



THE WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, FEBRUARY 28, 1854.

431

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 !!!

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*Esquire, Commander in the Royal Navy,
 Governor and Commander-in-Chief in
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 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 or 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

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.