



THE WESTERN AUSTRALIAN  
GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, FEBRUARY 21, 1854.

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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 portion of land will be offered for Sale by Public Auction, by the Collector and Sub-Collector of Revenue at the places and 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 day of March, 1854 :*

Avon Location No. 117—Comprising 10 acres more or less, in form of an average square on left bank of Avon River, the S.E. boundary extending W.S.W. from that river at 20 chains below the North corner of C. Smith's Location No 60—the S.W. boundary N.N.W. 10 chains—and all magnetic. Upset price 1*l.* per acre.

Avon Location No 118—Comprising 10 acres more or less extending 15 chains S.S.E., and 6 chains 66 links E.N.E., from North corner of the public reserve around Bolgart spring, opposite boundaries parallel and equal, and all magnetic. Upset price £1 per acre.

*By the Collector of Revenue at Perth, on the 8th day of March, 1854 :*

Avon Location No 119—Comprising 10 acres more or less extending 10 chains E.N.E., and 10 chains S.S.E., from a spot 10 chains E.N.E. from that part of the East boundary of T. Carter's Avon Location P 3, situate 45 chains S.S.E. from that location's North corner, opposite boundaries parallel and equal and all magnetic. Upset price £1 per acre.

*By the Sub-Collector of Revenue at the Vasse on the 1st day of March next :*

Sussex Location No. 25—Comprising 10 acres more or less, in form of a square extending 10 chains true East, and 10 chains true South from a spot on East side of the Bunbury—Wonnerup road situate 7½ chains southward, from a post on West side of said road 16 chains Southward of the crossing at the Ludlow river ; opposite boundaries parallel and equal. Upset price £1 per acre.

*By the Sub-Collector of Revenue at Bunbury, on the 8th day of March, 1854 :*

Wellington Location No 99.—Comprising 20 acres more or less extending 10 chains south and 20 chains East from centre of a post marked ML situate 30 chains south from that part of the South boundary of Wellington Location No 46, lying 25 chains East from that locations S.W. corner, opposite boundaries parallel and equal and all true. Upset price £1 per acre.

*Given under my hand and the Public Seal of the said colony at Perth, this fourth day of February, one thousand eight hundred and fifty four.*

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 Command-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 Sub-Collector of Revenue at Albany, 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 Sub-Collector of Revenue at Albany, on the 7th day of April next:*

Albany Suburban Lots Nos. 37 and 38. Upset price £6 per acre.

*Given under my hand and the Public Seal of the said colony, at Perth, this 4th day of February, 1854.*

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

GOD SAVE THE QUEEN !!!

### Pastoral and Tillage Leases.

*Colonial Secretary's Office, Perth,  
February 1, 1854*

**L**ESSEES of Crown land who have not paid their rent for the current year, are hereby reminded of the following Regulation in the Queen's Order in Council of 22nd March, 1850:—

“If the rent be not paid in advance on the prescribed rent day, the lease shall be absolutely and indefeasibly forfeited unless within 60 days of such rent day (1st of January) 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.”

Lessees of 1853 in Class A, who have not renewed their Licenses for 1854, will also take notice that the same are open to the selection of any other parties.

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

### £5 Reward.

*Colonial Secretary's Office, Perth,  
February 11, 1854.*

**H**IS Excellency the Governor directs it to be notified that the above reward will be paid to any person who will give such information as may lead to the conviction of the party or parties who stole the falls from the Derrick head on the Perth Jetty.

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

*Colonial Secretary's Office, Perth,  
February 11th, 1854.*

**N**OTICE is hereby given that the Bridge on the Perth side of the Causeway will be closed, for the purpose of repairs, on the 20th, 21st, and 22nd instant, and no traffic will be allowed on those days.

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

*Colonial Secretary's Office, Perth,  
February 14th, 1854.*

### Notice to Mariners.

**H**IS Excellency the Governor directs the publication, for general infor-

mation, of the subjoined notice, containing a description of the Light which has been established at Gabo Island, and which the Governor General has been pleased to designate the “Flinders Light,” in honor of the late Captain Matthew Flinders, Royal Navy, and in testimony of the eminent services rendered by him to the Australian Colonies by the numerous hydrographical surveys which he made of the coast and harbors.

W. A. SANFORD,  
Colonial Secretary.

*By His Excellency's command,*

FLINDERS LIGHT, GABO ISLAND.  
The Lighthouse on Gabo Island, off Cape Howe, is situated in  
Latitude ..... 37° 34' 20" South  
Longitude ..... 149° 54' 40" East.

It was completed and lighted on the 28th November, 1853, and a light will in future be exhibited from sunset to sunrise.

The Lighthouse is a skeleton timber erection, painted White; the roof and framing of the Lantern painted red; and the Ventilating Ball painted Yellow.

It stands nearly in the centre of the Island, about three-quarters of a mile from its southern point, upon a sand hill 157ft. 6in. above the sea. The centre of the Light is 12ft. 6in. above the sand, making a total of 179ft. above the sea.

The following Magnetic bearings are taken from the Lighthouse:—

Cape Howe ... ..... N. 32° E.  
Ram Head ..... S.W.  
Variation of Compass .... 11° E.

The Light is a Fixed White Light of the First Class, consisting of 24 Catoptric Lamps in 2 ranges, illuminating the whole horizon.

The Light is eclipsed by a small range of sand hills from S. 15° E. to S. 4° W. (in all 19 degrees), to a distance averaging about 2 miles out to sea.

It is estimated that the light can be seen 20 miles distant in clear weather.

*Colonial Secretary's Office, Perth,  
February 18th, 1854.*

**I**T is hereby notified for general information that Conditional Pardons have been granted to the following men.

Reg. No. 214	Thomas Cook
“ 362	Daniel Murray
“ 943	Charles Roberts
“ 849	A. McCormack
“ 975	W. Thompson
“ 700	J. Tracey.

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

*Colonial Secretary's Office, Perth,  
February 14, 1854.*

**H**IS Excellency the Governor directs the publication, for general information of the following Act which is now in force in the colony of Port Phillip.

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

NO. XIII.

*An Act to facilitate the apprehension and prevent the introduction into the Colony*

of Victoria of Offenders illegally at large.  
[Assented to 23rd September, 1852.]

WHEREAS great evils have arisen within the Colony of Victoria, from the continued influx of runaway convicts from Van Diemen's Land, and from the arrival in large numbers of convicts, allowed to be at large, under cover of instruments purporting to be conditional pardons, or tickets of leave; and whereas it is essential for the preservation of peace and good order in the community, that an immediate stop should be put to the landing or being in the said Colony of Victoria, of convicted Felons, or other persons undergoing sentence of transportation; for offences against the Laws: Be it enacted by His Excellency the Lieutenant Governor of the Colony of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:—

I. Any master-mariner, or other person owning, commanding, navigating, or sailing any ship, vessel, or boat for the trip or voyage when any such ship, vessel, or boat shall bring to any port, or other place in the Colony of Victoria, any runaway convict, or any convict coming under cover of any conditional pardon, ticket-of-leave, or indulgence of any kind, other than a free pardon or remission of his or her sentence by Her Majesty, shall, upon conviction thereof before any two Justices of the Peace, having jurisdiction within the said Colony, or any portion thereof, for every such offence, be liable to a fine not exceeding one hundred pounds, or to imprisonment for any time not exceeding six months, or to both, at the discretion of the said Justices.

II. It shall be lawful for any Justice of the Peace, or any constable having reasonable cause to suspect any person to be an offender illegally at large as hereinafter mentioned, forthwith and without any Warrant for such purpose to cause such suspected person to be apprehended and taken before any one or more Justices of the Peace of the said Colony for examination as hereinafter provided.

III. Every person apprehended on suspicion of being an offender illegally at large, shall, on being taken before any one or more Justices of the Peace having jurisdiction within the said Colony, or any part thereof, prove to the reasonable satisfaction of such Justice or Justices, that he or she is not an offender illegally at large, upon which proof, such Justice or Justices shall forthwith order his or her discharge; and in default of such proof, the burthen whereof shall always be upon the person accused, it shall be lawful for such Justice or Justices to order such person to be detained in custody until it shall be ascertained whether such person is or is not an offender illegally at large.

IV. It shall be lawful for any two Justices, on proof that such suspected person is an offender illegally at large, at their discretion, either to cause such person to be conveyed in irons by the most safe and expeditious mode of conveyance to the Colony or possession to which he was transported, or in which he was convicted, to be dealt with according to law,

or to sentence such suspected person, if a male, to be kept to hard labor, in irons, on the public works of the said Colony of Victoria, for any period not exceeding three years, or if a female, to be imprisoned and kept to hard labor in any of the Gaols of the said Colony, for any period not exceeding two years

V. All property found upon or in the possession of any person convicted of being an offender illegally at large, shall be forfeited; and it shall be lawful for the convicting Justices to order the whole or a sufficient part thereof to be applied towards the expense of conveying such offender to the Colony or Possession to which he was transported or in which he was convicted as hereinafter mentioned.

VI. Every person who shall harbour or conceal any offender illegally at large, shall on conviction thereof, before any two Justices of the Peace having jurisdiction within the said Colony of Victoria, or any portion thereof, forfeit and pay for every such offence any sum not exceeding fifty pounds; and in default of immediate payment shall be imprisoned in any of Her Majesty's gaols in the said Colony for any period not exceeding six calendar months.

VII. Oral proof that any person was in Van Diemen's Land or any other British Colony or Possession other than the Colony of Victoria, known to be, or was commonly deemed and reputed to be, a transported Felon, or a convict under sentence for any capital or transportable offence, shall, for the purposes of this Act, be taken as good *prima facie* evidence that such person was transported to such Colony or Possession, or convicted therein of a capital or transportable offence, as the case may be, and oral proof that such person was so known, deemed, or reputed at any period within seven years, shall be taken as good *prima facie* evidence that such person has not served the full period of his sentence or the full term for which he was transported, and has not received such pardon or remission as hereinafter mentioned, unless the contrary be proved.

VIII. It shall be lawful for any Justice of the Peace, having credible information on Oath that any offender illegally at large is harboured in any dwelling-house, or tenement, or other place within his jurisdiction, to grant a general search-warrant, to any one or more constables to search for such offender; and it shall be lawful for any such constable or constables, in virtue of such general search-warrant, to break, enter, and search, by day or by night, any dwelling-house, tenement, or other place within such jurisdiction wherein such offender may be suspected to be concealed, and to apprehend, or cause to be apprehended, any person whom such constable or constables shall have reasonable cause for suspecting to be an offender illegally at large; and also to apprehend all persons found in or about such dwelling-house, or tenement, or other place, whom such constable or constables shall have reasonable grounds for suspecting and believing to have knowingly harboured and concealed such offender illegally at large as aforesaid; and all per-

sons so found and apprehended as aforesaid, shall, by such constable or constables as aforesaid, be forthwith taken before a Justice or Justices of the Peace, having jurisdiction in the locality, for examination, and to be further dealt with according to law.

IX. It shall be lawful for any Justice of the Peace, or any Constable, to enter on board any ship or vessel trading between any of the ports of the said Colony of Victoria, and of the island of Van Diemen's Land or its Dependencies, and having reasonable cause to suspect an offender illegally at large to be on board such ship or vessel, to search any and every part thereof, and apprehend any person found therein, whom such Justice or Constable shall have reasonable cause to suspect to be an offender illegally at large.

X. All Her Majesty's subjects shall be liable to be called upon to aid and assist in executing and enforcing the several provisions of this Act; and every person who shall be so called upon to aid and assist, and shall refuse or neglect so to do, shall be liable to a fine not exceeding Five Pounds, to be recovered and levied in a summary way, before any Justice of the Peace over and above any punishment to which such person shall be liable by law.

XI. All fines and penalties recovered under this Act, and all monies and property forfeited and not specially appropriated, shall be applied and go one moiety to Her Majesty, Her Heirs and Successors, for the public uses of the said Colony, and in support of the Government thereof and the other moiety to the use of the informer or party prosecuting, who shall nevertheless be deemed a competent witness.

XII. All proceedings under this Act shall be had and taken in a summary way, and no such proceeding shall be quashed for want of form, or removed by *certiorari*, or otherwise, into the Supreme Court of the said Colony of Victoria.

XIII. If any suit or action shall be brought against any Justice of the Peace, constable, or other person, for any act or thing done in furtherance of the provisions of this Act, the defendant in every such action or suit may plead the general issue, and give this Act and the special matter

in evidence at any trial to be had thereupon; and if the verdict shall be for the defendant, or if the plaintiff in any such action or suit shall be nonsuited, or discontinue his action or suit after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, the defendant shall have treble costs, and shall have the like remedy for the same as any other defendant hath in any other case to recover costs by law; and although a verdict shall be given for the plaintiff in any such action, he shall not be entitled to recover any costs against the defendant, unless the Judge before whom such action shall be tried shall certify at the trial, and in open Court, under his hand, on the back of the record, his approbation of the action, and of the verdict obtained thereupon.

XIV. Every person who has been or shall be transported for any offence against the laws to any British Colony, or Possession other than the Colony of Victoria, or of New South Wales, or who has been convicted of any capital or transportable offence in any British Colony or Possession other than the said Colony of Victoria, or of New South Wales, and who shall be found in the said Colony, not having served the full term for which he or she was transported, or the full period of his sentence, or not having received from Her Majesty a free pardon or remission of his or her sentence, shall for the purposes and in the construction of this Act be deemed to be an offender illegally at large; and the expression "offender illegally at large," wherever it occurs in this Act shall be taken to signify and denote such person so transported or convicted, and who has not served such term or period, or received such pardon or remission as aforesaid.

XV. Nothing in this Act contained shall be taken to interfere with Her Majesty's Royal Prerogative of Mercy.

XVI. This Act shall commence and take effect from and after the First day of November, in the Year of Our Lord One thousand eight hundred and fifty-two and continue in force for two years.