

WESTERN AUSTRALIAN GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY.)

FRIDAY, JUNE 13, 1845.

[NUMBER 458]

WESTERN AUSTRALIA.

ANNO OCTAVO,
VICTORIÆ REGINÆ.

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

No. XI.

An Ordinance for avoiding unnecessary repetitions in the Ordinances of the Governor and Legislative Council of Western Australia.

Whereas it is expedient to avoid unnecessary repetitions in the Colonial Laws—Be it therefore enacted by His Excellency the Governor of Western Australia, with the advice and consent of the Legislative Council thereof, that in all Acts or Ordinances heretofore passed, or hereafter to be passed, by the Governor with the advice and consent aforesaid, unless there be something in the subject or context repugnant to such construction, every word importing the masculine gender or singular number shall be construed to include the feminine and plural respectively, and vice versa, and bodies politic and corporate as well as individuals, and whenever mention is made in any such Act or Ordinance of the Governor, or of any Public Officer of the Colony, it shall be construed to mean the person lawfully acting as such in the Colony for the time being, and also that the word Act shall be construed to mean Ordinance, and vice versa.

II. And be it enacted, that this Ordinance shall commence and take effect from and after the passing thereof.

III. And be it enacted, that this Ordinance may be altered, amended or repealed by any Ordinance to be passed during the present session.

JOHN HUTT,
GOVERNOR.

*Passed the Legislative Council
this 5th day of June, 1845. }
WALKINSHAW COWAN,
Clerk of the Councils.*

No. XII.

An Ordinance to remove doubts as to the power of Justices of the Peace of the Colony of Western Australia to inflict penalties under certain Acts of Parliament.

Whereas doubts have been suggested as to whether certain Acts, or parts of Acts of Parliament, inflicting pecuniary penalties in certain cases, can be legally applied in the administration of justice to this Colony because the pecuniary penalties or sums of money so inflicted or leviable under some of the provisions of the said Acts are directed to go and be appropriated to the Overseer of the poor of some Parish, or to the Treasurer of some County, or otherwise in aid of the county rates, or are to be demanded by the Churchwardens of some Parish, or some other person or persons in particular of or in some County, or place or Parish, or for some Charitable Institution, or some other local fund or purpose, and it is expedient to remove such doubts: Be it therefore enacted by His Excellency the Governor of Western Australia, with the advice and consent of the Legislative Council thereof, that in all cases where any Act of Parliament, or section of any Act of Parliament, otherwise applicable in the

administration of justice in this Colony, cannot be strictly complied with by reason that the fine, forfeiture or penalty inflicted or leviable by the same Act or section is made applicable to some local purposes as aforesaid, or is to be demanded by some particular person or persons, such fine, forfeiture or penalty shall be leviable without any such demand, and shall be reserved to the use of Her Majesty, Her Heirs and Successors, and shall be paid to the Collector of Revenue for the public uses of this Colony, and the support of the Government thereof.

II. And whereas Justices of the Peace for the Colony of Western Australia have heretofore exercised a summary jurisdiction under and by virtue of several Acts as hereinbefore mentioned; and whereas the said Justices, or some of them, have made, done and caused to be executed divers judgments, orders, acts, and things, and have caused divers penalties to be enforced, and sums of money to be levied, under the powers of the said Acts; and whereas it is expedient that all persons shall be protected and indemnified from vexatious proceedings for or by reason of any such judgment, sentence, act, or thing made, passed, done, or executed by them—Be it enacted, that no proceedings shall be commenced, prosecuted or maintained by any person whatsoever against any Justice of the Peace for having exercised summary jurisdiction under any such Acts as aforesaid, or against any other person whatsoever who may have done any act or thing under and by virtue of any judgment, sentence or order of any Justice of the Peace exercising such jurisdiction; and if any action or suit shall be brought against any Justice of the Peace, Constable, or other person, for any act or thing done, or purporting to be done under or by virtue of any such Act of Parliament as aforesaid, the Defendant in every such action or suit may plead the general issue, and may give this Ordinance and the special matter in evidence at any trial to be had thereupon, and if the verdict or judgment shall be for the Defendant, or if the Plaintiff be non-suited, or discontinue his action or suit, or if upon demurrer judgment shall be given against the Plaintiff, the Defendant shall have treble costs, and shall have like remedy for the same as any other Defendant hath in any other case to recover costs by law.

III. And be it enacted, that this Ordinance may be altered, amended, or repealed by any Ordinance to be passed during the present session.

JOHN HUTT,
GOVERNOR.

*Passed the Legislative Council
this 5th day of June, 1845. }
WALKINSHAW COWAN,
Clerk of the Councils.*

P r o c l a m a t i o n .

By His Excellency JOHN HUTT, Esquire, Governor and Commander-in-Chief of 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 of Great Britain and Ireland, passed in the fifth and sixth 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 portion of land hereunder

described, being a part of "Stirling Square," situate in the Town of Perth, is reserved and set apart as a Public Garden, the control and management of which is vested in the following Trustees:—

The Hon. the Commandant,
The Hon. the Colonial Secretary,
The Hon. the Surveyor-General,
The Hon. the Advocate-General,
W. H. Mackie, Esq.,
The Rev. J. B. Wittenoom,
R. W. Nash, Esq.,
M. MacDermott, Esq.,
W. B. Andrews, Esq.,
F. Cochee, Esq.

Description.

Allotment B6, containing 3 acres, 3 roods, and 35 perches, more or less, bounded on the *northeast* by the allotment B5, on which are erected the Public Offices, also by 2 chains 77 links of St. George's Terrace to the westward of B5, and by the reserved land B4; on the *northwest* by 4 chains 74 links of Barrack-street between the west corner of B4 and north side of Bazaar-street; on the *southwest* by a line about 7 chains 92 links in length in continuation of north side of Bazaar-street aforesaid; and on the *southeast* by a line about 3 chains 87 links in length to south corner of allotment B5 aforesaid, extending parallel to Pier-street at 1 chain 14 links from it.

Given under my hand and seal at Perth, this tenth day of June, one thousand eight hundred and forty-five.

JOHN HUTT,
GOVERNOR, &c.

*By His Excellency's command,
PETER BROUN,
Colonial Secretary.*

GOD SAVE THE QUEEN !!!

*Colonial Secretary's Office, Perth,
June 10, 1845.*

His Excellency the Governor has been pleased to direct to be published for general information the following list of Licences granted at Albany, King George's Sound—

Boat Licence.

John Robinson.

Licences to keep Dogs.

C. L. Byorson

E. M. Spencer.

S. Hamilton.

J. Green.

R. Murphy.

A. Trimmer.

J. Legare.

*By His Excellency's command,
PETER BROUN.*

P r o c l a m a t i o n .

By His Excellency JOHN HUTT, Esq., Governor and Commander-in-Chief of 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 of Great Britain and Ireland, and passed in the fourth and fifth 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 portions of land in the District of the Swan be offered for sale by public auction, by the Collector of Revenue, in Perth, on Wednesday, the 25th day of June next, at the upset price.

Country Grants.
Swan location No. 105, comprising 160 acres, more or less, on right bank of Ellen's Brook, extending 73 chains 86 links true N and S, with its SE corner about a mile N by W from the NW corner of Swan location No. 91.

Swan location No. 106, comprising 160 acres, more or less, on left bank of Ellen's Brook, extending 57 chains 60 links true north and south, with its SE corner nearly three-fourths of a mile NW by N from NW corner of location No. 105.

Swan location No. 107, comprising 320 acres, more or less, in form of an average double square, lying north and south about 31 chains eastward of Swan location No. 101, usually known as "Jinjin."

Upset price, 20s. per acre.

Given under my hand and seal at Perth, this twentieth day of May, one thousand eight hundred and forty-five.

JOHN HUTT,
Governor and Com.-in-Chief.
By His Excellency's command,
PETER BROUN,
Colonial Secretary
GOD SAVE THE QUEEN !!

General Post Office, Perth,
June 11, 1845.

Letters detained in consequence of non-payment of ship postage—

Mr. Thomas Semple, Castlebar, County Mayo, Ireland.

Right Honorable Sir Sydney Herbert, Admiralty.

H. CAMFIELD,
Postmaster-General.

Colonial Secretary's Office, Perth,
June 5, 1845.

His Excellency the Governor directs it to be notified, that a Commission under the Great Seal has been transmitted to him by the Right Honorable the Secretary of State for the Colonies, appointing the under-mentioned Officers Commissioners to hear and determine offences committed on the high seas, or in any haven, river, creek, or place within the jurisdiction of the Admiralty Court, namely:—

His Excellency the Governor.

The Commissioner of the Civil Court and Chairman of the Quarter Sessions.

The Senior Military Officer in command of the Troops.

The Colonial Secretary.

The Surveyor-General.

The Collector of Revenue.

The Commander-in-Chief, and the several Flag Officers, Captains, and Commanders of such of Her Majesty's ships of war as may at the time happen to be in any of the ports or roadsteads of the Colony.

By His Excellency's command,
PETER BROUN.

GENERAL ROAD TRUST.

A QUARTERLY MEETING of the Trustees of the General Road Trust will be held at the Court-house, Perth, on Wednesday, the 2nd July next, at 12 for 1 o'clock.

By order of the Chairman,
EDWARD PICKING,
Clerk to the Trust.

Perth, June 4, 1845.

In consequence of the Quarter Sessions being held on the same day, the meeting advertised as above is adjourned until Wednesday, the 16th July next, at the same hour.

E. PICKING.

June 11, 1845.

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