

WESTERN AUSTRALIAN GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY.)

FRIDAY, JUNE 21, 1844.

[NUMBER 410]

Colonial Secretary's Office, Perth,
June 19, 1844.

His Excellency the Governor directs it to be notified, that the Court in York for the recovery of Small Debts (under the provisions of the Act of Council 6th Wm. 4th No. 2) will sit on the first Saturday in every month in the Court-house there.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
June 12, 1844.

His Excellency the Governor has been pleased to direct the publication of a Circular from the Right Honorable the Secretary of State for the Colonies, transmitting a copy of a Treaty of Commerce and Navigation between Her Majesty and the Republic of Hayti.

By His Excellency's command,
PETER BROWN.

[CIRCULAR.]

Downing-street, August 30, 1843.

Sir,—I have the honor to transmit to you herewith an Order made by Her Majesty in Council on the 23rd inst., granting to Citizens of the Republic of Hayti the privilege of trading directly with Her Majesty's Colonial Possessions in ships built, navigated, and owned as required by the laws of navigation of this country.

I have to desire that you will give publicity to this order in the Colony under your Government, and will take such measures as may be requisite to ensure its being carried into effect.

I have the honor to be,

Sir,

Your most ob'dt humble serv't,
(Signed) STANLEY.

Gov. HUTT, &c., &c., &c.

At the Court at Buckingham Palace,
the 23rd day of August, 1843.
Present—The Queen's Most Excellent
Majesty in Council.

Whereas by an Act passed in the Session of Parliament held in the third and fourth years of the reign of His late Majesty King William the Fourth, intituled "An Act to regulate the Trade of the British Possessions abroad"; after reciting, that by the law of Navigation, Foreign ships are permitted to import into any of the British Possessions abroad, from the countries to which they belong, goods, the produce of those countries, and to export goods from such Possessions, to be carried to any Foreign country whatever; and that it is expedient that such permission should be subject to certain conditions; it is enacted, that the privileges thereby granted to foreign ships, shall be limited to ships of countries which having Colonial possessions, shall grant the like privileges of trading with those possessions to British ships; or which, not having Colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favored nation, unless His Majesty, by his order in Council, shall in any case deem it expedient to grant the whole or any part of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country.

And whereas Her Majesty, by and with the advice of Her Privy Council, doth deem it expedient to grant the aforesaid privileges of trading with the British Possessions abroad to the ships of the Republic of Hayti.

Now, therefore, Her Majesty doth, by the advice aforesaid, and in pursuance and

exercise of the power and authority in her respectively vested by the said recited Act, order, declare, and grant, that from the date hereof, and in the mean time, until Her Majesty in Council shall be pleased to revoke or determine this order by any other order in Council, it shall be lawful for vessels to import from the Territories of the Republic of Hayti into any of the British Possessions abroad, goods, the produce of the said Territories of the Republic of Hayti, and to export goods from such Possessions to be carried into any foreign country whatever.

Provided always, that nothing herein contained shall be construed to prevent the vessels of the Republic of Hayti from trading with any of the British Possessions in Europe to such extent and in such manner as they lawfully may under the laws of navigation now in force.

Provided further, that nothing hereinbefore contained shall extend or apply to the Possessions of the East India Company.

Provided always, that the privileges hereby granted shall be confined to vessels of the Republic of Hayti, built, owned, and navigated as required by the British Laws of Navigation for the time being in force.

And the Right Honorable the Lords Commissioners of Her Majesty's Treasury, and the Right Honorable Lord Stanley, one of Her Majesty's principal Secretaries of State, are to give the necessary directions herein accordingly.

(Signed) C. GREVILLE.

WESTERN AUSTRALIA.
ANNO SEPTIMO,
VICTORIÆ REGINÆ.

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

No. XII.

[CONTINUED.]

XIV. Provided that in order to discourage corrupt practices by common informers it shall be lawful for the justice or majority of the justices before whom any conviction shall be had although any part of a penalty shall be directed to be paid to the informer by any Act, to adjudge that no part or such part only of the penalty as he or they shall think fit shall be paid to the informer.

XV. And whereas great inconvenience has been felt in several instances from want of power in one justice of the peace residing in a remote district to adjudicate or act in cases in which the presence of two or more justices is required by law, be it enacted, that when and so often as any justice of the peace shall receive any application, information or complaint touching any licence, matter or proceeding in which by any Act now or hereafter to be in force in this Colony any thing is directed to be granted, heard, determined or done by or before two or more justices of the peace, and it shall so happen that no other justice of the peace is permanently resident, or can be found at the time within twenty miles from the residence of the justice receiving such application, information or complaint, then in such case it shall be lawful for such last mentioned justice to grant, hear and determine any such licence, matter, or proceeding, and to do all things incident or collateral thereto

respectively as fully and effectually to all intents and purposes as any two or more justices are or shall be by any such Act required or empowered to do—Provided that such justice shall specially mention the fact of the non-residence of any other justice within the distance aforesaid in any licence, reorganization or conviction made or taken by him, and that such licence, reorganization, order or conviction was made or taken by him under and by virtue of the power and authority so given to him by this Act—Provided further, that no licence granted as aforesaid by any one justice shall be valid if a licensee for the same purpose shall have been previously refused by any other justice or justices of the same district within which such granting justice shall be resident.

XVI. 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.

Pased the Council, }
May 30, 1844.

EDWARD C. SOUPER,
Clerk of the Council.

Schedule A referred to in the annexed Act.

FORM OF JUDGMENT OR CONVICTION:

Western Australia } Be it remembered that
to wit, } on this day of
18 [name] of [place] was
convicted before me A B [or us A B
and C D] one [two or more as the case
may be] of Her Majesty's Justice or
the Peace in and for the Colony of
Western Australia upon an Informa-
tion in that behalf exhibited before
[name of the Justice or Justices] on
the day of now past
by C D, of in the said Col-
ony, for that on the day of
[state the fact or offence in
respect of which the judgment or con-
viction is had] whereupon I [or we] do
in pursuance of the Act in such case
made and provided for [state the prin-
cipal subject of Act or the title] award,
order, and adjudge, that [set forth the
adjudication, and if awarding a pen-
alty as follows] the said [offender] do
for such offence [where necessary add
being his or her second, or third, or
subsequent offence, as the case may be]
forfeit and pay the sum of pounds
to go and be distributed as in and by
the said Act [or if such Act shall not
have specifically provided for any dis-
tribution of such penalty, here state
the title of the Act providing for dis-
tribution] is provided, besides the costs
and charges of and attending this con-
viction, which costs and charges I [or
we] the said Justice [or Justices] do
hereby ascertain and assess at the sum
of .

Given under my hand and seal [or our
hands and seals] the day and year first
above mentioned.

No. XIII.

An Act for adopting certain Acts of Par-
liament passed in the third and fourth,
the fourth and fifth, the fifth and sixth,
and the sixth and seventh years of the
reign of His late Majesty King Wil-
liam the Fourth; and also certain Acts
of Parliament passed in the first and
second, the second and third, and the
fifth and sixth years of the reign of
Her present Majesty Queen Victoria
respectively; and applying the same
in the Administration of Justice in

Western Australia in like manner as the other Laws of England are applied therein.

Whereas a certain Act of Parliament was passed in the third and fourth years of the reign of His late Majesty King William the Fourth intituled "an act to allow Quakers and Moravians to make affirmation in all cases where an Oath is or shall be required; and whereas also certain other Acts of Parliament were passed in the fourth and fifth years of the reign of His said Majesty intituled respectively "an act for the amendment of the Law relative to the Excheat and Forfeiture of real and personal property holden in Trust," and "an act to abolish the practice of hanging the bodies of Criminals in chains"; and whereas also certain other Acts of Parliament were passed in the fifth and sixth years of the reign of His said Majesty intituled respectively "an act to amend the law relating to the custody of Infants," and "an act to explain and extend the provisions of an act passed in the first year of His late Majesty King Willian the Fourth intituled "an act for consolidating and amending the laws for facilitating the payment of debts out of realestates"; and whereas also certain other Acts of Parliament were passed in the fifth and sixth years of the reign of Her said present Majesty intituled respectively "an act to amend the law relating to securities given for considerations arising out of Gaming, Usurrious, and certain other illegal transactions," and "an act for enlarging the powers of Magistrates in the appointment of Special Constables," and "an act to render certain Marriages valid, and to alter the law with respect to certain voidable Marriages," and "an act for abolishing capital punishment in cases of letter stealing and sacrilege"; and whereas also certain other Acts of Parliament were passed in the sixth and seventh years of the reign of His said Majesty intituled respectively "an act to amend an act of the last session for abolishing capital punishments in cases of letter stealing and sacrilege," and "an act for declaring the Law as to the Day on which it is requisite to present for payment to the acceptors or acceptor supra protest for honor, or to the referees or referee in case of need, Bills of Exchange which had been dishonored," and, "an act to repeal so much of two acts of the ninth and tenth years of King George the Fourth as directs the period of Execution and the prison discipline of persons convicted of the crime of murder," and "an act to prevent the fact of a previous conviction being given in evidence to the jury on the case before them except when evidence to character is given," and "an act for enabling persons indicted of Felony to make their defence by Counsel or Attorney," and whereas also certain other Acts of Parliament were passed in the first and second years of the reign of Her present Majesty Queen Victoria intituled respectively "an act to remove doubts respecting Conveyances of Estates vested in Heirs and Devisees of Mortgagees," and "an act to faci-

litate the recovery of possession of Tenements after due determination of the Tenancy," and "an act for permitting affirmation to be made instead of an oath in certain cases," and "an act to remove doubts as to the validity of certain oaths," and whereas also certain other Acts of Parliament were passed in the second and third years of the reign of Her said Majesty intituled respectively "an act to amend the law relating to the custody of Infants," and "an act to explain and extend the provisions of an act passed in the first year of His late Majesty King Willian the Fourth intituled "an act for consolidating and amending the laws for facilitating the payment of debts out of realestates"; and whereas also certain other Acts of Parliament were passed in the fifth and sixth years of the reign of Her said present Majesty intituled respectively "an act to amend the law relating to securities given for considerations arising out of Gaming, Usurrious, and certain other illegal transactions," and "an act for enlarging the powers of Magistrates in the appointment of Special Constables," and "an act to render certain Marriages valid, and to alter the law with respect to certain voidable Marriages," and "an act for abolishing capital punishment in cases of letter stealing and sacrilege"; and whereas also certain other Acts of Parliament were passed in the sixth and seventh years of the reign of His said Majesty intituled respectively "an act to amend an act of the last session for abolishing capital punishments in cases of letter stealing and sacrilege," and "an act for declaring the Law as to the Day on which it is requisite to present for payment to the acceptors or acceptor supra protest for honor, or to the referees or referee in case of need, Bills of Exchange which had been dishonored," and, "an act to repeal so much of two acts of the ninth and tenth years of King George the Fourth as directs the period of Execution and the prison discipline of persons convicted of the crime of murder," and "an act to prevent the fact of a previous conviction being given in evidence to the jury on the case before them except when evidence to character is given," and "an act for enabling persons indicted of Felony to make their defence by Counsel or Attorney," and whereas also certain other Acts of Parliament were passed in the first and second years of the reign of Her present Majesty Queen Victoria intituled respectively "an act to remove doubts respecting Conveyances of Estates vested in Heirs and Devisees of Mortgagees," and "an act to faci-

Colonial Secretary's Office, Perth,
June 11, 1844.

His Excellency the Governor has been pleased to appoint Marianne McLarty to be acting Postmistress at Pinjarrah.

By His Excellency's command,
PETER BROWN.

COMMISSARIAT NOTICE.

Commissariat Office, Perth,
June 6, 1844.

Sealed tenders in triplicate will be received at this office on Tuesday, 2nd July, at 12 o'clock, from such parties as may be desirous of obtaining Bills of Exchange on the Right Honorable the Lords Commissioners of Her Majesty's Treasury payable in London at thirty days' sight.

The Bills will not be drawn, or Tenders accepted, for any sum less than (100) one hundred pounds.

The Tenders must state in figures and words at length the rate of Exchange offered in Specie for the Bills, and also the description of Coin.

For further particulars application to be made to this office.

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

GENERAL ROAD TRUST.

THE Quarterly Meeting of the Trustees for the General Road Trust will be held at the Court-house, Perth, on Wednesday, the 3rd July next, at 12 o'clock precisely.

By order of the Chairman,
EDWARD PICKING,
Clerk to the Trustees.
Perth, June 17, 1844.

QUARTER SESSIONS.

NOTICE is hereby given that the next General Quarter Sessions of the Peace of our Sovereign Lady the Queen for the Colony of Western Australia, will be helden at the Court-house at Perth, on Wednesday, the third day of July next, at the hour of nine in the forenoon of the same day.—Dated the seventeenth day of June, one thousand eight hundred and forty-four.

A. H. STONE,
Clerk of the Peace.

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