee, and unless there be something in the matter or context repugnant thereto, every word importing the singular number shall include several persons, matters, or things, as well as one person, matter, or thing, and every word importing the plural number shall include one person, or thing, as well as several persons or things, and every word importing the masculine gender only shall include female.

CHAPTER I.

Regulations as to the division of Lands.

I. For the purposes of the present Order in Council the lands in the colony of Western Australia, shall be considered as divided in two classes denominated respectively, class A and Class B.

II. Class A shall comprehend—1st.—All lands which may be within the distance of three miles from the outer boundary of any occupied townsite or of one mile from any land granted in fee simple at the time when these Regulations shall come into force.

2ndly.—Land which may be within the distance of two miles of any part of the sea coast.

3rdly.—Land which may be within the distance of two miles from either of the two opposite banks of the following rivers or inlets—

The Swan from Fremantle to Toodyay townsite.
The Avon from Toodyay to Beverley townsite.
The Toodyay from Toodyay to Bijoording.
The Canning from Melville Water to the Darling Range.

The Murray from Peel's Inlet to the Darling Range.

The Collic from Leschenault Inlet to the Darling Range.

The Fitzgerald from the sea to twenty-five miles inland in a straight line.

The Phillips' River and Culham Inlet, to 25 miles from the sea in a straight line.

III. Class B shall comprehend all other lands of the colony open for location.

CHAPTER II.

Regulations as to Tillage Leases.

I. It shall be competent to the Governor to grant tillage leases to such persons as he may think fit, for any term or terms of years not exceeding 8 years.

II. The annual rent reserved in any such lease shall not be less than £10 in all, nor less than 2s. per acre, on the land comprised in any such lease, which shall in no case exceed 320 acres.

III. It shall be competent for the Governor to sell to any person who shall be in actual occupation of lands under any tillage lease, any part of such lands for their fair value, in an unimproved state. Provided nevertheless, that the size of the lot shall not be less than 10 acres, nor the price less than the general minimum price for the time being. If the Governor shall think that a higher price ought to be demanded, the value shall be de-

IV. It shall be competent for the Governor to insert in any tillage leases, a clause entitling the lessee, subject to such conditions as the said Governor shall seem fit to claim at the expiration of such lease, a renewal of the same for a further period not exceeding eight years.

V. On the determination of any tillage lease, the lands comprised therein and all improvements thereon, shall in the absence of any right of renewal, or in case the lessee shall not avail himself thereof, revert unconditionally to the crown.

VI. Tillage leases of lands not also comprised within any pastoral lease, shall be disposed of by Public Auction.

CHAPTER III.

Regulations as to lands within the limits of Class A

Within the limits of Class A it shall be competent for the Governor to grant pastoral leases to such persons as he may think fit, for terms not exceeding one year.

CHAPTER IV.

Regulations as to lands within the limits of Class B

I. Within the limits of Class B it shall be competent for the Governor to grant pastoral leases for terms not exceeding eight years, and to insert therein such clauses of renewal as herein-before provided for with regard to tillage leases.

II. It shall be competent to the Governor to sell to any person who shall be in actual occupation of a run under any pastoral lease, any part of such run at its fair value in an unimproved state. Provided, nevertheless, that the price of the land sold shall not be less than the general minimum price for the time being. If the Governor shall think that a higher price ought to be demanded, the price shall be fixed by valuation.

III. It shall be competent for the Governor at the end of each successive year from the date of each pastoral lease, to offer for sale all or any part of the land occupied therein (and being also comprised in any tillage lease), subject nevertheless to the following conditions:—

First, the Governor shall give 60 days notice of any intended sale, either by advertisement in the *Government Gazette* or by some other sufficient method.

Secondly, the lessee shall have the option of purchasing the land offered for sale on the terms prescribed in the last preceding section.

Thirdly, if the lessee declines to purchase, the value of any improvements effected on the land (which however shall in no case be estimated at more than the actual outlay made by the lessee), shall be ascertained by valuation.

Fourthly, the upset price of the land shall then consist of the joint value of the land and of the improvements. If the land be sold the value of the improvements shall be paid over to the lessee, and only the balance be retained by the Government.

IV. The rent to be paid for each run shall never be less than the following, viz:—£5 per annum with an addition of 10s per annum for every 1000 acres comprised in the lease. But in computing the acreage of any run, the Governor may exclude from the computation any tract of land which is reported to him by the proper officer to be unavailable for pastoral purposes.

V. All persons who shall be in licensed occupation of Crown land when these Regulations shall come into force, and shall within three calendar months thereafter, apply to the Governor for pastoral leases of the lands respectively held by them, shall be entitled to a preference in obtaining such leases.

VI. Any person desiring to obtain a pastoral lease of land, which has never been occupied before, shall send in an application for the same at such time and place, and in such form as may be appointed by the Governor in respect to such applications, and shall set forth in his application a clear description of the boundaries of the run, for which he applies, and it shall be competent for the Governor to grant to the person so applying, a pastoral lease of such run on the terms herein-before prescribed.

VII. If the boundary of any run applied for under either of the two last preceding sections shall not be in conformity with any colonial regulations then in force, or if any part of such run shall be within class A., or shall be applied for by any other person, the Governor or other officer authorised by him may declare what shall be the boundaries of such run.

VIII. Pastoral leases of land which have been occupied and have become vacant by forfeiture or other determination of a previous pastoral lease shall be disposed of by public auction.

IX. It shall be competent for the Governor with the advice of his Executive Council, at any time within 3 months

proclamation in the Government Gazette, that all or any of the lands comprised in such lease which may be within one mile of any lands which have been granted in fee by the Crown shall thereafter be deemed to be within class A.

CHAPTER V.

Miscellaneous Regulations.

The rents reserved under the provisions of the Order in Council, are to be reserved and paid without abatement on account of the existing or any future assessment of taxes or rates on sheep and cattle, and are in no way to interfere with the right of the colonial legislature to impose from time to time such assessments as may be deemed advisable.

II. Every such rent shall be paid yearly in advance, at such time and place as shall be specified in the lease. If the rent be not paid on the prescribed rent day, the lease shall be absolutely and indefeasibly forfeited unless within 60 days of such rent day the lessee shall duly pay the full amount of the annual rent, together with an additional sum equal to one fourth part of the same.

III. All leases made under authority of this Order in Council, shall be transferable under such conditions and in such manner as shall be prescribed by the Governor.

IV. It shall be competent to the Governor to insert in any such lease such conditions and clauses of forfeiture as may seem to him to be required by the public interest.

V. Nothing in this Order in Council shall prevent the Governor from excepting out of any sale or lease, all such lands as it may appear to him expedient to reserve for any of the public uses for which it is enacted by the third clause of an act, passed in the 6th year of Her present Majesty, intituled, "An Act for regulating the sale of Waste Lands belonging to the Crown in the Australian colonies," that lands required for public uses may be excepted from sales authorised by that Act, or which in his opinion would, it sold, give the purchaser an undue command over water required for the beneficial occupation or cultivation of other lands.

VI. Nothing in this Order in Council or in any pastoral lease to be granted under the provisions thereof, shall prevent the said Governor from making grants or sales of any lands comprised in such lease for public purposes, nor from entering upon and disposing of in such other manner as for the public interest may seem best, such lands as may be required for the sites of churches, schools, or parsonages, or for the construction of high roads or railways and railway stations, or other internal communications, whether by land or water, or for the use or benefit of the aboriginal inhabitants of the country, or for public buildings, or as places for the interment of the dead, or places for the recreation

and amusement of the inhabitants of any town or village, or as the sites of public quays, or landing places on the sea coast or shores of navigable streams, or for the purpose of sinking shafts and digging for coal, iron, copper, lead or other minerals, or for any other purpose of public defence, safety, utility, convenience, or enjoyment, or for otherwise facilitating the improvement and settlement of the colony, but so that the quantity of land which may be granted or sold to any railway company shall not exceed in all the rate of 100 acres for every mile thereof in length.

VII. Nothing contained in any pastoral lease shall prevent the aboriginal natives of this colony from entering upon the lands comprised therein, and seeking their subsistence therefrom in their accustomed manner, or shall prevent any inhabitants of the colony from passing over the said lands, or from examining the said minerals and other capabilities of the same, or from doing all things necessary for the purpose of such examination, paying nevertheless to the lessee full compensation for any damage accruing to him therefrom.

VIII. A lease shall be liable to forfeiture in 3 modes:—

1st. It shall be forfeited for non-payment of rent as hereinafter provided.

2nd. It shall be forfeited absolutely, immediately upon any conviction for felony against the lessee, and

3rd. In the event of his conviction by a Justice of the Peace for any offence against the law, the case may within 3 months after such conviction, be enquired into by two or more Justices, who, if they think fit, may adjudge the lease to be forfeited, with or without compensation for the value of the improvement, according to the nature of the offence.

Provided always that no such adjudication of forfeiture pronounced by the Justices shall take effect until confirmed by the Governor.

For the purpose of making any valuation required under the provision of this Order in Council, one competent valuer shall be appointed by the Governor and another by the lessee. Any difference of opinion between such valuers shall be determined by an umpire to be appointed by themselves, or in case they shall not agree in such appointment by the Governor.

And the Right Honorable Earl Grey, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

W. L. BATHURST.

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