



THE WESTERN AUSTRALIAN  
GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, FEBRUARY 17, 1852.

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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, 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, the 3rd March next:*

*Avon Location No. 88.*—Comprising 36 acres more or less, extending 14 chains NNW and 25 chains 72 links ENE from a spot 2 chains SSE from East corner of H. R. Grellett's location No. 51, opposite boundaries parallel and equal, and all bearings magnetic. Upset price £1 per acre.

*York Suburban Lot A 6.*—Containing 6 acres 1 rood 20 perches. Upset price £3 per acre.

*York Suburban Lot A 9.*—Containing 6 acres. Upset price £3 per acre.

*Avon Location No. 87.*—Comprising 14 acres more or less, extending 10 chains magnetic SSE, and 14 chains WSW from East corner of H. R. Grellett's location No. 51, opposite boundaries parallel and equal. Upset price £1 per acre.

*Swan Location No. 135.*—Comprising 10 acres more or less, extending 14 chains true N and S, and 7 chains 14 links E and W, the middle of the West boundary being at boundary mark at SE corner of location No. 96 at Lake Bamban. Upset price £1 per acre.

*At the Vasse, on Wednesday, the 3rd March next:*

*Bussellton Building Lot No. 120.* Upset price £7.

*Given under my hand and the Public Seal of the Colony, at Perth, this 7th day of February, 1852.*

CHARLES FITZGERALD,  
Governor. &c.

*By His Excellency's command,*  
W. A. SANFORD,  
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 land will be offered for Sale by Public Auction, by the Sub-Collectors of Revenue, at Albany, on Wednesday, the 3rd of March, 1852, 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.

*Albany Building Lot No. 62.* Upset price £15

*Plantagenet Location No. 61.*—Comprising 450 acres more or less in form of a square, lying 67 chains 10 links true North and South, and 67 chains 10 links true East and West, the middle of the South boundary being at a square and pointed post placed 24 chains 42 links South from a large Yait tree marked with a cross on the southern margin of Toollbrunup Lagoon. Upset price £1 per acre.

*Given under my hand and the Public Seal of the Colony, at Perth, this 4th day of March, 1852.*

CHARLES FITZGERALD,  
Governor, &c

*By His Excellency's command,*  
**W. A. SANFORD,**  
 Colonial Secretary.  
 GOD SAVE THE QUEEN!!!

#### Tillage Lease.

*Colonial Secretary's Office, Perth,*  
*February 10, 1852.*

**T**HE Honorable the Collector of Revenue, will offer for Sale by Public Auction, at the Revenue Office Perth, on Wednesday, the 3rd of March next, at 1 o'clock p.m., Tillage Leases respectively for eight years ending 31st December, 1859, of the following lands:—

100 acres more or less, extending 31 chains 62 links East, and 31 chains 62 links South, from a spot 77 chains in direction E 2 degrees S from a boundary post at SE corner of Mr. J. N. Drummond's Melbourne Location No. 2, opposite boundaries parallel and equal, and all bearings and boundaries true.

100 acres more or less, extending 44 chains 72 links East and 22 chains 36 links South, from middle of South boundary of Mr. J. N. Drummond's Melbourne Location No. 2, opposite boundaries parallel and equal, and all bearings and boundaries true.

Annual rent for each of the above £10, and upset premium 5s.

The Notice of the 7th inst., for Sale of Tillage Leases is hereby cancelled, the above being in substitution thereof.

*By His Excellency's command,*  
**W. A. SANFORD,**  
 Colonial Secretary.

#### Preemptive Claims.

*Colonial Secretary's Office, Perth,*  
*February 10, 1852.*

The following Regulations for the guidance of parties desirous to purchase lands under lease from the Crown, are published for general information:—

1. No land can be sold while under an 8 years lease from the Crown, except to a lessee claiming to exercise a right of preemption, or to any other person at Public Auction at the end of any complete year of such eight years lease.

2. Lessees of Pastoral Lands in Class B, or of Tillage Lands, claiming to exercise a right of preemption to purchase at any period of a lease, must send in their applications to the Surveyor General in the usual manner, and in the established printed form of application to purchase Crown Land.

3. All such applications must contain a full and particular description of the land required, and must state the number and extent of the lease within which it is situated.

4. In addition to the application fee of two shillings and sixpence, every application must be accompanied by one third of the amount of the purchase money, calculated at £1 per acre, or by the receipt for the same of the Sub-Collector of Revenue at Albany, Bunbury, or the Vasse.

5. One calendar month from the date of an application being approved will be allowed for the payment of the balance of purchase money, and title deed fee of forty-five shillings. On failing to make these payments all deposits will be forfeited, and the application will lapse.

6. No smaller quantity than ten acres will be sold out of any land held under Pastoral or Tillage Lease; and no application will be admitted to purchase a portion of either, unless by the recognised holder of such lease, who must at the time be in actual occupation of the same.

7. No person can purchase any part of a Tillage Lease except the lessee thereof.

8. Any other person than the lessee of a Pastoral Lease for 8 years, desirous to purchase a portion of such lease, can do so only at the end of any complete year of the lease, and must send in his application as hereinbefore directed, not later than the first day of October in each year.

9. If the application is approved, and the lessee declines to purchase under his preemptive right, the land will be proclaimed for sale in the Government Gazette at least sixty days previous to the intended day of sale, and will be sold under the Regulations contained in the 3rd section of the 4th chapter of the Order in Council, dated 22nd March, 1850; possession being given on the first day of the ensuing January, on completion of the purchase.

10. Lands held under Annual License, whether in class A. or class B., will be open to application for purchase at all times in the ordinary form; and if sold, may be entered upon immediately after completion of the purchase.

*By His Excellency's command,*  
**W. A. SANFORD,**  
 Colonial Secretary.

*Colonial Secretary's Office, Perth,*  
*February 16, 1852.*

**I**T is hereby notified for general information, that the undermentioned Pastoral Leases for 8 years, and Annual Depasturing Licenses, have been forwarded to the Revenue Office, for delivery to the respective parties entitled to them, on payment of balances due:—

No. 2	James Clinch,	20,000 acres	Melbourne.
"	8 Barrett, brothers	3,900	" Kent.
"	15 John Hassell	6,000	" ditto.
"	16 ditto	6,000	" ditto.
"	17 ditto	6,000	" ditto.
"	24 L. J. Bayley	12,000	" Avon
"	26 Messrs. Lefroy	20,000	" Melbourne.
"	27 ditto	20,000	" ditto.
"	35 James Draper	1,038	" Avon
"	38 G. Eliot	610	" Wellington.
"	41 Joseph Hardey	16,000	" Avon
"	49 G. & E Whitfield	10,000	" Swan
"	52 W. R. Bunbury	2,000	" Sussex
"	53 Bussell, Dawson, Ker	7,800	" ditto
"	54 James Paine	6,000	" Wellington
"	55 L. Birch	6,000	" Murray
"	56 J. Sutton	14,500	" ditto
"	81 N. M'Glashan	2,500	" Sussex
"	82 G. Eliot	3,500	" Wellington
"	83 Joseph Spencer	5,000	" Hay
"	88 Thomas Mead	10,000	" Avon
"	89 Messrs. Lefroy	20,000	" Melbourne
"	70 Barrett, brothers	2,100	" Kent
"	92 W. P. Clifton	2,700	" Wellington
"	93 Thomas Little	8,000	" ditto
"	98 W. E. Oakley	1,280	" Murray
"	104 D. M'Pherson	20,000	" Melbourne
"	105 Messrs Lefroy	20,000	" ditto
"	106 James Clinch	20,000	" ditto
"	110 J. Drummond, jun	10,000	" ditto
"	112 James Knight	10,000	" Sussex
"	113 John M'Kail	4,000	" Hay
"	115 M. W. Clifton	4,000	" Wellington
"	118 H. Chapman	6,000	" Sussex

" 121 George Eliot	25,000	"	Wellington
" 124 Thomas Little	4,300	"	ditto
" 125 W. M'Gorman	4,000	"	Swan
" 129 James Paine	3,000	"	Wellington
" 131 John Taylor	6,000	"	Avon
" 132 John Lott	10,000	"	ditto
" 136 John Taylor	6,000	"	ditto
" 137 James Brown	9,000	"	ditto
" 148 D. M'Pherson	20,000	"	Melbourne
" 155 R. Heppingstone	640	"	Sussex
" 156 Geraldine Min.	Colo, 10,000	"	Victoria
" 160 James Clinch	6,000	"	Melbourne
" 162 C. Miller	10,000	"	Wellington
" 163 Bussell, Dawson	Col 12,200	"	Sussex
" 164 Thomas Turner	3,000	"	ditto
" 165 John Hurford	10,000	"	ditto
" 166 James Knight	10,000	"	ditto
" 167 James Knight	11,600	"	ditto
" 192 J. Logue, jun.	3,000	"	Murray.

The Leases and Licenses for all of the above lands situated in the Wellington, and Sussex districts, will be forwarded for delivery to the Government Residents at Bunbury and the Vasse respectively, and those for the Kent, Hay, and Plantagenet districts will be forwarded to Albany.

*By His Excellency's command,*  
W. A. SANFORD,  
Colonial Secretary.

*Colonial Secretary's Office, Perth,*  
February 16, 1852.

HIS Excellency the Governor directs the publication of the following Licenses issued at Fremantle:—

*Dog Licenses.*

A. Chee	J. Pope
A. Chah	W. Pearce
F. Croft	J. R. Pengilly
G. Chester	P. Postlethwait
J. Day	J. Rome
J. W. Davey	J. Rowell
J. Funck	J. Wellard 2
J. Hicks	H. Wood
F. Helpman	Mrs Wood
W. Humphrey	W. White
D. Kerr	H. Yelverton
R. Lewis	J. Pengilly
H. Loyd	James Blythe
D. Linton	J. P. Bennis
J. Mitchison	A. Davies
P. Marmion 3	T. Hunt
D. Merit	J. Harwood
D. Mathews	W. Jones
P. Neck	Lewington

*Cart Licenses.*

- No. 47 G. Armstrong
- 18 & 25 John Armstrong
- 4, 5, 6, and 41 A. Cornish
- 14 and 15 A. Curtis
- 29 and 43 G. S. Coucher
- 26, 28, 30, 36, 40, and 46 T. & H. Carter
- 7 and 49 W. Dixon
- 8 G. Dixon
- 27 O. Lodge
- 23 and 45 H. Loyd
- 17 G. B. Mitchison
- 33 — Hymus
- 1 J. Hicks
- 19 D. Scott
- 44 H. Nash
- 24 J. Thomas
- 16 J. Wellard.

*Boat Licenses.*

- Barker & Pope, flat
- J. Bateman, Gazelle.
- W. Bateman, Cygnet
- Gibson, Murray, Dyett, & Co., Trafalgar.
- G. Glyde, Express
- G. Griffiths, Napoleon
- W. Jones, Arat
- D. Jowine, Grace
- A. Myers, Typo
- H. Yelverton, Ellen
- Ditto Black Jack

Ditto Arabia  
D. Scott, Antelope  
Ditto Wave.

*By His Excellency's command,*  
W. A. SANFORD,  
Colonial Secretary.

*Colonial Secretary's Office, Perth,*  
February 14, 1852.

THE Secretary of State for the Colonies having in a late dispatch received by His Excellency the Governor, communicated that a gentleman, formerly a resident in this colony, had brought under his notice certain legal views which were adopted with regard to the relation between Master and Servant in Western Australia, and that this question, at the request of the above gentleman, had been submitted for the consideration of the Law Officers of the Crown, His Excellency has directed the following copy of their joint opinion in law on the subject to be published for general information.

*By His Excellency's command,*  
W. A. SANFORD,  
Colonial Secretary.

Lincons Inn, August 20, 1850.

MY LORD,—We were honored with your lordship's commands contained in Mr Hawe's letter of the 7th inst., in which he stated that he was directed by your lordship to request we would favor your lordship with our joint opinion on the following case:—

It is the custom in Western Australia for laborers in husbandry and others to enter into contracts with employers, of which the annexed articles of agreement show the ordinary form. The Act 4, Geo. 4th, chap. 34, to enlarge the powers of Justices in determining complaints between masters and servants, and between masters, apprentices, artificers, and others is understood to be in force in the colony.

But it appears to be the interpretation put on the act by legal authorities in the colony that if complaint has been made against a servant of one of the classes mentioned in the Act under section 3, and such servant has been punished by committal to the House of Correction, such punishment operates as a discharge of the articles of agreement, and leaves the servant free to engage himself in fresh employment on leaving prison without the consent of his master.

Mr Hawes then stated that he was directed therefore to request that we would furnish your lordship with an opinion on the following questions.

Whether by such punishment the servant is discharged from the articles of agreement.

Whether if he is not discharged thereby, the term for which he is imprisoned is to be reckoned as part of the term for which he is bound to serve under the articles of agreement, or whether the term is to be computed exclusive of the time during which he may have been imprisoned as aforesaid.

Mr Hawes concluded by stating that he was directed also to annex an extract from a report of a Committee of the Legislative Council of Western Australia, shewing the view of the law which is entertained there, and also a case which has been submitted by parties in England to Mr Edge on the same subject with that gentleman's opinion.

In obedience to your lordship's command, we have considered the several documents transmitted to us, and have the honor to report that we are of opinion that by the punishment of imprisonment inflicted under the

4th George 4, chap. 34, the servant is not discharged from the articles of agreement.

We are also of opinion that the time for which he is imprisoned is to be reckoned as part of the time for which he is bound to serve under the articles of agreement.

We have the honor to be, &c.,

JOHN ROMILLY.

A. E. COCKBURN.

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**£10 Premium.**

*Colonial Secretary's Office, Perth,*

*February 7, 1852.*

**A** PREMIUM of Ten Pounds will be paid by the Local Government to any person who will manufacture any quantity, not less than fifty gallons, of

Castor Oil from the Castor Oil tree of this Colony. The Government will also engage to purchase at a reasonable price this or such larger quantity that may be made to the extent of 200 gallons annually.

The Oil being required for burning at the Lighthouses need not be cold drawn.

*By His Excellency's command,*

W. A. SANFORD,

Colonial Secretary.

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ARTHUR SHENTON, Government Printer Adelaide Terrace, Perth.