

GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY.)

FRIDAY, JULY 21, 1843.

[NUMBER 364

WESTERN AUSTRALIA, ANNO SEPTIMO, VICTORIÆ REGINÆ.

By His Excellency JOHN HUTT, Esquire,
Governor and Commander-in-Chief in
and over the Colony of Western Aus-
tralia and its Dependencies, and Vice-
Admiral of the same, with the advice
and consent of the Legislative Council
thereof.

No. II.

An Act for the Licensing of Boats and Boatmen.

Whereas it is expedient to make provision for the better regulation of Boats and Boatmen carrying goods or passengers for hire—Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that from and after the first day of August next any person not being a lessee of a public ferry duly established by proclamation crossing goods or passengers at such ferry or not being in the employ of any person duly licensed as hereinafter mentioned who shall carry by boat any goods or passengers for hire in any part of this Colony without having first obtained such license as is hereinafter mentioned and required shall upon conviction for every such offence forfeit and pay any sum not exceeding Ten Pounds.

II. And be it enacted, that every person desirous of obtaining a Licence according to the provisions of this Act shall deliver a description under his hand of the boat for which he desires to obtain a Licence in the form in the annexed Schedule No. 1, with a declaration under his hand to the truth thereof, to the Justices of the Peace at the General Annual Licensing Meeting of the District in which said person shall be then resident; and it shall be lawful for the majority of Justices assembled at such Meeting, to grant to such persons as shall be approved of by them upon payment of the sums specified in Schedule No. 2, a Licence in the form given in Schedule No. 3, and every such Licence shall be in force from the date thereof until the first day of January then next ensuing and no longer.

III. And be it enacted, that it shall be lawful for any two or more Justices of the Peace in the said Colony in Petty Sessions assembled to grant a Licence for any broken period of a year upon payment of a proportionate amount for the same, provided that such amount be in no case less than one-half the full amount payable for the entire year.

IV. And be it enacted, that every person so Licensed to keep a Boat shall have his name and place of abode legibly painted in letters not less than one inch in length on the inner side of the gunwale of the stern sheets of the boat which he shall be licensed to ply for hire, and his number painted in figures of a like size upon the inside of the gunwale of the foresheets thereof, and if any person so licensed shall fail in this regulation he shall on conviction forfeit and pay for every such offence any sum not exceeding Forty Shillings.

V. Provided always and be it enacted, that if any person Licensed under this Act shall die before the expiration of the term of his Licence, or shall be desirous of transferring his Licence to any other person or persons, it shall be competent to any two Justices of the Peace, for the said Colony to transfer such Licence by endorsement to the Executor or Administrator of the party so dying, or to the appointee of the person

so desirous of transferring as aforesaid, upon payment of a fee of Five Shillings for such transfer.

VI. And be it enacted that the Justices shall from time to time publish in the Government Gazette, a list of the licences or transfers of licences which they may issue under this Act.

VII. And be it enacted, that it shall be lawful for any two or more Justices of the Peace to deprive of his Licence any Boatman who upon complaint made before them upon oath shall be found guilty of dishonest or improper conduct.

VIII. And be it enacted that it shall be lawful for any person employed under the Collector or Sub Collector of Colonial Revenue to board any boat and demand an inspection of the Licence and also of the boat-note, and if necessary to make such an examination of the cargo as to enable him to ascertain the correspondence of the cargo with the contents of the boat-note, and any person who shall refuse to give such inspection or to permit such examination shall upon conviction forfeit any sum not exceeding Forty Shillings.

IX. And be it enacted, that all Informations and Proceedings on account of any offence under this Act shall be heard and determined, and all forfeitures and penalties in respect of the same shall be awarded and imposed in a summary way by any two Justices of the Peace; and that it shall be competent to any one Justice of the Peace to receive the original information and complaint, and thereupon to summon the party accused and all necessary Witnesses before any two Justices of the Peace, of whom such summoning Justice need not be one, and upon appearance of the party accused (or in his absence upon proof by oath of his having been served with the said summons either personally or by the same being left at his usual place of abode) such two Justices shall hear the matter of such information and examine all necessary witnesses upon oath and make such order thereon as to them shall seem meet, and in case the party accused shall be by them convicted, and shall fail to pay any fine or penalty, costs or expenses, awarded by such order within three days next after such order shall have been personally served on him or left at his usual place of abode, it shall be lawful for the said convicting Justices to levy and raise such fine or penalty, costs or expenses, by distress and sale of the goods and chattels of the party so convicted, and in case such goods and chattels shall be insufficient for that purpose it shall be lawful for the convicting Justices to commit the party so convicted to any Gaol or House of Correction for any term not exceeding three calendar months with or without hard labor.

X. And be it enacted, that all Informations and Proceedings in respect of offences against this Act shall be commenced within one calendar month next after the offences thereby respectively charged shall have been committed.

XI. And be it enacted, that all sums received for licences (save and except clerk's fees) and Transfers of Licences under this Act, and all sums arising from any Penalties or Forfeitures hereinbefore mentioned shall, after deducting expenses, be paid to the Chairman of the Trusts of the Towns respectively where the said Licences or Transfers of Licences may have been obtained or where the said Penalties and Forfeitures may have been imposed and awarded, to be applied towards the purposes of the Act intituled "An Act to provide for

the Improvement of Towns in the Colony of Western Australia," or where there shall be no such Trust then to the Collector of Revenue or to the Sub-Collector of the Districts to the account of the general revenue.

XII. And be it enacted, that nothing in this Act shall be construed to prevent any Commander or Owner of a Ship or vessel from landing the whole or any part of his cargo at the proper place appointed for landing cargo in the boats of the said ship or vessel without having obtained a Licence for such boats provided the name of such ship or vessel be legibly painted on such boats.

XIII. And be it enacted, that the term boat in this Act shall be taken to apply to every description of boat, flat, barge or vessel not having a certificate of registry under any Act requiring the registration of British vessels.

XIV. And be it enacted, that this Act may be amended or repealed by any Act to be passed during this present Session.

"JOHN HUTT,"

GOVERNOR.

Passed the Council }
13th July, 1843. }

EDWARD C. SOUPER,
Acting Clerk of the Council.

Schedules referred to by the annexed Act.

SCHEDULE No. 1.

APPLICATION FOR A LICENCE.

I, _____, of _____, in the District of _____, hereby apply for a Licence to ply the Boat hereunder described to carry goods and passengers, which description I declare to be true and accurate to the best of my knowledge.

Name of boat.	Description of boat.	Tonnage, with extreme length and breadth.

SCHEDULE No. 2.

SCALE OF GRADUATED CHARGE FOR LICENCE.

	£	s.	d.
For every boat under two tons	10	0	0
For every boat two tons and under five.....	1	0	0
For every boat five tons and under fifteen.....	1	10	0
For every boat fifteen tons and upwards.....	2	0	0
Fee for each Licence paid to Clerk to Magistrates.....	2	0	0

SCHEDULE No. 3.

LICENCE.

WE hereby certify that _____ of _____, is licensed under the Act to ply for hire by carriage of goods and passengers the boat hereunder described from the date hereof till the first day of January next ensuing for which Licence he has paid the sum of _____ of

Number.	Name.	Description of boat.	Tonnage, with extreme length and breadth.	SALARIES.			Arrears.	Appertaining to the Quarter.	Total.
							£ s. d.	£ s. d.	£ s. d.
				Acting Treasurer.....			7 12 6		
				Registrar of Deeds.....			16 13 4		
				Superintendent of Public Works.....			16 13 4		
				Colonial Secretary's Office.....			25 0 0		
				Surveyor-General's do.....			92 10 0		
				Collector of Revenue.....			33 6 8		
				Resident Magistrate, Fremantle.....			16 13 4		
				Do. Albany.....	33	6 8	8 6 8		
				Do. Bunbury.....	8	6 8	8 6 8		
				Tidewater Fremantle.....			16 13 4		
				Do. Bunbury.....	8	6 8	8 6 8		
				Do. Albany.....	58	6 8	8 6 8		
				Do. Perth.....			8 6 8		
				Harbour Master, Fremantle.....			16 13 4		
				Do, Albany.....	50	0 0	8 6 8		
				Superintendent of Rottnest Establishment..	8	6 8	8 6 8		
				Gaoler, Fremantle.....			12 10 0		
				Do. Albany.....	35	0 0			
				Postmaster-General Perth.....			16 13 4		
				Postmaster, Fremantle.....			8 6 8		
				Do. Albany.....	12	10 0			
				Do. Guildford.....			4 3 4		
				Do. York.....	3	15 0			
				Do. Bunbury.....	1	5 0	1 5 0		
				Do. Vasse.....	5	0 0	2 10 0		
				Bailiff of Civil Court.....			3 6 8		
				Constables, Perth.....			6 13 4		
				Constable, Fremantle.....			3 6 8		
				Do. Albany.....	5	0 0			
				Do. Murray.....	5	16 8			
				Do. Vasse.....			16 8		
				Housekeeper Public Offices.....			5 16 8		
				Native Interpreter.....			15 0 0		
				Confidential Clerk and Clerk of Council..			41 13 4		
				Registrar Clerk of Civil Court.....			16 13 4		
				Sheriff.....			21 13 4		
				Crown Solicitor.....			33 6 8		
							235 16 8	493 17 6	

RETURN OF THE PUBLIC REVENUE OF THE COLONY OF WESTERN AUSTRALIA FOR THE QUARTER ENDING JUNE 30, 1843.

	£	s.	d.
Duty on Imported Spirits..	1,170	3	5
Do. on Wines.....	81	12	5
Do. on Tobacco.....	256	11	10
Do. on Goods sold by Auction.....	72	17	9
Do. on transfer of landed property.....	21	13	4
Do. on Imported Goods (2½ per cent.).....	298	7	8
Licenses to sell Spirits....	64	3	4
Do. to sell by auction..	10	0	0
Do. to practise in Civil Court.....	4	0	0
Do. to keep Dogs.....	7	5	0
Warehouse rent on Spirits in bond.....	38	5	1
Fees of Public Offices.....	88	14	0
Post Office Department....	95	0	7
Judicial fines and forfeitures	21	19	0
Freight per Colonial vessel..	130	12	6
Repayment of Loans.....	51	7	9
Sales of Crown Lands.....	308	0	0
Miscellaneous.....	34	4	3
	£2,755	17	11

PETER BROWN,
Colonial Secretary.

ABSTRACT OF THE PUBLIC EXPENDITURE OF THE COLONY OF WESTERN AUSTRALIA FOR THE QUARTER ENDING JUNE 30, 1843.

From the Parliamentary Grant.

	£	s.	d.
SALARIES.			
The Governor.....	117	15	6
Colonial Secretary's Office..	100	10	5
Survey Department.....	176	6	8
Commissioner of Civil Court	44	3	4
Advocate General.....	116	19	8
Colonial Chaplain.....	36	16	2
Colonial Surgeon.....	21	9	8
Resident Magistrate, Fremantle.....	14	14	4
Ditto Albany, 5 months....	41	13	4
Ditto Vasse.....	14	14	4
Clerk of the Peace.....	14	14	4
Sheriff.....	14	14	4
Commandant.....	26	19	0
Protectors of Natives.....	73	12	4
	£815	3	5

CONTINGENCIES.

Lodging allowance Colonial Chaplain.....	8	6	8
Printing and stationery....	22	14	4
Maintenance of Colonial vessel.....	84	16	3
Forage allowance to Protectors.....	34	9	0
Survey contingencies.....	100	19	0
	1,066	8	8

Recapitulation.

Payments by Treasurer Perth	1,024	5	4
Do. do. Albany	42	3	4
Total on Parliamentary Grant	1,066	8	8

CONTINGENCIES:

Allowance to acting Advocate-General....			8 6 8
Police Establishment.....	95	7 3	70 0 1
Issues to Natives.....	20	2 0	9 17 0
Surveys and Explorations.....	126	2 6	43 19 3
Roads and Bridges.....			300 0 0
Schools.....	5	0 0	6 16 0
Collection of Revenue.....	7	17 0	17 14 0
Administration of Justice.....	112	11 5	64 13 7
Rottnest Establishment.....			15 7 0
Colonial Hospital.....	5	16 8	73 1 2
Post Office Department.....	110	16 8	37 5 4
Public Buildings.....	36	13 4	37 1 0
Introduction of Labor.....			1,187 8 11
Medical Attendance.....			8 6 8
Ministers Stipends.....	16	13 4	41 13 4
<i>Miscellaneous as under, viz.:</i>			
Passage of the Rev. Mr. Postlethwaite from England.....	150	0 0	
Refund of duty on Transfer of Land.....	15	18 0	
Extra Clerks and Writing.....	10	19 0	25 16 4
Collecting returns.....	2	2 0	
Extra road making.....	2	14 0	15 5 0
Rations to Sub-Treasurer at Albany.....	4	8 2	
Relief to the destitute.....			4 8 0
Petties.....	10	2 6	7 11 4
	733	3 10	1,974 10 8
Total Contingencies.....			2,707 14 6
Total on Colonial Fund.....			3,437 8 8

Recapitulation.

	£	s.	d.
Payments by Treasurer at Perth.....	3,054	8	11
Do. do. Albany.....	382	19	9
	£3,437	8	8

PETER BROWN, Colonial Secretary.

Colonial Secretary's Office, Perth,
July 19, 1843.

His Excellency the Governor directs it to be notified that as the terms of assignment of the following blocks of land have expired without any evidence of the performance of the stipulated location duties having been furnished to the Local Government, they have reverted to the Crown, and are now open to purchase.

Canning.

5,000 acres, Stephen Henty
1,147 " P P. Smith.
By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 14, 1843.

His Excellency the Governor has been pleased to direct it to be notified that, since

the date for notice which was published in the Government Gazette of the 9th June last, declaring a grant of 120 acres of land on the Helena, assigned to J. S. Harris, to have reverted to the Crown for non-performance of the location duties, the requisite schedule of improvements has been sent in to this office.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 18, 1843.

ERRATUM.

In a Government Notice dated 29th May, 1843, and published in the Government Gazettes of the 2nd and 9th of June, 1843, declaring certain assignments of land to have reverted to the Crown for non-performance of the necessary location duties, "400 acres" on the Helena, in the name of J. Harris, should have been "480 acres."

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 17, 1843.

His Excellency the Governor has been pleased to appoint Mr. Robert Viveash to the situation of Hospital Assistant vice J. B. Vance, dismissed.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 19, 1843.

As no Crown Lands can now be sold in this Colony without a Proclamation having been first issued appointing a day for the sale thereof under the provisions of the "Act for regulating the Sale of Waste Lands belonging to the Crown in the Australian Colonies," His Excellency the Governor desires it to be notified for general information that no Proclamations whether relating to Country Lands or Town and Suburban allotments will be issued except in the Government Gazette on the first Friday of every month, and that all applications for the purchase of any Lands or Allotments must therefore be forwarded to the Office of the Colonial Secretary at least three clear days before the end of each month, in order that they may appear in the earliest Gazette of the following month.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 19, 1843.

His Excellency the Governor is pleased to direct the following letter from Charles Symmons, Esquire, Protector of Natives, to be published for general information.

By His Excellency's command,
PETER BROWN.

Perth, July 6, 1843.

SIR,—In accordance with His Excellency's instructions I proceeded this morning to Fremantle, where, in the presence of Mr. Richard Brown, the Resident Magistrate, Mr. Dinely, the Medical Attendant, Mr. Samuel Moore, J. P. of the Colony, and the Reverend G. King, the officiating Minister of Fremantle, I instituted a further enquiry into the circumstances connected with the

death of the native boy "Millett," late a pupil in the school in that town.

After briefly stating the circumstances which led to this second enquiry, namely, a difference of opinion between the Rev. Mr. King, and myself as to the probable cause of the child's death, I left the Resident Magistrate and Mr. Samuel Moore to elicit from Mrs. Robinson (the Matron of the Establishment) the information required.

The result of their enquiry, together with the opinion of Mr. Dinely, the Medical Attendant, I have the honor to enclose for His Excellency.

They will be found to bear out the opinion I had formed and previously expressed in my official letter of the 11th of June, viz., that the said boy "Millett's" death could not fairly be attributed to either exposure to wet, or insufficiency of clothing, but rather to the consequences of a debility under which he had been laboring for nearly two (2) years.

I have however to state, that the preconceived opinion of the Rev. Mr. King, still remains unchanged in the smallest degree.

I have the honor to be,

Sir,

Your very obd't servant,

CHARLES SYMMONS,
Protector of Natives.

The Honorable the }
Colonial Secretary. }

Fremantle, July 6, 1843.

We the undersigned being called upon by the Protector of the Aborigines, to enquire into the facts connected with the death of the native boy "Millett," are of opinion, from the nature of the examination held this day in the native school at Fremantle, that the state of the house or clothing was not either the remote or immediate cause of his death.

SAMUEL MOORE, J. P.
R. McB. BROWN, J. P., Resident.

Being called upon to state my opinion touching the death of the native boy "Millett," I am of opinion that the child having been suffering for a considerable time with mesenteric disease, the cause of death is more attributable to debility than to the uninhabitable state of the school-house, or want of clothing.

WILLIAM P. DINELY,
Surgeon and Medical Attendant
at the Fremantle Jail

General Post Office, Perth,
July 20, 1843.

LIST OF UNCLAIMED LETTERS

Brown, Dennis
Brown, William
Buttrely, William
Barney, Edward
Baker, Mr.
Butterworth, John
Bagley, Thomas

Cole, Daniel
Durlacher, A.
Farmer, Phillip
Gee, William

Harrenden, Fanny
Hannan, Miss
Hennell, C.
Harwood, J.
James, Mr.
Johnson, Thomas
Knight, James
Liversidge, William
Millar, J.
Miltigan, F.
Maxwell, G.

2 Pengilly, J. B.
Pestou, Spadrick
Parsons, John
Parsons, Thomas
Quinn, M.

Smith, John
Sheridan, John
Stewart, James
Tomson, John
Turner, William
Taylor, John
Thicket, John
Waldan, James
Webber, Samuel
Wood, Mr. junr.
Westwoode, James Henry

Letters detained for non-payment of ship postage—

William Tyrrell, New South Wales
R. W. Rollands, Cheapside, London
Mr. Brown, Orchards, Derbyshire
John Smith, Davenury, Northamptonshire
Mr. Pand, Brightingsea, Essex.

The following letters are lying at the Guildford Post Office, detained for non-payment of ship postage—

Mr. Wm. Clinton, care of Mr. A. Screeck,
Bass Road, Sydney.
Mr. Smallhorn, Builder, &c., Erind Place,
Fitzroy Crescent, Hobart Town, V.D.L.
Mrs. Watts, Bartholomew Place, New-
bury, Berks, England.

H. CAMFIELD,
Postmaster-General.

COMMISSARIAT NOTICES.

Commissariat Office, Perth,
July 20, 1843.

Tenders in triplicate will be received at this Office on Tuesday, 1st August, 1843, for Five hundred weight of Peas required for Her Majesty's service.

For further particulars application to be made at this office.

W. H. DRAKE,
Dep.-Asst.-Com.-General.

Commissariat Office, Perth,
July 13, 1843.

Tenders in triplicate will be received at this office on Tuesday, 25th instant, at 12 o'clock, for a Sentry Box.

For further particulars application to be made to this Office.

W. H. DRAKE,
Dep.-Asst.-Com.-General.

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