



THE WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, NOVEMBER 16, 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-Collector 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 June, 1843:—

By the Collector of Revenue at Perth, on the 1st December next,—

Cockbourn Sound Location No. 41.—Comprising 10 acres more or less, extending 12 chains North and South, and 8 chains 34 links East and West, the middle of the South boundary being situate 25 chains East, and 25 chains North, from the SW corner boundary mark of C. Macfaull's Location No. 5; and all bearings and boundaries true. Upset price £2 per acre.

Swan Location No. 151.—Comprising 14 acres more or less, extending 4 chains East, and 4 chains North, 6 chains South, and 10 chains West, from centre of certain falls in the river Goderich about 1 mile West from Swan Location No. 134; all boundaries true, and extending North and South, East and West: Upset price £1 per acre.

Avon Location No. 83.—Comprising 10 acres more or less, in form of an average square on left bank of the Avon river, adjoining the lower bound-

dary of George Lilly's Location No. 74; all boundaries magnetic. Upset price £1 per acre.

Guildford Building Lot No. 179; upset price £10

By the Sub-Collector of Revenue, at Bunbury, on the 8th December next,—

Wellington Location No. 83.—Comprising 20 acres more or less, bounded on the SE by 20 chains of the NW boundary of Sir James Stirling's Location No. 41, commencing 63 chains from NE boundary of Location 63, and on the SW by a line perpendicular to said NW boundary, opposite boundaries parallel and equal, and all boundaries true. Upset price £1 per acre.

By the Sub-Collector of Revenue at the Vasse, on the 1st December next;—

Busselton Building Lot No. 69. Upset price £7 Given under my hand and the Public Seal of the Colony, at Perth, this 5th day of June, 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.

WHEREAS the undermentioned Ordinances were passed by me the said Governor, with the advice and consent of the Legislative Council of the said Colony, in the 14th and 15th Year of Her Majesty's Reign, namely:—

15th Vict. No. 1.—"An Ordinance to provide for the payment of certain unforeseen expenses during the year 1851."

14th Vict. No. 16—"An Ordinance to provide for the payment of certain unforeseen expenses during the year 1850."

Now therefore I, the Governor, do hereby proclaim and make known unto all whom it may concern, that Her Majesty has been graciously pleased to confirm and allow the before mentioned Ordinances.

Given under my hand and the Public Seal of the Colony, at Perth, this 8th day of November, 1852.

CHARLES FITZGERALD,
Governor, &c.

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

GOD SAVE THE QUEEN!!!

Conveyance of Mails.

*Colonial Secretary's Office, Perth,
November 5, 1852.*

TENDERS (in duplicate) will be received at this office, up to 12 o'clock on Friday, 17th December next, for the conveyance of the Post Office Mails to and from the undermentioned places, from the 1st January, 1853, for the periods stated hereunder:—

Daily.

Between Perth and Fremantle for 6 Months ending 30th June 1853.

Twice a Week.

Between Perth and Guildford for 12 Months ending 31st December 1853,

Once a Week.

Between Fremantle and Bunbury via Mandurah for 12 Months ending 31st December 1853.

Between Bunbury and the Vasse for 12 Months ending 31st December 1853.

Between Guildford and Northam for 12 Months ending 31st December 1853.

Between Northam and York for 12 ending 31st December 1853.

Between Northam and Toodyay for 12 Months ending 31st December 1853.

Once a Month.

Between Perth and Kojonup for 12 Months ending 31st December 1853.

Between Kojonup and Albany for 12 Months ending 31st December 1853.

NOTE:—These two last Tenders must include the Conveyance of the bi-monthly Steamers Mail from the Sound for which purpose the departure of the Mail from Albany will if necessary be delayed, and a corresponding delay take place at Kojonup.

Parties tendering for conveying the mail from Perth to Kojonup may, until the Government line of road be declared, use such routes as they consider best adapted for the expeditious delivery of the mail.

The several mails to be carried on horse back or in a light Cart:—

The number of hours to be occupied in the conveyance of the mails to their respective destinations to be stated in each Tender.

The arrivals and departures of the respective mails are to be subject to instructions from the General Post Office, and are liable to alteration at any time during the year.

Two approved Sureties will be required to join with the Contractor in a Bond for the due performance of each Contract.

No payments will be made on account of any mail contract, until such Bond shall have been respectively signed by the Contractor and his Sureties and any breach of Contract, in the willful or negligent departure or delivery of mails at the appointed days and times will subject the Contractor to the loss of a proportion of his monthly payment.

Tenders to be inscribed "Tenders for Conveyance of Mails" and each Tender to bear the signatures of the proposed securities.

Parties tendering to attend at this Office on the day appointed for opening the Tenders, when the security they will be required to enter into for due performance of the respective Tenders will be notified to the parties whose Tenders may be respectively accepted.

Further particulars may be obtained of the Postmaster General or at this Office.

By His Excellency's command,
W. A. SANFORD,

Colonial Secretary.

Tenders for Printing.

*Colonial Secretary's Office, Perth,
November 6, 1852.*

TENDERS will be received at this Office, up to 12 o'clock on Friday, the 17th of December next, for Printing the "Government Gazette," Acts of Council, Estimates, Office Forms, and other printing required during the year 1853.

The Tenders may embrace the whole or any part of the above works.

Tenders will also be received for inserting from time to time in the *Inquirer* and *Perth Gazette* Newspapers respectively, such Advertisements as the Government may deem necessary for Public information.

For specifications and other particulars applications to be made at this office.

By His Excellency's command,
W. A. SANFORD,

Colonial Secretary.

Tenders for Fresh Meat, &c.

*Colonial Secretary's Office, Perth,
November 6, 1852.*

TENDERS (in duplicate) will be received at this Office up to Noon on Friday, the 17th December next, from such parties as may be willing to supply the Gaol, Hospital, Immigration Depot, Servants Home, and Lunatic Asylum at Perth: the Gaol and Immigration Depot at Fremantle; and such Paupers and others persons as the Government may from time to time authorise to receive rations, with the following provisions, stores, &c., for the 12 months ending 31st December, 1853.

Fresh Meat	} at per lb.
Bread	
Tea	
Sugar	
Rice	

Parties tendering are to attend at this Office themselves, or by an authorised agent, on the day appointed for receiving the tender; and each tender must bear the signatures of two respectable persons, who will be required to enter into a bond with the contractor for the due performance of the contract; and no payments will be made on account of any contract until such Bond shall have been duly executed. Samples of Tea, Sugar and Rice, proposed to be supplied must accompany each tender.

For further particulars application to be made at this office.

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

Forage for Police Horses.

Colonial Secretary's Office, Perth,
November 6, 1852.

TENDERS (*in duplicate*) will be received at this office, up to 12 o'clock on Friday the 17th December next, for supplying the Horses attached to the Native Police at York and Toodyay, with Forage for 12 months, commencing 1st January, 1853.

For further particulars application to be made to the Guardian of Natives, York.

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

Stabling.

Colonial Secretary's Office, Perth,
November 6, 1852.

TENDERS (*in duplicate*), will be received at this office, up to 12 o'clock on Friday, 17th December next, for Stabling Horses attached to any department of the Colonial Service, whilst in Perth, during 12 months ending 31st December, 1853. Tenders to state at per day, and to specify the quantity of hay and corn per diem to be allowed each horse.

For further particulars, application to made at this Office.

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

Shoeing.

Colonial Secretary's Office, Perth,
November 6, 1852.

TENDERS (*in duplicate*), will be received at this office, on Friday, the 17th December next, for Shoeing the Police Horses in the York and Toodyay districts, during the year 1853.

For further information application to be made to the Guardian of Natives, York.

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

Firewood.

Colonial Secretary's Office, Perth,
November 6, 1852.

TENDERS (*in duplicate*) will be received at this office up to Friday, the 17th December next, at noon, for sup-

plying such quantities of Firewood as may be required for use at the Gaol, Hospital, Immigration Depot, Servants Home, Lunatic Asylum, and Public Offices, Perth, during the ensuing year. Tenders to state at per cord.

Similar Tenders will be received on same date, for supplying the Gaol and Public Offices, Fremantle.

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

Flour.

Colonial Secretary's Office, Perth,
November 6, 1852.

TENDERS (*in duplicate*), will be received at this office, until 17th December next, at noon, from parties willing to supply such quantities of 20 per cent flour, as may from time to time be required during the year 1853, for the use of the Police and Gaol at York.

For further particulars application to be made to the Guardian of Natives, York.

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

Colonial Secretary's Office, Perth,
November 6, 1852.

TENDERS (*in duplicate*), will be received at this office until Friday the 17th December next, at noon for the burial of Paupers during the year ending 31st December 1853. Tenders to state the price for Burial of every Adult and Child respectively.

A Funeral Car and horse will be provided by the Government for the purpose of conveying the Bodies to the place of Interment.

Further particulars can be obtained on application at this office.

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

Colonial Secretary's Office, Perth,
November 8, 1852.

HIS Excellency the Governor directs the following Despatch, relative to Female Immigration to Western Australia, to be published for general information.

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

Downing Street, June 22, 1852.

SIR,—I have the honor to inform you that, advertizing to the demand which is reported to exist for Female Servants in Western Australia, and to the great importance of endeavoring to prevent too large a disproportion between the sexes, I have instructed the Emigration Commissioners to collect a party of female emigrants for the colony.

For the same reason, I have also required into the results hitherto of the recommendation received from Western Australia and other places of Convicts described as eligible to be joined by their

families. I learn that several cannot be found, owing to change of residence, and to the difficulty of tracing persons in their condition of life, and that others refuse to avail themselves of the offer; so that by no means all are prevented from emigrating merely from the difficulty of complying with the rule that half the expense of passage is to be paid by them or on their behalf. It appears, however, on an analysis of the returns, that in cases where an entirely free passage has been offered, one third of the number have declined or been unable to proceed, but that when only half the cost of passage is provided, two thirds have declined or been unable to proceed. Unwilling therefore to oppose any obstacle in Western Australia to so desirable an object as the speedy conveyance of their families to convicts who have earned their tickets of leave or appear deserving of the indulgence, I have now instructed the Emigration Commissioners to offer an entirely free passage to those convicts' families who have already been recommended by you, as well as to the others of whom recommendations may hereafter arrive from you, hoping that the men may be trusted to repay out of the accruing earnings of their labor in the colony the half of the passage which is properly chargeable to them. I have directed the Emigration Commissioners duly to inform the Colonial Secretary in each ship carrying convicts' families, of the cases respectively in which half or all of the cost of passage has been defrayed by the public; and when the whole has been paid here, you will bear in mind that the sum chargeable to the convict will not be the moiety of the actual cost, but the moiety of one uniform assumed price of £15 per adult, and half for children under 14 years of age.

I have, &c.,

JOHN S. PAKINGTON.

To Governor FitzGerald, &c., &c., &c.

*Colonial Secretary's Office, Perth,
November 12, 1852.*

HIS Excellency the Governor directs the following Despatch and Letter relative to Merchant Seamen, to be published for general information.

By His Excellency's command,

W. A. SANFORD,

Colonial Secretary.

Downing Street, June 30, 1852.

SIR,—I transmit herewith for your information and guidance the copy of a letter, and of its enclosures, from the Secretary to the Lords of the Committee of Privy Council for Trade, upon the subject of a doubt which had arisen in the Colony of Victoria, whether a Merchant Seaman who had been convicted and imprisoned for desertion from his ship was not thereby released from his engagements.

You will perceive from the accompanying copy of a report from the Law Officers of the Crown that they are of opinion that a Merchant Seaman is not released

from his Articles by being once punished for desertion.

I have the honor to be, Sir,

Your most obedient humble servant,

JOHN S. PAKINGTON.

To Governor FitzGerald.

Temple, May 31st. 1852.

MY LORDS:—We were favoured with Mr. Farrers's letter of the 28th instant, in which he stated that he was directed by your Lordships to enclose the accompanying Case, and to request our opinion thereon.

The Case, after reciting the 6th section of 7th and 8th Vic., c. 112, and the 70th section of the 13th and 14th Vic., c. 93, proceeded to state that from statements made to the Board of Trade, it appears that under the latter section, certain deserters were arrested at Melbourne, in Australia and were convicted and sentenced to imprisonment, and that upon the conclusion of the imprisonment, the Master of the ship being still at the port, and requiring their services on the homeward voyage, was informed that the Articles (which contained as usual a stipulation to serve on a voyage to the colony and back to England) were put an end to by the punishment, and that his right to the seamen's services had therefore terminated. That it is further stated that this is the prevailing opinion among the Magistrates at Port Philip.

That the point is one of very great importance to the shipping interest, since if a seaman is, after having been once convicted of desertion and punished, to be considered as released from all further duty to his ship, great encouragement would be given to desertion in places such as the Colony in question, where the temptations to desert, far outbalance the terrors of a short imprisonment.

The question submitted to us for our opinion is, "whether, if a man has been convicted of desertion and punished, either under 7th and 8th Vic., c. 112, s. 6, or 13 and 14 Vic., c. 93, s. 70, he is thereby released from his Articles; or whether, when the punishment is at an end, he can be still treated as belonging to the ship, and compelled to rejoin her and perform his duty in her according to the original Articles."

In obedience to your Lordships request, we have taken the same into our consideration, and have the honor to report that we are of opinion that a seaman who has been convicted of desertion and punished under the Acts in question, is not thereby released from his Articles; and as they remain in force, notwithstanding his conviction and punishment, we do not see why he may not be guilty of another offence by again neglecting or refusing to join his ship, and again be dealt with under the 70th sec. of the 13th and 14th Vic., c. 93, by another imprisonment, or by being conveyed on board the ship. Clearly, if instead of being imprisoned in the first instance he had been conveyed on board, or had voluntarily joined the ship after such imprisonment and had again deserted, he would have been amenable to a second proceeding for such desertion, and we cannot see any distinction between these cases and that of a second neglect or refusal to perform his duty under the Articles, which remain binding upon him.

(Signed)

FRED. THESIGER.

FITZROY KELLY.

*The Lords of the Committee
of Privy Council for Trade.*

*Colonial Secretary's Office, Perth,
November 12, 1852.*

HIS Excellency the Governor directs the following Treaty of Friendship and Commerce between Great Britain and Abyssinia, to be published for general information.

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

Treaty of Friendship and Commerce, between Great Britain and Abyssinia. Signed in the English and Amharic languages, at Ennowga, November 2, 1849. [Her Majesty's Ratification delivered to the Ras of Abyssinia, March 1, 1852.]

WHEREAS commerce is a source of great wealth and prosperity to all those nations who are firmly united in the bonds of reciprocal friendship: and whereas the conclusion of a Treaty of perpetual Amity and Commerce between Abyssinia, and Great Britain, which has already been desired by their respective Sovereigns, would tend to the mutual advantage of both countries: and whereas it is desirable that the conditions should be specified whereupon the commercial intercourse betwixt the two nations should be conducted: Now it is hereby declared, done, and agreed as follows, between Walter Charles Metcalfe Plowden, Esquire, Her Britannic Majesty's Consul to His Majesty of Abyssinia, duly empowered to that effect by Her Britannic Majesty, and by His said Majesty of Abyssinia on the other part:

ARTICLE I.

A firm, free, and lasting friendship shall subsist between Her Most Gracious Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, and her successors, on the one part, and His Majesty of Abyssinia and his successors, on the other part.

ARTICLE II.

For the purpose of preserving and strengthening the friendly relations subsisting between the two nations, His Majesty of Abyssinia and his successors shall receive and protect any Ambassador, Envoy, or Consul, whom Her Britannic Majesty or her successors may see fit to appoint; and shall preserve inviolate all the rights and privileges of such Ambassador, Envoy, or Consul.

ARTICLE III.

Her Britannic Majesty and her successors will, in the same manner, receive and protect any Ambassador, Envoy, or Consul, whom His Majesty of Abyssinia or his successors may see fit to appoint, and will equally preserve inviolate all the rights and privileges of such Ambassador, Envoy, or Consul.

ARTICLE IV.

His Majesty of Abyssinia engages to grant to the subjects of Her Britannic Majesty, and to the produce and commerce of her dominions, all favours, privileges, advantages, or immunities, either as regards duties, imposts, or charges, or in any other respect whatsoever, which His Majesty of Abyssinia has already granted, or may hereafter grant, to the subjects, produce, or commerce of any other foreign country.

ARTICLE V.

An import duty of five for every hundred, and no more, may be levied and received by His Majesty of Abyssinia and his successors, upon all goods and merchandize imported by British subjects into the Kingdom of Abyssinia, for sale either therein or in the countries beyond.

ARTICLE VI.

This import duty of five for every hundred shall be assessed upon the current value of the merchandize at the market-place of Gondar, and shall be paid at the rate of five for every hundred, either in kind or in specie, at the option of the merchant.

ARTICLE VII.

When the said import duty shall have been duly paid, the importing merchant shall be at full liberty to dispose of his goods at any place or places within the territories of Abyssinia, without any licence being required for the removal of the same, and without any prohibition, restraint, or further duty or impost of any kind being imposed upon the buyer; and the importing merchant may, if he pleases, carry away such goods to any other country or place, without any licence being required for the removal of the same, and without restraint or molestation, or the payment of any further duty or impost whatever.

ARTICLE VIII.

British merchants shall be at liberty to purchase within the territories of Abyssinia all such commodities as they may think proper to buy, whether such commodities are the produce of those territories, or have been imported into those territories from other countries; and the said merchants may freely export the same without the payment of any duty whatever.

ARTICLE IX.

The subjects of His Majesty of Abyssinia shall have in the United Kingdom the advantages which are already enjoyed, or which may hereafter be enjoyed, by the subjects of the most favoured nation; and no higher or other duties shall be imposed on the importation into the United Kingdom, of goods the produce of Abyssinia, than are or shall be payable upon the like goods the produce of any other foreign country imported in like manner.

ARTICLE X.

A commercial intercourse shall be allowed and encouraged betwixt the subjects of Abyssinia and of the countries beyond that kingdom, on the one hand, and the subjects of Great Britain, on the other.

ARTICLE XI.

In order to increase and promote commerce between Abyssinia and Great Britain, His Majesty of Abyssinia and his successors shall encourage merchants of all nations to bring the produce of the interior Africa into the dominions of Abyssinia.

ARTICLE XII.

With a like view, Her Britannic Majesty and her successors will protect British merchants in importing into Abyssinia such articles as may be needed therein.

ARTICLE XIII.

For the better security of merchants and their property, His Majesty of Abyssinia and his successors, and Her Britannic Majesty and her successors, will respectively, to the best of their power, endeavour to keep open and to secure the avenues of approach betwixt the sea-coast and Abyssinia.

ARTICLE XIV.

With a view to promote and encourage reciprocal intercourse between the subjects of the two nations respectively, His Majesty of Abyssinia engages, for himself and his successors, that no hindrance or molestation shall be offered to British travellers, whether residing within the territories of Abyssinia, or passing through them for the purpose of visiting the countries beyond; but such travellers shall be protected both as to their persons and as to their property.

ARTICLE XV.

The effects belonging to such travellers, and not intended for sale, shall not be liable to duty of any sort, and shall in every respect be held to be their personal property, and to be inviolable.

ARTICLE XVI.

The subjects of His Majesty of Abyssinia shall meet with no hindrance or obstruction whilst residing in any part of the dominions of Her Britannic Majesty, and shall not be prevented from proceeding beyond these dominions at their pleasure.

ARTICLE XVII.

His Majesty of Abyssinia agrees that in all cases when a British subject shall be accused of any crime committed in any part of His Majesty's dominions, the accused shall be tried and adjudged by the British Consul, or other officer duly appointed for that purpose by Her Britannic Majesty; and in all cases when disputes or differences shall arise between British subjects, or between British subjects and the subjects of His Majesty of Abyssinia, or between British subjects and the subjects of any other foreign Power, within the dominions of His Majesty of Abyssinia, Her Britannic Majesty's Consul, or other duly appointed officer, shall have power to hear and decide the same without any interference, molestation, or hindrance, on the part of any authority of Abyssinia, either before, during, or after the litigation.

ARTICLE XVIII.

If any British subject shall die in the territories of His Majesty of Abyssinia, the British Consul, or in his absence, his representative, shall have the right to take charge of the papers and property of the deceased, for the benefit of his lawful heirs and creditors, without any interference on the part of the Abyssinian authorities.

ARTICLE XIX.

Finally, it is agreed, that upon a strict observance of all the foregoing Articles and Conditions, shall depend the continuance of lasting and permanent friendship between the contracting Sovereigns.

In witness whereof, the present Treaty has been signed and sealed by the above-named Walter Charles Metcalfe Plowden, Esquire, and by His Majesty of Abyssinia.

Done at Ennowga, the second day of November, in the year of Our Lord one thousand eight hundred and forty-nine, corresponding with the Abyssinian date the twenty-fourth day of Tekumt, in the year of Our Lord one thousand eight hundred and forty-two

WALTER PLOWDEN. (L.S.)

[Signature of the Ras.]

[Seal of the Emperor.] [Seal of the Ras.]

Council Chambers Perth.

November, 10th, 1852.

HIS Excellency the Governor directs it to be notified for general information, that the Legislative Council will meet for the dispatch of Public business on Monday, the 6th of December next.

By His Excellency's command,
A. O'Grady Lefroy,
Clerk of Councils.

Colonial Secretary's Office, Perth,

November 15, 1852.

TENDERS (in duplicate) will be received at this Office until Noon of Tuesday, the 23rd instant, for laying the Platform on the Perth Jetty with 3 inch deals. Tenders to state at per square. Deals and Nails will be found by the Government. All nail holes to be bored $7\frac{1}{2}$ inches.

Further particulars can be obtained on application to Mr H. Trigg.

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

ARTHUR SHENTON, Government Printer, St. George's Terrace, Perth.