



THE WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

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TUESDAY, NOVEMBER 11, 1851.

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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 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 Collector and Sub-Collectors of Revenue, at the places and on the days hereinafter mentioned, at one o'clock, at the upset price affixed to each lot respectively, on the terms and conditions set forth in certain Land Regulations dated 14th June, 1843.

At Perth, on Wednesday, December 3:—

Perth Building Lots H 8, H 9, and H 10. Upset price £22 each.

Perth Building Lot W No. 8. Upset price £12.

Perth Suburban Lot S 35, containing 2 acres, 3 roods, 17 perches. Upset price £2 per acre.

Toodyay Building Lots L 2, R 26, R 30, and R 31. Upset price £5 each.

York Suburban Lot A 10, containing 5 acres. Upset price £3 per acre.

Avon Location No. 84.—Comprising 10 acres more or less, in form of an average square extending magnetic E.N.E. from right bank of the Mackie River, middle of the S.W. boundary being at centre of a pool in said river's bed situate about 22 chains east, 42 degrees south from east corner of Avon Location R and the N.E. boundary being 10 chains in length. Upset price £1 per acre.

At Fremantle, on Thursday, the 4th December:

Fremantle Building Allotment No. 182. Upset price £30.

Fremantle Building Lot 434. Upset price £20, and subject to erection of a wall.

Fremantle Suburban Lots S 20, and S 21, containing 5 acres each. Upset price £4 per acre.

At Bunbury, on Wednesday, Nov. 12,—
Leschenault Location No. 73, comprising (10) ten acres, more or less, extending 7 chains south

and 14 chains 29 links west from a spot 25 chains 29 links south, from that part of the south boundary of Leschenault Location No. 9 situate 177½ chains east from that location's south west corner, opposite boundaries parallel and equal and all lines true. Upset price £1 per acre.

At Albany, on Wednesday, Dec. 3,—

Albany Suburban Lot No 27, containing 2 acres Upset price £3 per acre.

At Albany, on Wednesday, the 7th January, 1852:—

Albany Suburban Lot No 42, containing 1 acre, 1 rood, 30 perches. Upset price £3 per acre.

Albany Building Lot S 148. Upset price £15.

Given under my hand and the Public Seal of the Colony at Perth, this 10th day of October, 1851.

CHARLES FITZGERALD,
Governor, &c.

By His Excellency's command,

T. N. YULE,

Acting Colonial Secretary.

GOD SAVE THE QUEEN!!!

Occupation of Crown Lands in Western Australia.

*Colonial Secretary's Office, Perth,
November 1, 1851.*

IN pursuance of Her Majesty's Order in Council, dated 22nd March, 1850, His Excellency the Governor with the advice of the Executive Council, has been pleased to establish (subject to the approval of the Right Honorable Her Majesty's Secretary of state for the Colonies) the following amended Regulations for the occupation of Crown lands within the territory of Western Australia, as they are now or may be hereafter defined, in addition to the Regulations contained in the Order in Council above referred to, and in lieu of any other on the same subject previously existing.

By His Excellency's command,

T. N. YULE,

Acting Colonial Secretary.

I.

General Regulations applicable to all Leases

and Licenses whether Pastoral or Tillage.

1. Applications for a Lease or for an Annual License, must be made to the Surveyor General in a printed form, procurable at the Survey Office, or from any Resident Magistrate.

2. A Deposit of £5 on a Lease in Class B, or on a Tillage Lease, or the upset price for an Annual License, or the receipt of any Collector of Revenue for either of those amounts, must accompany an application. Such deposit will be forfeited if the application is not followed up, or will be returned to the applicant if not forfeited by his default.

3. An application for a Pastoral Lease must not include within its outer boundaries a greater area than 20,000 acres, and Tillage Leases are not to include more than 320 acres.

4. Land required either for pastoral or tillage purposes, must be selected in one block, in shape as nearly square as possible, or in length not exceeding three times the breadth, with opposite boundaries parallel to each other, and lying in the same direction as those of other lands granted or leased by the Crown in the same district.

5. Not more than one fourth of the external boundaries of any selection will be allowed on any river or open water whose course or direction is known; nor can such selection include both banks of the same, unless by approval of the Governor and Executive Council in special cases.

6. The position of runs and arrangement of boundary lines will be subject to the Governor's approval, and any description furnished by any applicant must be full and particular, and must refer to some fixed point which can be recognised in the Survey Office. The Government will not be responsible for any error in descriptions so furnished; but any erroneous description, if found to interfere with other parties, will be rectified where practicable, in such a manner as not to disturb the occupant of any run or lease previously assigned.

7 Applicants for land, either by lease or license, or by purchase in the exercise of a pre-emptive right, will be liable to a charge for Survey should such be required for adjusting or completing a claim, and if an applicant be unwilling to await the convenience of the Government to make the necessary surveys. Such charge will be fixed at the time of making application, and must be deposited before the required survey will be made.

8. Parties desirous of saving time by procuring private surveys of land required under Clause 7, are to conform to the rules laid down in Clauses 4, 5, and 6, and must forward with their applications the name of the person by whom an actual chain survey of the required land is to be made. Should the proposed arrangement prove unobjectionable the private Surveyor must be referred to the Surveyor General, who will point out the manner in which the survey should be performed, and to whom a map of the survey when completed, and the several details on which it is founded, are to be given in.

9. If two or more parties apply for a lease or license of the same land, having

an apparent equal right to it, and they are unable to arrange their respective claims amongst themselves, the Government will decide the dispute, or at its option will put up the land to Auction with or without amended boundaries, and such applicants only will be allowed to bid for it.

10. The days of sale for Lease and licenses will generally be the same as those appointed for the sale of Crown Lands; but sales under clause 9 will be held after giving sufficient notice to the respective claimants.

11. Leases or licenses put up to Auction and not bid for, may be obtained, on approved application, at the upset price.

12. The foregoing rule will also apply to such selections as may have been bid for at any Auction, but the price of which has not been paid, on the day of sale.

13. Leases or licenses bid for, but not paid for on the day of sale, may be obtained in like manner, on payment of the highest price bid at any such sale.

14. All other lots not fully paid for within two Calendar months from the dates on which they are deliverable, will be forfeited, together with the deposit, and the land will be considered open to fresh applicants.

15. The Government reserves to itself the right to refuse the bidding of any one, as well as to withdraw any lot from sale, But this will never be exercised except for a sufficient and assignable cause.

16. Leases and licenses, when approved by the Governor, will be prepared in the office of the Surveyor General, and will be deliverable by the Collector of Revenue at Perth, or by the Sub-Collectors (who are also Government Residents) at Bunbury, the Vasse, and Albany, for all lands within their respective districts, on payment of the balance due upon each.

17. No abatement of rent will be made on account of any land purchased or resumed out of a depasturing lease, unless the land so purchased or resumed may amount to 1000 acres at the least.

18. All subsequent rents and fees chargeable after the first year, will be due on the first day of January in each year, and must be paid yearly in advance or before the fifteenth of that month, to the Collector of Internal Revenue, or to any Sub-Collector nearest to the district in which the land may be situated.

19. All pastoral leases and licenses will carry with them the exclusive right of occupancy of the land *for pastoral purposes only*, during the period they shall remain in force; but a clause will be inserted permitting the lessee to cut such timber as may be required for domestic uses, for the construction of buildings, fences, stock-yards, or other improvements on the land, but not for sale or removal off the land.

20. In all leases the year will be computed from the 1st day of January, to the 31st day of December, and no abatement of rent will be made for any period less than six months. Only half a year's rent will be charged for the first year if a lease is issued after the 1st of July; but any term for which such lease is granted will be computed from the 1st of January preceding.

21. The first leases issued under these Regulations will date from the 1st of January, 1852, and must be applied for on or before the 1st of December next.

22. The Government reserves the right to lay out, declare, open, and make, public roads through any lands leased or licensed; to take away any indigenous produce, rock, or soil, required for public purposes; to cut and remove timber, sandal-wood or other woods, or to issue licenses for cutting and removing the same; and to depasture any horses or cattle in its employ working on the land; together with a right of way through it for persons desirous of passing from one part of the country to another, with or without stock or teams, on all necessary occasions.

23. A pastoral run will be liable to forfeiture if any land within it be cultivated which is not covered by a Tillage Lease.

24. In no case will a lessee be entitled to any compensation for his improvements after the expiration, abandonment, or forfeiture of his run.

25. Unoccupied townsites and other public reserves will not be open to general occupation, but for the purposes of these Regulations unoccupied townsites will be treated as lands in fee simple, and if let will be subject to special conditions.

26. To facilitate selections of land, maps of the country and of all appropriated lands, will be open to the inspection of the public at all reasonable hours in the Survey Office at Perth, or at the respective Government Residents.

27. All persons found in unauthorised occupation of Crown Lands, will be proceeded against under the provisions of the Act of Parliament 9 and 10 Vict., c. 104.

28. All transfers will be subject to the Governor's written approval, and must be made in a certain form printed on the back of the lease or license. Such form when duly filled up by the lessee, and witnessed by at least one credible person, must be exhibited to the Surveyor General, for the Governor's approval, and for record in the Survey Office, upon which a fee of 10s. must be paid at the time of making the application for the transfer.

29. Transfers of runs will not be sanctioned unless it is shewn that they have previously been properly stocked, or some satisfactory reason to the contrary be assigned.

II.

Additional Regulations as to Tillage Leases.

1. The rent chargeable for Tillage Leases will be 2s. an acre, but not less than £10 should the quantity of land required be less than 100 acres.

2. On the Governor's approval of an application for a Tillage Lease (of land not comprised in a pastoral lease in class B) such lease will be put up to Public Auction, on a day to be notified in the Government Gazette, at a premium of 5s., and will be sold to the highest bidder on such premium, which is to be paid at the time of purchase, in addition to the first years rent. The premium will not be chargeable after the first year-

3. Should a lessee purchase any part of his holding during the currency of his lease, a proportionate abatement of rent will be

made in succeeding years, provided that in no case the annual rent for a Tillage lease be thereby reduced below the sum of £10.

4. Any such lessee who shall have purchased not less than one fourth of his holding during the term of his lease, will be entitled to a single renewal of the same for a further period not exceeding eight years.

5. Tillage leases of land comprised within a pastoral lease in class B, will be given to the lessee of such pastoral lease without competition, at the rent fixed in clause 1, and without premium. Such leases are to expire with the pastoral lease, whether determined by forfeiture or otherwise, and will be renewable with the same.

III.

Regulations as to Lands in Class A.

1. Lands in Class A will be let, for pastoral purposes only, on Annual License, and at a yearly rent of not less than £1, nor than 2s per 100 acres for sections of 1000 acres and upwards; half this rate being charged for licenses issued after the 1st July in any year.

2. Lands in Class A, whether included within any Annual License or vacant, will be let by Auction on Tillage Leases, for periods not exceeding 8 years, in accordance with chapter II. of the Order in Council of 22nd March, 1850, and with chapter II. of these Regulations.

3. The first Annual License will be issued as soon as possible after the first day of January, 1852, and must be applied for at least one month previously.

4. The legal occupants of lands in fee simple will be entitled to a preference in obtaining an Annual License of the vacant land in Class A adjoining to, and within 1 mile of, their respective grants, and in proportion to the size of each of such grants, should there be more than one claimant for the same land.

5. Two or more parties claiming to exercise a right of selection under clause 4, must arrange their respective claims amongst themselves, and notify the result to the Surveyor General within one calendar month after his receipt of the first application; failing which the case will be dealt with as provided in clause 8 of these General Regulations.

6. All vacant land in Class A beyond 1 mile from land in fee simple, will be open at all times to general application for Annual License, under the rules laid down in the 1st chapter of these Regulations; as well as all vacant land in Class A not claimed under clause 4 on or before the 1st day of December in each year.

7. No renewal of an Annual License in Class A can be claimed, but Licenses for the succeeding year will be granted preferably to existing lessees, with or without amended boundaries, in the absence of any stronger recognised claim.

8. Should a modification of boundaries to any such runs be desired previous to renewal, application for the same must be made not later in each year than the end of November.

9. Any alteration of boundaries applied for during the currency of a License will, if approved, be liable to a payment of half

the amount of rent chargeable for the existing year, before such alteration will be completed, or any fresh license be issued.

10. The lands included in any Annual License in Class A will be liable to resumption of any part of the same for public purposes, or will be open to application for sale or Tillage Lease; and the parts so resumed, sold, or taken under such lease, may be entered upon immediately, without compensation; but should such resumption, sale, or Tillage Lease, comprise the whole of the run held under license, land to an equal extent will, on approved application, be assigned in lieu thereof.

11. No compensation will be allowed for any improvements which may be effected on lands held under Annual License in Class A.

IV.

Additional Regulations as to Lands in Class B.

1. Any lessee of Pastoral Lands in Class B will be entitled to claim a single renewal of his lease, who shall have purchased any quantity of land comprised in his lease to an extent amounting to one acre in every hundred acres thereof chargeable with rent, or who shall have effected permanent improvements (on lands not comprised in a Tillage Lease) to an extent of One Pound for every such hundred acres as aforesaid, either in substantial buildings, or in obtaining or securing a permanent supply of good water available for the use of stock, on any part of the entire run, or who shall have performed these conditions jointly to the amount required, in proportion to the size of his run.

2. Any such lessee, who may not have singly or jointly performed the foregoing conditions in clause 1, may claim a single renewal of his lease by paying an additional increased annual rent at the rate of 50 per cent. for such proportion of it as may not be covered by the stipulated outlay; or by paying such increased rent for the whole, in lieu of any other expenditure.

3. In computing the acreage of a run no proportion will be excluded as unavailable which is less than one tenth, not more than one fourth of the whole run, nor will any allowance be made for unavailable land out of any run which may not exceed 4,000 acres.

4. Persons claiming to have any tract of unavailable land excluded from computation for payment, must in their applications describe the situation, nature and extent of the same as fully as possible, when the claim will be referred to an inspecting Officer appointed by the Governor. Upon the report of this Officer the quantity of unavailable acreage to be excluded from any run will be decided on.

5. Unavailable land may, on a full and proper description by an applicant, be so excluded without reference to the inspecting officer; but should any wilful misrepresentation be subsequently discovered to have been made by him in any such description, upon the faith of which a lease may have been issued, the whole expense of any survey or inspection that may be found necessary for correcting such wilful

misdescription, will be charged to the lessee, together with all arrears of rent for land wrongly excluded from computation. On the failure of payment of these charges on or before the next rent day, the lease will be considered forfeited.

6. Runs requiring inspection, but which cannot be inspected in time for early leasing, will, in all practicable cases, be let for the full extent of the land applied for and an abatement will be made in the next year's rent equivalent to the amount of unavailable land which may be eventually excluded from computation on report of the proper Officer. Allowance in such cases will be made for any excess of rent paid for the first year's lease also.

7. A lessee will be entitled to make use of the whole of the land included within the outer boundaries described in his lease, and to exercise his right of preemption over the same, notwithstanding the exclusion of any part of the run as unavailable for pastoral purposes.

*Colonial Secretary's Office, Perth,
November 7, 1851.*

HIS Excellency the Governor desires it to be intimated to Officers of the Civil Establishment in this Colony, that all applications for leave of absence must be made in writing and forwarded through the Honorable the Colonial Secretary.

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

TO be Sold by Auction by the Government Auctioneer, at Cole's Stables, Perth, on Wednesday, the 19th November inst., a Survey Horse called "Henry."

To Masons and Carpenters.
*Colonial Secretary's Office, Perth,
November 1, 1851.*

TENDERS (*in duplicate*) will be received at this Office, at 12 o'clock, on Wednesday, the 19th November, for the erection of a Bonded Warehouse, upon the Custom's House premises, at Fremantle.

The Drawings and Specification thereof may be seen on and after Saturday, the 8th Inst., at the Resident's Office, Fremantle, and at the "Office of Works," Perth.

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

To Carpenters and Others.
*Colonial Secretary's Office, Perth,
November 1, 1851.*

TENDERS (*in duplicate*) will be received and opened at this Office at 12 o'clock, on Wednesday, the 19th November, for enclosing the site of Public Slaughter House at Claise Brook, near Perth, with strong Post and Rail enclosure.

Particulars may be obtained of the Superintendent of Public Works, Perth.

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