



## THE WESTERN AUSTRALIAN GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, APRIL 8, 1851.

279

### Proclamation.

*By His Excellency CHARLES FITZGERALD, Esquire, Commander in the Royal Navy, Governor and Commander-in-Chief, in and over the Territory of Western Australia 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 land will be offered for Sale by Public Auction, by the Sub-Collector of Revenue, at Fremantle, at one o'clock, on Thursday, the 1st May next, at the upset price affixed thereto, on the terms and conditions set forth in certain Land Regulations dated 14th June, 1843.

Fremantle Town Allotment 185. Upset price £20.

Fremantle Suburban Lot No. 9, containing 5 acres. Upset price £3 per acre.

*Given under my hand and the Public Seal of the Colony at Perth, this 29th day of March, 1851.*

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 Australia 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 pro-

claim that the following portions of land will be offered for Sale by Public Auction by the Collector of Revenue, at Perth, at 1 o'clock, on Wednesday, 9th April next, at the upset price affixed thereto on the terms and conditions set forth in certain Land Regulations, dated 14th June, 1843:—

Guildford allotments Nos. 36 and 51. Upset price £7 each lot.

Perth building allotment V 35. Upset price £12.

*Given under my hand and the Public Seal of the Colony at Perth, this 15th day of March, 1851.*

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 Australia 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 of Revenue, at Perth, at 1 o'clock, on the days hereinafter mentioned, at the upset price affixed thereto, on the terms and conditions set forth in certain Land Regulations dated 14th June, 1843:—

*On Wednesday, 9th April,—*

Melbourne Location, No. 5, comprising (10) ten acres, more or less, in form of a square, lying true north and south true east and west, the north boundary extending 3 chains west and 7 chains east from a spot 20 links south from a gum tree marked 1X and with a broad arrow on the western edge of Yatheru Spring. Upset price £1 per acre  
*Given under my hand and Seal of the Colony*

at Perth, this 21st day of February,  
1851.

CHARLES FITZGERALD,  
Governor, &c.

By His Excellency's command,  
For the Colonial Secretary,  
E. C. SOUPER, Chief Clerk.  
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 Crown Land  
will be offered for Sale, by Public Auction,  
by the Collector and Sub-Collectors of Reve-  
nue on the days and at the places hereinafter  
mentioned, 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:—

At Perth, on Wednesday, the 7th May,—

Cockburn Sound Location, No. 31,—comprising  
(40) forty acres, more or less, in form of a square,  
as marked on the ground about 3 miles NNW from  
J. Gible's location No. 27 on the Serpentine, and  
half-a-mile East from the east boundary of Mr.  
Peel's location No. 16. Upset price £1 per acre.

Perth building lot W No. 1. Upset price £12.

York building lot No. 3. Upset price £6.

At Fremantle, on Thursday, 1st May,—

Fremantle lots Nos. 202, 233, 339, 580. Upset  
price £ £30 each lot.

Fremantle suburban allotment No. 5, containing  
5 acres, 2 roods, and 10 perches. Upset price £5  
per acre.

Given under my hand and Seal of the  
Colony, at Perth, this 5th day of April,  
1851.

CHARLES FITZGERALD,  
Governor, &c.

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

GOD SAVE THE QUEEN!!!

Colonial Secretary's Office, Perth,  
April 5, 1851.

HIS Excellency the Governor has been  
pleased to appoint Mr. George  
Smith to be Clerk in the Comptroller-Ge-  
neral's Office, subject to the approval of  
the Secretary of State.

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

Colonial Secretary's Office, Perth,  
April 5, 1851.

HIS Excellency the Governor has been  
pleased to appoint Mr. J. G. Aus-  
tin to be Superintendent of Public Works,  
vice Mr H. Trigg, resigned; to take effect  
from the 1st instant.

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

Colonial Secretary's Office, Perth,  
April 5, 1851.

HIS Excellency the Governor has been  
pleased to appoint Mr Alfred Dur-  
lacher to be Acting Postmaster General,  
vice Mr. Helmich, on leave of absence; to  
take effect from 1st instant.

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

Colonial Secretary's Office, Perth,  
April 5, 1851.

HIS Excellency the Governor has been  
pleased to direct the publication of  
the following General Statement of the  
Liabilities and Assets of the W. A. Bank  
for the Quarter ending 21st March 1851.

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

General Statement of the Average Weekly Amount  
of the Liabilities and Assets of the Western  
Australian Bank, for the Quarter ending 31st  
March, 1851.

Liabilities.		£	s.	d.
Notes in circulation	.....	4084	0	0
Deposits not bearing Interest	.....	20247	0	8
Deposits bearing Interest, being }		220	0	0
funds of Charitable Institutions }				
		24,551	0	8
Assets.				
Bills receivable	.....	14895	8	9
Cash credits, specialty securities, }		7683	17	9
and other debts	.....			
Specie, Treasury Bills, Notes of }		9646	9	8
other Banks & Balance at Agents }		1050	0	0
Landed Property	.....			
		33,275	16	2

NOTE.—Under the head of "Deposits not bear-  
ing Interest," is included the amount of the "Re-  
serve Fund," which, however, is not subject to  
withdrawal.

FRANCIS LOCHER, Cashier.

Colonial Secretary's Office, Perth,  
April 5, 1850.

HIS Excellency the Governor directs  
it to be notified for general infor-  
mation, that 11 Town Allotments adjoining  
and to the eastward of Mr Lukin's lot  
No. 1, North Fremantle, and comprising  
about three quarters of an acre each, are now  
open for selection. Upset price £30 each.

Further particulars may be known on  
application to the Resident Magistrate,  
Fremantle.

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

Colonial Secretary's Office, Perth,  
April 5, 1851.

TENDERS will be received at this office  
up to 12 o'clock on Tuesday the 15th  
instant, for REPAIRING a Survey CART  
now under the Market Shed, Perth.

For further particulars, application to  
be made to the Superintendent of Public  
Works, or the Surveyor-General.

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

Colonial Secretary's Office, Perth,  
April 5, 1851.

HIS Excellency the Governor has been  
pleased to direct that all officers

led to Frank Official Letters are to subscribe the same on "Her Majesty's Service," and the name of the officer and office from which the same emanate, are to be specified in the left hand corner.

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

### Tenders for Carting.

*Colonial Secretary's Office, Perth,*  
April 5, 1851.

**T**ENDERS (*in duplicate*) will be received at this Office up to 12 o'Clock on TUESDAY, the 15th instant, for CARTING 2000 Yards of GRAVEL on the Guildford Road, from Weedon's towards Mr Hardey's, to meet the present made road.

The Gravel to be spread 12 feet wide and 8 inches thick; to be dug, loaded and spread by the Prisoners. No tenders will be accepted unless the Contractor will engage to keep at least six teams at work.

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

*Colonial Secretary's Office, Perth*  
April 5, 1851.

**H**IS Excellency the Governor has directed the publication of the following heads of additional Bills to be submitted to the Legislative Council at its next meeting.

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

A Bill for the further improvement of towns and the greater security of life and property therein:—

Preamble. 1. Such buildings whether of a public or private character, in Perth, Fremantle, and Albany, as are intended to be controlled by this ordinance, are to be divided into two classes.

2. First class of building—description of.
3. Thickness of external walls to 1st class.
4. Description of Second Class
5. Thickness of external walls to 2nd class.
6. Method of ascertaining the rate or class
7. No timber in the brickwork of chimnies &c., and chimnies to be pargetted.
8. Governor empowered to appoint Supervisors to see regulations observed.
9. Notice of building to be given to supervisor, who is to be paid fees as in Schedule for his trouble.

10. Penalty for not giving notice.
11. Information for irregular building.
12. No building to be covered or closed in wholly or partly with thatch, and after 1st January, , all thatched buildings to be deemed a nuisance.

13. Every building contrary to this Ordinance to be deemed a common nuisance, and the builder and owner to enter into recognizance to abate or demolish the same.

Buildings deemed common nuisances to be taken down by order of the Court, and materials sold to defray expenses.

14. Servants firing house by carelessness to forfeit £ , or be imprisoned.

15. Penalties for chimnies being suffered to take fire through negligence.

16. To prevent danger to existing buildings, &c., no clay or other soil to be removed except under direction of Supervisor, and according to instructions from Survey Office.

17. Public buildings excepted.

18. Governor may include other Towns from time to time under this Ordinance.

19. Limitation of informations and proceedings.

A Bill to vest the site of the Convict Prison at Fremantle in certain Officers in trust for Her Majesty her heirs and successors for ever.

A Bill to increase the amount to be paid for a License to a Publican to sell Spirituous and Fermented Liquors by retail in certain towns.

1. Sum to be paid for retail license in Perth, Fremantle, and Albany, increased to

A Bill to provide a more suitable mode of inflicting punishment for Drunkenness.

1. If fine be not immediately paid, offender may be committed at once to prison with hard labour.

A Bill to limit the number of persons required to act as a Grand Jury in remote districts of the colony of Western Australia.

1. Five to act as a Grand Jury.

*Colonial Secretary's Office, Perth,*  
April 5, 1851.

### WEEKLY REPORT OF LICENSES ISSUED.

#### Depasturing Licenses.

G. Cheyne	6,000 acres	Kent.
Ditto	6,000	ditto.
Samuel Bryan	6,000	Sussex.
E. Hammersly	10,000	Williams.
W. Padbury	20,000	Nelson.

#### Timber Licenses.

W. Walker,	2 men,	1 month,	Bunbury.
G. Hancock,	ditto	ditto	York.
T. Kelly,	ditto	ditto	ditto.
G. Embleton,	ditto	ditto	ditto.

#### Dog Licenses.

Bunbury.		M. Lyons	
Ah-Coon			
J. T. Lawrence		York.	
J. Fleay	pack	Gregory	
Prince	pack	Longbottom	
Dloher		Baeltram	
Perth.		T. Williams	
H. Gibbs		H. Tieborn	
W. Pusey		F. Armstrong	
C. Bibra		W. Clifton	
Baker		Austin	
Gregory		E. Souper.	
Syred	2	Rev. Dr. Serra	2
Harington			

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

Acting Colonial Secretary.

*Colonial Secretary's Office, Perth,*  
April, 5, 1851.

**H**IS Excellency the Governor has been pleased to direct the publication of the following Regulations for holders of Tickets-of-leave.

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

Acting Colonial Secretary.

### REGULATIONS FOR HOLDERS OF TICKETS-OF-LEAVE.

I. All tickets-of-leave are issued for particular districts, named in the ticket-of-leave, or passports are allowed to enable the holders to remain in the service of their masters beyond the boundaries of the district.

II. Every man holding a ticket-of-leave is required within (7) seven days after his arrival in his district, to report himself, either personally or in writing, to the nearest Resident Magistrate, giving the information of the Comptroller-General, giving his name, the ship he arrived in, his master or employer, his trade or calling, or his mode of maintaining himself, and his rate of wages; and also to do so between the 1st and 14th of January, and the 1st and 14th of June in each year, to the nearest Resident Magistrate.

III. Every ticket-of-leave holder is required to report to the Comptroller-General every change of service or residence within the district, within 14 days of its taking place, and to obtain the sanction of a magistrate in the meantime.

IV. Immediately after the 14th Jan. and 14th June, the Resident Magistrate will report to the Comptroller-General the names of all absentees who have not duly reported themselves, as directed in paragraph two, with a view to the forfeiture of the ticket-of-leave of such men.

V. The Resident or any other magistrate of the several districts, will, whenever they think necessary, interrogate the holder of a ticket-of-leave as to his manner or means of subsistence, and if not satisfied that the ticket-of-leave man subsists honestly, will report the case forthwith to the Comptroller-General, for the information of the Governor.

VI. No ticket-of-leave holder can change the district assigned to him without permission in writing from the Comptroller-General, to whom all applications for change of district must be made, accompanied by a character for sobriety and good conduct, signed by his last master, or a magistrate of the district he wishes to leave.

VII. The district in which a ticket-of-leave is considered to have effect, is the district within which the authority of the Resident Magistrate extends, as marked in the official boundary maps.

VIII. No ticket-of-leave holder is to be absent from his district without a pass, except in the exercise of his duty as a constable.

IX. No pass can be granted to a ticket-of-leave holder to be absent from his district except by the Comptroller-General or the Resident Magistrate; if by the Resident Magistrate, it cannot be granted for a longer period than 14 days.

X. Forms of these passes, as well as register books for the ticket-of-leave men within their respective districts, will be furnished to the magistrates by the Comptroller-General.

XI. No ticket-of-leave holder for a country district is allowed to be in either of the towns of Perth or Fremantle without a pass: any man having a pass for this purpose, to produce it immediately on his arrival, if at Perth, to the Colonial Secretary, or at Fremantle to the Comptroller-General, or in their absence, the Resident Magistrate.

XII. No ticket-of-leave holder is allowed to be employed on board whaling or other vessels.

XIII. No ticket-of-leave holder is allowed to have a licence to keep a public house, or retail spirituous or fermented liquors.

XIV. The breach of any of these regulations will subject a ticket-of-leave holder to be deprived of his indulgence, and to be returned to the Penal Establishment.

XV. Any ticket-of-leave holder who shall be guilty of repeated acts of drunkenness, or of any immoral or disorderly conduct, is also liable to forfeiture of his ticket-of-leave.

XVI. Any ticket-of-leave holder forfeiting his ticket-of-leave, returns to the

position of an ordinary prisoner of the crown, and forfeits all privileges belonging to a ticket-of-leave, and shall be detained until he shall have served the full term of his unexpired sentence or sentences, as well as of the time during which he shall have been absent, if an absconder. The indulgence of a ticket-of-leave can only be restored to him at the pleasure of the Governor.

XVII. Every person having a ticket-of-leave man in his employment, is to report immediately to the nearest magistrate and to the Comptroller-General, in case such ticket-of-leave man shall be absent without leave, or shall abscond from his service, or from the district assigned him; and such magistrate and Comptroller-General will forthwith issue warrants for his apprehension.

XVIII. Such reward as His Excellency the Governor, on the recommendation of the Comptroller-General, may see fit, will be paid for the arrest of any ticket-of-leave holder, absent without leave, or absconding from his district.

XIX. The holder of a ticket-of-leave is liable to be punished in a summary way for all crimes and misdemeanours not punishable with death, by transportation or hard labour, in or without irons, on any of the roads or public works of the colony, for any term not exceeding 3 years, or in case of a male offender by whipping, not exceeding 50 lashes; and such punishment by whipping may be awarded in addition to any sentence of hard labour.

XX. Ticket-of-leave holders are also subject to be punished on summary conviction, before any one or more Justices of the Peace, for the following crimes, viz.

Harbouring a convict illegally at large, —punishment: whipping, not exceeding 100 lashes, or hard labour with or without irons, not exceeding 12 calendar months.

If found on board ship with intent to escape—transportation not exceeding 14 and not less than 7 years.

If found on board ship without lawful authority—hard labour in irons, not exceeding 12 months.

Taking any convict on board ship without legal authority—hard labour, in or without irons, for any term not exceeding two years, or whipping not exceeding 100 lashes.

14 *Vic.*, No. 6, sec. 29.—“Carrying fire arms without a written permission from the Colonial Secretary, a Justice of the Peace, or the Comptroller-General—imprisonment and hard labour in or without irons for a period not exceeding twelve calendar months.”

XXI. Any ticket-of-leave holder sentenced to punishment by magisterial sentence for any of the above offences, will not have his ticket-of-leave restored to him, except at the pleasure of the Governor.

XXII. All sentences to irons, to the roads, to the treadmill, or to hard labour, are to be served in addition to the prisoner's original sentence. Thus, if a prisoner's original sentence is 14 years, and he receives a sentence of 6 months to irons, he will not be free until he has served 14 years and 6 months.

XXIII. Every ticket-of-leave holder is subject to the provisions of the Master's and Servant's Act in Western Australia; and under this act a ticket-of-leave holder can compel his master or employer to perform his part of the contract, in all respects as efficiently as if the prisoner was a free man.

XXIV. Every ticket-of-leave holder by Act of Parliament, is allowed to acquire and hold personal property, and a leasehold and interest in land, and to maintain an action or suit for the recovery of any personal property, or for any debt due to him, or for any damage or injury sustained by him but if he should at any time forfeit his ticket-of-leave from misconduct, the property acquired by him, will become absolutely vested in Her Majesty, and will be disposed of at the discretion of the Governor of the colony.

XXV. Every ticket-of-leave holder is required to pay into the hands of the Comptroller-General of Convicts, the sum of £15, on account of the expenses of his passage to the colony.

XXVI. For the payment of this sum, every employer of a ticket-of-leave holder is required to pay to the Comptroller-General of Convicts, a sum of not less than £5 per annum, out of the amount of wages for which the holder of the ticket-of-leave has engaged, and not more than £5 per annum unless at the desire of the ticket-of-leave man; either yearly or half-yearly, as may suit his convenience, or at the termination of any engagement for a shorter period. These payments may be made, either directly to the Comptroller-General or through the Resident Magistrate; but such payments must be notified to the Comptroller-General, who will forward two receipts, one for the employer, and the other for the ticket-of-leave holder.

XXVII. No person is allowed to employ a ticket of leave man without notifying the same to the Comptroller General through the Resident Magistrate, together with the rate of wages at which he has been engaged; and the amount of £5 per annum out of such wages, if not paid by such employer to the Comptroller General or Resident Magistrate, will be recoverable

in like manner as any other debt.

XXVIII. Every ticket of leave holder who is allowed to work on his own account will be required to pay such an amount as the Comptroller General may decide, according to his ability and means of obtaining employment.

XXIX. The Comptroller General has the power of retaining any ticket of leave holder he may think fit, or who may not be able to obtain employment, and employ him on the public works, under such regulations as to rations, lodgings, and mode of payment as may from time to time be sanctioned by His Excellency.

XXX. No ticket of leave holder will, except under special circumstances, be allowed a conditional pardon, until one half of his sentence of transportation, reckoning from date of conviction, has expired, and that he has served without offence while on ticket of leave; nor will receive a conditional pardon until the whole sum of £15 has been paid; but when he has paid the sum of £10 he may apply for a conditional pardon through the Comptroller General, provided his application be accompanied by a character from his master or employer, for honesty and sobriety, countersigned by a magistrate; he will then be recommended to the Secretary of State for a conditional pardon, so that it may arrive about the period of the expiration of his time. If he should commit any serious offence after being recommended for a conditional pardon, he will forfeit that pardon, for such period as His Excellency the Governor may see fit.

XXXI. The wives and families of well conducted ticket of leave men will be sent out to them when half the cost of doing so has been paid by themselves, their friends, or their parishes in the United Kingdom; or the expense of their passage may be assumed as a debt by the ticket of leave holder, to be repaid under a bond, by the same means as the expenses of his own passage.