



THE WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, JUNE 3, 1856.

610

**Land Sales already notified in the
"Government Gazette."**

On the 4th June, 1856, at 1 o'clock, p.m.:
At Perth.

Fremantle Building Lots Nos. 264
and 305.

North Fremantle Suburban Lot NF7·
Northam Suburban Lot N 22.

York Suburban Lot S 148.

Avon Locations Nos. 174 and 175.

At the Vasse,

Sussex Location No. 38·

*Colonial Secretary's Office, Perth,
May 3, 1856.*

HIS Excellency the Governor di-
rects the publication of the fol-
lowing Notice.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary-

Notice to Ticket-of-Leave Holders.

NOTICE is hereby given, that all
Ticket-of-leave Holders are re-
quired to pay into the Commissariat Chest
nearest to their residence the amount due
on account of their passage money for the
half-year ending 30th June, 1856, within
14 days after that date; and that any
Ticket-of-Leave man failing so to do, will
be reported to His Excellency the Gover-
nor, with the recommendation from the
Acting Comptroller-General to revoke his
Ticket-of-Leave, and to order him to be
returned to the Convict Establishment.

Police Office, Perth, May 5, 1856.

TICKET-OF-LEAVE Holders in the
District of Perth are hereby re-
minded that the half-yearly return will be
due and required to be sent into this office
between the 1st and 14th of June next,
and that all defaulters will be rigorously
dealt with.

C. SYMMONS,
Acting Police Magistrate.

Conveyance of Mails.

*Colonial Secretary's Office, Perth,
May 17, 1856.*

THE contract for the conveyance of
the mails between Fremantle and
the Vasse, via Mandurah, Australind,
and Bunbury, having been cancelled,
fresh Tenders (in duplicate) will be re-
ceived at this office up to noon of Thurs-
day, the 5th June next, for performing
the above service weekly during the un-
expired portion of the current year.

Two approved sureties will be required
to join the contractor in a Bond for the
due fulfilment of the duties contracted to
be performed.

Tenders to be inscribed, "Tenders for
Conveyance of "Vasse Mail," and each
Tender to bear the signatures of the pro-
posed sureties.

Further particulars may be obtained
on reference to the Postmaster-General or
to the district Postmasters.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

*Colonial Secretary's Office, Perth'
May 30, 1856.*

SEALED Tenders (in duplicate) en-
dorsed "Tender for Iron-Work,"
will be received at this Office until Noon
of THURSDAY, the 19th of June, for
supplying the Local Government with

IRON-WORK

from the 14th of July to the 31st of De-
cember of the current year.

Two approved Sureties will be required
to enter into a Bond in the sum of Twenty-
five Pounds each, together with the Con-
tractor in the sum of Fifty Pounds, for
the due fulfilment of the contract. In the
event of any tender being accepted, the
bond must be executed on or before the
26th proximo, otherwise another tender
will be accepted or fresh tenders will be
invited.

No tender will be entertained unless the original and duplicate are rendered on half sheets of Foolscap and signed by the proposed sureties.

The specification and form of tender may be seen at the Office of Works.

The Government will not necessarily accept the lowest or any tender.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

*Colonial Secretary's Office, Perth,
May 31, 1856*

HIS Excellency the Governor directs the publication for general information of the following Despatch received from Her Majesty's Secretary of State for the Colonies.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

No. 12. *Downing Street,
11th October, 1855.*

SIR,—I have much satisfaction in acknowledging the receipt of your predecessor's Despatch No. 73 of the 7th July, with a Commissariat receipt for £700—as the first instalment from Western Australia of a contribution in aid of the Patriotic Fund, and Her Majesty's Government much appreciate the expressions of sympathy and patriotic feeling by which this contribution has been accompanied.

I have, &c.

WM. MOLESWORTH.

*Colonial Secretary's Office, Perth,
May 31, 1856.*

CONDITIONAL Pardons have been signed this day for the following men:—

Reg. No. 2013 Martin Moran
" 2043 John Dudley
" 2049 John Linehan
" 2142 John Shannon
" 2229 Philip Cleary
" 2348 Peter Caine

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

Proclamation.

By His Excellency ARTHUR EDWARD KENNEDY, Esq., Governor and Commander-in-Chief in and over the Territory of Western Australia and its Dependencies and Vice Admiral of the same.

WHEREAS by clause of the 4th chapter of a certain order in Council by her Majesty Queen Victoria, bearing date the 22nd day of March, 1850, and promulgated in this colony on the 9th September, 1851, it is made "competent for the Governor of the said colony with the advice of his Executive Council at any time within three months after the determination of any Pastoral Lease, and notwithstanding any right of renewal thereof, to declare by Proclamation in the *Government Gazette*, that all or any of the lands comprised in such lease which may be within one mile of any lands which have been granted in fee by the Crown shall thereafter be deemed to be within class A." And whereas Pastoral Lease No 628; containing 2000 acres of land on left bank of the river Pal-

linup has recently ceased and determined, I do hereby notify and proclaim with the advice aforesaid, that the following portion of the said lease will henceforth be deemed to be within Class A, and will be subject to all the rules and regulations applicable thereto. Namely, all that land on the left bank of the river Pallinup, bounded on the S.E. by a true N.E. line from the river Pallinup through a spot 40 chains S.E. from east corner of G. Cheyne's location No 120; on the N.W. by a similar line through a spot 80 chains N.W. from North corner of said location, on the N.E. by a true S.E. line 130 chains in length through a spot 80 chains N.E. from North corner aforesaid, and on the S.W. by the river Pallinup between S.W. end of the N.W. and S.E. boundaries.

Given under my hand and the Public Seal of the colony, this 31st day of May, 1856.

A. E. KENNEDY,
Governor.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

GOD SAVE THE QUEEN!!!

Proclamation.

By His Excellency ARTHUR EDWARD KENNEDY, Esq., 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 Ordinance was passed by His Excellency Charles FitzGerald, Esquire, then Governor of the said colony with the advice and consent of the Legislative Council thereof, in the Seventeenth Year of the reign of Her Majesty Queen Victoria, and intitled:

"An Ordinance for the suppression of violent crimes committed by convicts illegally at large."

Now therefore, I Arthur Edward Kennedy, 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 Ordinance.

Given under my hand and the Public Seal of the Colony, this 31st day of May, 1856.

A. E. KENNEDY,
Governor, &c.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

GOD SAVE THE QUEEN!!!

*Colonial Secretary's Office, Perth,
May 26, 1856.*

THE following speech, delivered by His Excellency the Governor on opening the Legislative Council, on Monday, 26th May, is published for general information.

FRED. P. BARLEE,
Colonial Secretary.

*Honorable Gentlemen of the
Legislative Council,—*

I have summoned you at the customary pe-

period of the year for the transaction of public business.

I have directed accounts of the Revenue and Expenditure together with the statistics of the last year to be laid before you.

A statement of the liabilities of the colony made up to the latest date, together with "The Estimates of Revenue and Expenditure for the year 1857," will also be laid upon the table. To these Estimates I invite your earnest attention.

You will observe that though the ordinary Revenue is calculated to meet the ordinary expenditure for the year, no provision has been made for the liquidation of outstanding liabilities. I have reliance on the wisdom of this Council to devise, and on the public spirit of the people to support, measures to enable me to liquidate a debt which is detrimental to every public interest, and forms an obstacle to all works of improvement. I need not occupy your time by pointing out how little can be done in this direction, till vigorous measures be taken to place the finances of the colony on a sounder footing, and to achieve this, I confidently appeal through you to the people.

I purposely abstain from inquiring in detail how this debt was mainly incurred; it cannot be recalled, and would but provoke unprofitable debate. Let us rather profit by the experience of the past, and look to the future, with which we have to deal.

In considering the means of meeting our present liabilities, many sources of Revenue present themselves, which, though both legitimate and politic, are surrounded by executive difficulties in adopting them for any temporary purpose. I would, however, be glad to find the Council and the public concur with me in thinking, that the time has arrived when we should cease to base our financial prosperity to so large an extent, upon the duties leviable upon ardent spirits. I believe that the Revenue derived from this source is most precarious, and, failing to any extent, serious financial embarrassment would follow. Of the total sum of £20,400 received under the head of Customs in 1855, £10,500 was paid as duty on ardent spirits alone, representing 21,000 gallons actually consumed, a deplorable fact.

Taking a review of the last few years, I cannot discover anything which is not highly encouraging to the prospects of the colony.

By the accounts of the last year you will find that the Revenue, though falling short of that estimated, has steadily increased. Alterations in the Tariff and mode of levying duty on certain goods, were effected in 1854, substituting specific instead of ad valorem duties, a change, in my opinion, most judicious; but, as has been proved, fallacious in the expectation formed of its largely increasing the Customs Revenue. The Expenditure of the year 1855, was evidently calculated upon this fallacy, and has placed the colony in its present financial difficulty, the actual Revenue of 1855 having fallen short of that estimated, by a sum of £5500. There existed concurrently an over estimated Revenue, and an under estimated Expenditure; debt and difficulty has been the inevitable result. The Expenditure in 1855 amounted to £49,240 against £45,171 in the previous year.

Looking to the Imports and Exports of the colony, there is solid reason for congratulation. The Imports decreased from 128,260 in 1854, to £105,320 in 1855; while the Exports in 1855 exceeded those of 1854, by a sum of £10,069; a fact still more strongly indicating sound prosperity, when it is considered that there has been no appreciable addition to the population. The articles of export showing the principal increase are horses, lead, and lead ore, oil, copper ore, wool, and timber.

In the diminished imports of 1855, will be

found a decrease of £10,000 under the head of "Agricultural and farming produce," which has, of course, been replaced by our own increased production. The extended cultivation in the current year, affords every hope, that the increased production of breadstuffs, cattle, and pigs, will reduce the imports under those heads, by a further sum of £10,000, making a difference of £20,000 in favour of the colony, as compared with 1853-4.

The Land Sales in 1854, amounted to £2758, while those of 1855 realized £3925.

The Land Revenue in 1854 brought £2994 into the Treasury, and in 1855 it realized £3262.

You, gentlemen, can best judge how many thriving men have during this period retrieved and liquidated losses and liabilities incurred in former years.

The extent of land under cultivation in 1855 exceeds that of former years, I believe, by 3000 acres. These facts are a sufficient refutation of one of many mischievous misrepresentations originating in this, and circulated through neighbouring colonies, to the effect, that this colony was retrograding and its "bone and sinew" flying from it.

I apprehend that this Council will not consider me as travelling out of the line of my duty in correcting another fallacy, originating in the same source, and alarming the inhabitants of neighbouring colonies in reference to convicts, and the migration of Conditional Pardon men.

Convictism is not, thank God, with us at the present day, what it was in former days, and in other penal colonies. Those who have offended against the laws of their country, are treated with firmness and kindness, and not as wild beasts; and the few Conditional Pardon men who leave our shores have given *prima facie* proof of their industry and reformation, in having earned the means of removing where they may commence life anew. I cannot but consider it as impolitic and ungenerous to raise questions in reference to this class of men, which may tend to exclude them from carrying their labour to what they may consider a better market, and so discourage them from industry and good conduct here. Many of these men are objects of commiseration rather than condemnation.

Those who put forth statements inducing the belief that our society is tainted, and that you require a Gaoler for a Governor, libel this colony and its people, I venture to assert, that the moral tone of society in this colony is equal to that of any other, and its criminal statistics are the best evidence of the general good conduct of the people.

The comparative state of crime for 1854 and 1855 is as follows—

	1854	1855
Murders.....	5	6
Other felonies	8	24
Misdemeanours	24	26

Of these murders a large proportion were committed by Natives on their fellow countrymen.

These figures are I trust sufficient to disabuse the public mind of the prejudice so injuriously and injudiciously raised; they of course do not include magisterial or petty session convictions. This satisfactory state of things is mainly attributable to the colonists, who have ever held out the frank and cordial hand of fellowship to all those who have proved themselves worthy of it.

When the Council provide ways and means, it will be my duty to point out various public works which would bring in a Revenue or save heavy expenditure, such as a Market House, Police Barrack and Stabling, &c.; the necessity of these for public accommodation and the efficiency of the Police Force, requires no comment.

The details of the proposition with respect to the Mail Packet Establishment at King George's Sound, will be placed before you. The public will naturally expect this proposal will be liberally met, to secure rapid and regular communication with the mother country and the neighbouring colonies, and for this purpose funds must be provided.

Many of the public servants, especially the Stipendiary Magistrates, are, in my opinion, most inadequately remunerated. Niggard pay will ever be requited by ineffective services. The salaries of many other offices are insufficient to attract the class of persons who alone should fill them.

Various Bills will be brought before you, upon which I will be ready to offer my opinion at the proper time. On one of these alone, I will offer some comment here, to remove what I cannot but regard as mischievous misrepresentations, the "Publican's Licensing Bill." Though I think the moral well-being of this community should be held superior to all other considerations, due regard should be paid to the rights of every member of it. I think the Sunday closing Act is an infringement upon the rights of the community at large, and I believe it to be inoperative for the purposes intended. I am no friend to intemperance, but I think we are bound to devise means to mitigate, if we cannot cure, this frightful and demoralizing evil, without excluding 90 men from drinking their beer on possibly their only day of rest, because the remaining 10 in a hundred get drunk if opportunity offer. The present system of compulsory closing, while it punishes the respectable Publican who obeys the law, offers a premium to the unprincipled one who violates or evades it; such a Publican makes a "traveller" of every member of the community who will swallow his drink, to the obvious disadvantage of the respectable trader who cannot compete with him. I do not know what a "traveller" under this closing Ordinance, means, and I have never met any one who did.

I believe that this restrictive law will lead to worse evils than those it is supposed to remedy. The mere fact of total prohibition will defeat its object, and lead to a systematic breach of the law. I am sure that no such intention existed, but this act nevertheless draws an invidious distinction between rich and poor: the man who can afford to keep a "tap" of his own, and the man who is dependent upon a public one for his beer. I cannot concur in the principle, that nine people should be debarred the moderate use of drink because the tenth would abuse it. Let the Law be framed to provide for this tithe who disgrace themselves by Sunday-drunkenness as well as those whose cupidity furnishes the means. I think it quite possible to arrive at a medium between a Sabbath "Maine Liquor Law," and unlimited tipping.

The present Licensing system imposes upon the Magistrate a most difficult and invidious duty (if he do not hold the doctrine that free trade in public houses is desirable), namely, that of granting to some individuals a means of making a fortune, which is withheld from others probably in every way their equals; and I would propose to relieve him from this unsatisfactory duty, and that the Council should annually decide as to the number of public houses required for public accommodation in each town or district; and that the Magistrate should be the sole and only judge of the fittest persons to keep them.

I will not stop to argue with those who doubt or deny that the increase of public houses beyond the number absolutely required for public accommodation, at the same time increases the temptation to intemperance. All experience in other countries has

proved, that the multiplication of public houses is one of the most certain means of multiplying drunkenness and crime. I therefore unhesitatingly state my opinion that their number should be restricted.

I consider intoxicating drinks to be a legitimate object of taxation to the highest possible amount, and I therefore advocate an increased fee for a licence to vend them in retail. A publican at present pays sums varying from L.5 up to L.25 per annum for the licence of a house, where he occasionally takes L.50 over the counter in a single day.

The public houses in the colony have without any corresponding increase of population, increased from 30 in 1850 to 52 in 1855. Perth had a public house for every 72½ adult males and Fremantle a much higher average. At Fremantle they are licensed almost to the gates of the Convict Establishment, and the Barracks of the Pensioners, who are placed there to guard it. At Albany where the Imperial Government have spent a large sum in building a convict hiring depot for the accommodation of the settlers, no less than six licensed public houses and grog shops have been established, the nearest 200, and the most distant 700 yards from its gate. While these pestilent nurseries of crime exist, the Establishment is valueless for its intended purpose, and as the law at present stands there might be sixteen instead of six, with the absence of all power on the part of the Executive to limit their number. I apprehend no sane member of the community will advocate the establishment of six grog shops round a hiring depot of even free men, much less round a depot of men whose original crime or offence against society, in 99 instances out of a hundred, originated or was consummated in drunkenness.

I have dwelt upon this subject at some length, believing it to be a moral cancer, which, if not timely arrested, will eat into the vitals of society. I have no expectation or desire to render the community teetotalers. My wish is to see so many public houses licensed as are necessary for the public accommodation, and no more, and that they should be kept by men selected by the local Magistrates, as of unimpeachable character, who will not entrap an unwary laborer or shepherd from the bush and keep him in a continued state of intoxication, till he has consumed the hard earnings of a year before he quits his house, who will aid the authorities in detecting and repressing crime rather than harbour absconding criminals. My duty is performed in laying this Bill before you; and it is for this Council to pass, reject, or modify it, as they may deem most conducive to the public good.

It may be expected that I should state my views on the subject of distillation in this colony. Though the question is beset with difficulties and objections, I can see none that are insuperable, if it can be shown that it would really pay in a commercial point of view, of which I have doubts. As a preliminary to this question being entertained by the Council, I am of opinion that a sounder principle of taxation must be adopted than that which at present exists, to enable the Government to look elsewhere for the revenue at present derivable from imported spirits. I have no doubt that, even as the law now stands, the excellent and improving quality of our colonial wine will rapidly reduce the importation of ardent spirits. I have no hesitation in stating my opinion as to the inexpediency of continually increasing import duties (many of them raising the price of the necessaries as well as luxuries of life) to meet our increasing requirements. But there are occasions where a choice of evils is the only alternative. The people of this Colony cannot expect to be

prosperous and happy without making some sacrifices, for the public good; and a revenue mainly derived from the drunkenness of the people cannot be attended with a blessing.

There has been much, and in many cases, good grounds of complaint in reference to the state of roads throughout the colony. Roads and bridges however cannot be formed without a great expenditure of money; and as long as the means are derivable only from our present limited sources of income, the amount at command, after paying the ordinary and current expenses of the Government, will be for a long time inadequate, seeing that the peculiar circumstances of this colony require an extent of road out of all proportion to its population. There are at present about 1,000 miles of road to a population of 11,000.

It is much to be desired that roadmaking should be placed as far as possible under local management so that those most interested should have a voice in the expenditure under the general control of the Government, but the present scattered population renders such a system impracticable.

I have every reason to hope that a valuable discovery of copper mines—as well as lead in the Champion Bay district, will largely increase our exports, and the prosperity of the colony.

As the supply of timber obtainable from other countries falls short, that produced in this colony must, from its excellent and durable quality, find a more extended market. Groundless prejudice cannot be long sustained, and men will naturally have recourse to that which is best and cheapest, which is all we ask or desire,

Gentlemen,—I would do injustice to my

own feelings, and would, I feel assured, fail to represent yours, if I omitted to notice the public and private loss of one who has lately been taken from among us—Archdeacon Wolleston. This lamented gentleman's purity of character and untiring zeal in the service of this colony, secured to him the love and respect of all who came in contact with him. His unceasing and judicious labours in the cause of religion and morality have doubtless earned for him a reward more lasting than human praise. After a long life, spent with honor to himself and advantage to the public, he has laid it down by over exerting himself in the cause of the God he so long and faithfully served.

I have necessarily left many subjects connected with the present well-being and future prospects of the colony untouched upon. It is nevertheless my desire that the Council should have the fullest information upon any subject which they may deem necessary to call for.

I would, before resuming my seat, give expression to the earnest hope that, in all our deliberations, it should never be absent from our minds that, as the Legislature of this colony, we have undertaken an important and sacred trust to be exercised for the good of the people, the advancement of morality, and the honor of our Sovereign.

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