



# THE WESTERN AUSTRALIAN GOVERNMENT GAZETTE.

[ PUBLISHED BY AUTHORITY. ]

Tuesday, MAY 3rd, 1859.

No. 68

*Colonial Secretary's Office, Perth,  
May 3rd, 1859.*

**TENDERS** (in duplicate) will be received at this Office until noon of Thursday the 19th instant for the supply of the following Scantling to be delivered at the Government Saw Pits, or at the South Bay Jetty at Fremantle, as may be directed by the Officer Commanding Royal Engineers.

10,600 feet run, more or less of 5in. x 3in.

White Gum

2,000 Ditto Ditto 4 x 3

(In lengths from 14 to 20 feet, no length to be less than 8 feet)

Tenders to state the price per load of 50 cubic feet. All the timber must be sound and good in every particular and cut die square.

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the contract.

Forms of tender may be had on application to the various Resident Magistrates and at the Public Offices, Perth; and no tender will be entertained unless rendered on the prescribed form.

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

## Tenders Accepted.

*Colonial Secretary's Office, Perth,  
April 29th, 1859.*

**ROBERT WILSON,**

To supply one horse for Police Service for £35.

**S. U. STOTTER,**

To convey bricks from Claise Brook to landing opposite New Government House at 6s. per thousand.

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

**BY** virtue of a Proclamation, bearing date 29th day of April, 1859, under the hand of His Excellency Arthur Edward Kennedy, Esquire, Governor, and the Public Seal of the Colony of Western Australia, the following Lands will be offered for sale at Public Auction by the Collector of Revenue at Perth, on the 1st of June, 1859, at one o'clock, at the upset price affixed thereto on the terms and condition set forth in certain Land Regulations dated 14th of June, 1843.

*Geraldton building lot, No. 7, upset price £15.*

*Geraldton building lot, No. 90, upset price £15.*

*Victoria location 344, comprising 10 acres more or less, as marked on the ground with a width of 4 chains between location 292 and T. Walsh's location 293, on the lower Greenough Flat.*

Upset price £1 per acre.

*Victoria location 349, comprising 10 acres more or less, as marked on the ground extending 7 chains east and 14 chains 29 links north, from a spot about 57 chains W,  $\frac{1}{2}$  N. from S.W. corner of C. Foss's location 38—opposite boundaries parallel and equal and all bearings true.*

Upset price £1 per acre.

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

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

At Perth,

On the 4th day of May, 1859.

*South Perth Suburban lot No. 67, Contents 2 acres 3 roods 36 perches.*

Upset price 30s. per acre.

*Williams location No. 5, containing 10 acres.*

Upset price £1 per acre.

*Avon location No. 263, containing 10 acres.*

Upset price £1 per acre.

*Swan location No. 262*, containing 10 acres.

Upset price £1 per acre

*Avon location 264* comprising 22 acres

Upset price £1 per acre.

*North Fremantle suburban lots*, N.F. 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17: contents of the whole 8 acres.

Upset price £4 per acre.

At Perth,

On the 1st of June, 1859.

*Geraldton Building lot No. 106*,

Upset price £15.

*Victoria location 347*, comprising 20 acres

Upset price £1 per acre.

*Victoria location 348*, comprising 15 acres.

Upset price £1 per acre.

At Bunbury,

On the 11th of May, 1859,

*Wellington location 173*, comprising 16 acres.

Upset price £1 per acre.

At Vasse,

On 4th May, 1859,

*Sussex location 51*, comprising 10 acres.

Upset price £1 per acre.

By His Excellency's command,

FRED. P. BARLEE,

Colonial Secretary.

### PROCLAMATION.

*By His Excellency Arthur Edward Kennedy, Esquire, Governor and Commander-in-Chief in and over the Territory of Western Australia and its dependencies and Vice-Admiral of the same.*

IN pursuance and exercise of the powers and authorities in that behalf vested in me, I do hereby notify and proclaim that a Session of the Court of Quarter Sessions of the Peace in and for the said Colony will be held at the Court House at Perth in the said Colony on Saturday the seventh day of May next, at ten of the clock in the forenoon.

*Given under my hand and the Public Seal of the Colony, at Perth, this 25th day of April, 1859.*

A. E. KENNEDY,  
Governor, &c.

By His Excellency's command,

FRED. P. BARLEE.

L.S.

Colonial Secretary.

GOD SAVE THE QUEEN!!

### Tillage and Pastoral Leases for Sale.

*Colonial Secretary's Office, Perth, April 15th, 1859.*

THE Collector and Sub-Collector of Revenue will offer for sale by Public Auction at the places and on the dates hereunder mentioned the following Tillage and Pastoral Leases,

At Perth.

On the 4th of May, 1859.

*Tillage Lease 1231* to the end of 1859, of 100 acres more or less of land on the

lower Greenough Flat extending 33 chains 33 links East and 30 chains South from a spot  $\frac{1}{2}$  a mile S. E. from a high bare sand hill  $5\frac{1}{2}$  miles S. Westerly from Mount Hill: opposite boundaries parallel and equal and all true.

Rent £10.

Upset premium 5s.

*Tillage Lease 1251* to the end of 1859, of 100 acres more or less of land on lower Greenough Flat, extending 20 chains true S.E. and 50 chains true N.E. from the junction of Company's and Cross Roads; opposite boundaries parallel and equal.

Rent £10.

Upset premium 5s.

*Pastoral Lease 1253* to the end of 1859, of 500<sup>00</sup> acres of land more or less, extending 140 chains west and 357 chains 14 links south towards a spot 333 chains 92 links north and 1146 chains 20 links east from summit of Wizard Peak; opposite boundaries parallel and equal and all true.

Upset Rent for 1859 £7 10s.

At Bunbury,

On the 11th of May, 1859.

*Pastoral Lease 1257* to the end of 1859, of 4000 acres more or less of land in Wellington District, bounded on the west by the Mandurah—Bunbury Road, on the south by an east line 120 chains at 80 chains north from location 70, on the east by a north line 230 chains 70 links, and on the north by a west line about 165 chains; all true.

Upset Rent for 1859, £7.

By His Excellency's command,

FRED. P. BARLEE,

Colonial Secretary.

*General Post Office, Perth, April 21st, 1859.*

NOTICE is hereby given for the information of the Public that commencing from 1st of May next, Mails for Gingin and Victoria Plains will be made up at this Office on the 18th of each month at 12 30 p.m. instead of the 20th of each month as hitherto, except when that date falls on a Sunday on which occasion the Mails will be made up on the previous day at the same time.

A. HELMICH,  
Postmaster General.

*Colonial Secretary's Office, Perth, 23rd April, 1859.*

A CONDITIONAL Pardon has been this day signed for:

Reg. No. 2395, Jeremiah Leary.

By His Excellency's command,

FRED. P. BARLEE,

Colonial Secretary.

*Colonial Secretary's Office, Perth, April 23rd, 1859.*

A CONDITIONAL Pardon has been this day signed for:

Reg. No. 142, John Osbourne.

By His Excellency's command,

FRED. P. BARLEE,

Colonial Secretary.

Colonial Secretary's Office, Perth,  
April 30th, 1859.

THE following Rules and Orders for the Regulation of Proceedings in Appeals to His Excellency the Governor of Western Australia in Executive Council made and prescribed on the 15th of November, 1853, and on the 4th of April, 1859, respectively, with the advice of the Executive Council are hereby published for general information.

This notice supercedes that of 16th April, 1859, in the Government Gazette of 26th April, 1859, which was erroneously printed.

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

### RULES AND ORDERS

FOR REGULATING PROCEEDINGS IN APPEALS TO HIS EXCELLENCY THE GOVERNOR IN EXECUTIVE COUNCIL.

1.—The party intending to appeal to give 14 days' notice in writing of such his intention to the adverse party.

2.—The party intending to appeal shall give security to the satisfaction of His Honor the Commissioner of the Civil Court for the due prosecution of the Appeal, the due performance of such Order or Judgment as the Court of Appeal shall think fit to make, and for the payment of the costs of Appeal.

3.—Petitions of Appeal must be lodged with the Clerk of the Council within 28 days after the Decree, Order, Judgment, or sentence of the Civil Court shall have been pronounced; and such Petitions shall state that the requisitions of the foregoing Rules have been complied with.

4.—The Clerk of the Council shall lay such Petitions before His Excellency the Governor in Executive Council for consideration, and notify to the Appellant the decision thereon.

5.—The Appellant, on receiving a notification that the Appeal will be permitted, shall take out from the Registrar of the Civil Court a copy or transcript of the several proceedings in the suit, including the Pleadings, Evidence, Decree, Order, Judgment or Sentence therein, and such copy shall be certified under the Hand of His Honor the Commissioner of the Civil Court as containing a correct statement of all the proceedings.

6.—Such Copy or transcript shall, thereupon be printed by the Appellant, and 10 printed copies thereof shall be delivered by him to the Clerk of the Council, together with the certified copy or transcript.

7.—The Appellant shall deliver to the Respondent 4 of such printed copies, at least, 7 days before the Appeal shall be heard.

8.—The foregoing Rules having been complied with, the Appellant shall apply to the Clerk of the Council to have the cause set down for hearing, and shall give the Respondent at least 4 clear days' notice of the cause having been set down for hearing, before the same shall be heard.

9.—After the cause has been set down for hearing, the hearing thereof may, at the discretion of the Court of Appeal, be postponed or adjourned, on application of either party, on terms.

10.—Should the Respondent, having received due notice as aforesaid, omit to appear in person or by counsel at the time appointed for the hearing, the Appeal will be heard *ex parte*.

11.—Should the Appellant neglect to prosecute the Appeal with due diligence, the Respondent should be at liberty to move to have the same dismissed, having first given the appellant, either by service upon him or his solicitor, or by publication in the Government Gazette, one month's notice of motion.

12.—No evidence shall be received on the hearing of any appeal, which was not received on the original hearing of the case in the Civil Court.

13.—It shall be requisite only to produce, on the hearing of any appeal, the certified copy or transcript referred to in the foregoing rule No. 5, together with any original documents produced and given in evidence on the hearing in the Civil Court, and not fully set forth in such certified copy or transcript.

14.—The Clerk of the Council shall keep a book, to be called "the Record Book of the Proceedings of the Executive Council as a Court of Appeal," in which accurate minutes of the proceedings, in each case of appeal, shall be entered, and signed, at convenient intervals, by the Governor, as President of the Court.

15.—All proceedings in appeals not provided for by the foregoing Rules, to be regulated, so far as may be practicable, in accordance with the practice in appeals to Her Majesty in Council.

Approved in Executive Council,  
15th November, 1853,

A. O'GRADY LEFROY,  
Clerk of the Council.

16.—The Clerk of the Council may refuse to do any act of office, if thereunto required, by any person, other than some party to the suit, or proceeding, to which such act refers, or the agent or solicitor of such party, whose authority has been established to the satisfaction of the Council, or unless the fees lawfully demandable for any such act as set forth in the annexed Table of Fees, be first paid:—

#### TABLE OF FEES IN THE COUNCIL OFFICE

	£	s.	d.
Entering and filing Petition of Appeal.....	2	0	0
Filing transcript of Proceedings &c. from Court below	0	5	0
Setting down Petition for hearing .....	0	10	0
Adjournment .....	0	5	0
Hearing Appeal .....	1	1	0
Judgment .....	1	1	0
Filing Documents, Affidavits,			

	£ s. d.			£ s. d.
&c., each .....	0 2 6		Index to same if over 15 sheets	2 2 0
Search.....	0 5 0		„ „ if under 15 sheets	1 1 0
Production .....	0 2 0		Certificate and Examination of	
Office copies of all documents			transcript for every 15 folios	0 5 0
per folio of 72 words ....	0 1 0		Postage (as paid)	
Examining copies with docu- ments .....	0 5 0			
Preparing and transmitting copy of transcript record to Registrar of Her Majesty's Privy Council, Whitehall, per folio of 72 words .....	0 1 0			

Approved in Executive Council,  
4th April, 1859,

HENRY WAKEFORD,  
Clerk of the Council.

### PASTORAL LANDS.

*Colonial Secretary's Office, Perth,  
8th April, 1859.*

IT is hereby notified for general information that the undermentioned Pastoral Leases have become vacant by forfeiture for non-payment of rent for the current year.

The said lands are now open to general selection for fresh leases, and any information respecting them may be obtained at the Survey Office, or from the Resident Magistrate of the District in which any of them may be situated.

No.	Acres.	District.	Name.
800	10,000	Melbourne	William Brockman.
590	6,800	Avon	James Edwards.
789	20,000	Nelson	John Hassell.
901	5,000	Murray	Michael Pollard.
779	5,150	Avon	R. G. Meares.
813	6,000	Avon	Matthew Oliver.
582	10,000	Melbourne	Peter Aragon.
921	5,000	Do.	Rt. Rev. J. M. B. Serra.
891	5,000	Victoria	J. S. Davis.
578	14,000	Nelson	J. H. Monger.
614	20,000	Williams	J. H. Monger.
777	20,000	Melbourne	W. Padbury.

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