



# GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

TUESDAY, FEBRUARY 27, 1849.

[N<sup>o</sup> 173.]

*Colonial Secretary's Office, Perth,  
February 24, 1849.*

**H**IS Excellency the Governor has been pleased to direct that the following Schedule of Bills to be taken into consideration at the next meeting of the Legislative Council be published for general information.

*By His Excellency's command,*  
**R. H. BLAND,**

*Acting Colonial Secretary.*

*A Bill for the naturalization of certain persons.*  
Abraham Myers, Solomon Cook, Don Rosendo Salvado, the Rev. J. J. Jonsteens (Clerk), Louis Langouant, and Thomas F. Gillman, to be admitted to the privileges of British Subjects within the limits of this colony.

*A Bill to remove doubts as to the validity of Ordinances heretofore passed for the naturalization of certain persons.*

Doubts having arisen as to the validity of certain ordinances heretofore passed for the naturalization of Benjamin Franklin Simmons, and Frantz Anthon Didrich Christian Helmich, it is declared that the said Benjamin Franklin Simmons and Frantz Anthon Didrich Christian Helmich are to be and to be deemed to have been admitted to enjoy the privileges of British Subjects within the limits of this colony.

*A Bill for regulating the Police in Western Australia.*

*Preamble.*—It is expedient to make further provision for the maintenance of the Public Peace and good order, and for the prosecution of certain offences, as well throughout the colony as more especially in the towns of Perth, Fremantle, and Albany, &c., &c., and for the removal and prevention of nuisances in the said towns.

Until a district police be established, the ordinary magistrates and constables to act as such.

All constables to be appointed by the Governor, and notified in the Gazette, copy of which is to be evidence of appointment. Oath of office may be administered by any Justice of the constables' district.

*Form of oath of office.*

Omission to take oath not to invalidate acts.

Power of special constables.

Observance of the Lord's Day to be enforced by closing shops and stores, with certain exceptions.

No public games to be suffered on the Lord's Day.

Persons assembled to play at public games on the Lord's Day to be dispersed.

Constables empowered to arrest without warrant drunken or disorderly persons.

Idle and disorderly persons, rogues, and vagabonds, punishable by imprisonment not exceeding 3 calendar months.

Constable may apprehend offenders without warrant.

Indecent exposure of person.

Constables may apprehend offenders without warrant. Singing obscene songs in public, or writing indecent words in public thoroughfares.

Bathing in exposed places out of certain hours—Constables may apprehend offenders without warrant.

Placarding or defacing walls or buildings without consent of owners.

Extinguishing lamps, ringing or knocking at doors, pulling down sign-boards, removing gates, &c.—Constables may apprehend without warrant.

No dead animal to be thrown on any public thoroughfare or into river in a townsite.

Discharging fire-arms or fire-works in any street, &c., in a town.

Driver of cart riding thereon without other person to guide same, except light cart with reins, or going to a distance from his vehicle, or driving on the wrong side, or wilfully interrupting free passage of any carriage or person. Furious or negligent riding or driving of cattle through streets.

Summary compensation not exceeding £—for injury to person or property by improper driving, &c. Party aggrieved may be a witness, but if the only witness compensation to be applied as penalty.

Ill treatment of animals.

Night-soil to be conveyed away only at certain hours.

Hours for removing night-soil. Offenders may be apprehended and imprisoned not exceeding 30 days. Owners of carts, &c., and employers of persons offending subject to penalty not exceeding £5.

Nuisances to be removed on notice to that effect from two magistrates—penalty for neglect or disobedience not exceeding £10.

Private yards and passages to be kept clean.

Reasonable time to be allowed after conviction for removal of offensive matters.

Cleansing butchers' shambles and slaughter-houses.

Burning shavings or other matters in streets.

Tethering or depasturing live stock in streets.

Poultry, rabbits, and pigeons, trespassing in towns may be destroyed—proviso against unlawful appropriation of poultry, &c., killed.

Notice to be given to owner if known.

Beating carpets, flying kites, breaking horses, throwing offensive matters into the streets.

Blasting rocks, trees, &c., within limits of a townsite.

Wells, pits, &c., and cellar-doors left open and exposed to adjacent streets or footpaths.

Removing and using boats or boat furniture without owner's consent.

Assaulting or resisting, or inciting to assault, &c., any constable in execution of his duty under this Act.

Constable violating or neglecting his duty.

Limitation of prosecutions—Recovery and appropriation of penalties.

Informers to be competent witness.

Appeal—Actions against persons acting *bonâ fide* under this Act—notice of action—defendant may plead general issue—plaintiff not to recover, if sufficient tender or payment into court.

If verdict for defendant, or plaintiff be nonsuited on discontinuance, &c., defendant to have full costs. Verdict for plaintiff not to carry costs unless Judge certify.

Governor may extend the provisions of this Ordinance to other towns.

General power to constables to arrest any offenders whose name and residence are not known.

*A Bill for the regulation of Gaols, Prisons, and Houses of Correction in the colony of Western Australia, and for other purposes relating thereto.*

*Preamble.*

What buildings, &c., are to be considered the Public Gaols and houses of correction of the colony.

This ordinance not to be deemed to repeal any part of 4 & 5 Vict. No. 21.

Governor may by proclamation appoint places to be used as public gaols, &c.

Sheriff to have control of all gaols and custody of all prisoners therein.

Gaols to be also houses of correction, unless otherwise appointed.

All gaols to be governed by regulations made by the Governor.

Governor may appoint visiting Justices; their duties not to affect power of Judges to visit gaols, how and when they may think fit.

Any Justice may visit gaols.

Penalty on gaolers or others refusing admittance.

Convicted persons sentenced to imprisonment, but not to hard labour, may be set to work, unless they have means of maintenance themselves.

In what cases prisoners committed for trial may be employed.

Convicts under sentence of transportation may be kept to hard labour.

Convicts whose sentence of transportation has been commuted to imprisonment and hard labour in the colony to be treated as if originally so sentenced.

Hours of hard labour.

Food of prisoners kept to work.

Diet of sick prisoners.

Scales and weights and measures to be provided, and to be accessible to prisoners.

Food of prisoners committed for trial.

Such prisoners to be allowed to receive food, bedding, and clothing, &c., under certain restrictions.

Admission of friends, &c., of prisoners.

Attendance at Divine Service.

Admission of Ministers of Religion.

Secular instruction.

Separate confinement of prisoners.

Keeper not to put prisoners in irons without Sheriff's or visiting Justice's order, except in cases of urgent necessity.

Power of visiting Justices summarily to investigate and punish offences of prisoners.

Punishment for repeated or more serious offences.

Punishment for conveying into prison any disguise, instruments, or arms, to assist or for otherwise assisting the escape of any prisoner.

Punishment for harbouring or concealing prisoners who have escaped from gaol or road gang, &c.

Separation of male and female prisoners.

Females to attend on female prisoners.

Male convicts sentenced to hard labour may be worked on the roads by Governor's orders.

Governor in certain cases may order removal of prisoners from one prison to another.

In case of contagious disease or other emergency, when the Governor's order cannot be previously obtained, prisoner's removal may be ordered by visiting Justices.

Sick, &c., prisoners may be removed to hospital on Surgeon's certificate.

Keeper's Journal and visiting Justice's book to be kept in every prison.

Notice to be given of the death of a prisoner to visiting Justices.

No prisoner to sit on an inquest.

Where time of imprisonment expires on a Sunday, prisoner to be discharged on the preceding Saturday.

Sentence of convicted murderer need not direct burial within the precincts of a prison.

Proceedings against persons acting under this Act to be commenced within two months after fact committed.

Notice of action.

General issue.

Tender of amends—payment of money into court.

If verdict for defendant, &c., defendant to have full costs.

Verdict for defendant not to carry costs without Judge's certificate.

*A Bill for the adoption of certain Acts of the Imperial Parliament.*

Acts to be adopted specified to be applied in this colony, &c.

*A Bill to facilitate remedies between shareholders in Joint Stock Companies.*

*A Bill to provide for the Solemnization and Registration of Marriages of persons belonging to certain denominations of Christians, not being members of the Church of England.*

Preamble.—It is expedient to make special provision for the solemnization and registration of marriages by ministers of the Presbyterian Church of Scotland and of the Roman Catholic Church, and of the Wesleyan Methodist Society, and of the Congregational or Independent and Baptist denominations.

Persons being members of any of the said denominations to make a declaration thereof, and marriages between such persons to be of full force.

Minister solemnizing such marriages to give a certificate thereof in duplicate, one to be given to the parties, and one to be transmitted to the Registrar of the district.

Proviso for safe keeping of duplicates and certificates, and for giving certified copies of the same.

Fee for certified copies; such copies to be evidence.

Penalty for neglect to transmit duplicate certificates, or for refusal to give copies thereof.

Independent and Baptist ministers not to celebrate marriages unless their names and the churches or chapels in which they officiate be duly registered, and a declaration made that such minister is duly ordained, and is not engaged in any secular pursuit.

On the death, departure from the colony, or cessation of the ministry of any Independent or Baptist minister, the fact shall be registered.

Penalty for celebrating marriages without such registry. Schedules.—Form of certificate; form of declaration.

*A Bill to amend an Ordinance intituled "An Ordinance to repeal the existing laws respecting the Solemnization of Matrimony, and to make other regulations respecting the same."*

Clause of above recited Ordinance requiring the presence of the Registrar in certain cases repealed.

Ministers solemnizing marriages to give certificate thereof in duplicate, one copy to be given to the parties, and one to be transmitted to the Registrar of the district.

Certificates to be safely kept and transcribed by the Registrar.

Certified copies to be given on payment of fee—certified copies to be evidence.

Penalty for neglect to transmit duplicate certificates, or for refusal to give copies thereof.

Former marriages declared valid.

Marriages of Jews and Quakers—how provided for.

Schedule—Form of certificate.

*A Bill to amend an Ordinance intituled "An Ordinance to provide for the Registration of Births, Deaths, and Marriages, in the Colony of Western Australia."*

Clauses requiring the presence of the Registrar at the solemnization of certain marriages repealed.

*A Bill to provide for the reduction of the toll upon Sandalwood.*

Governor, with the advice of the Executive Council, empowered to issue proclamation reducing the amount of toll upon Sandalwood.

*A Bill to provide for the re-establishment of Pilotage Fees and Harbour Dues.*

1.—Clause of the Ordinance 9th Victoria, No. 10, prohibiting the appointment of pilotage fees and harbour dues, repealed.

2.—Governor empowered to appoint charges as provided for by the 2nd section of 4 and 5 Vict. No. 15.

3.—Ships coming for supplies, and not discharging cargo beyond £20, not to be charged.

*A Bill to exempt certain Goods from Import Duties.*

Ordinance 10 Vict. No. 11 disallowed; specification of goods to be exempted.

*A Bill to authorise the boiling down of Tobacco in bond, at a reduced rate of duty, for the purpose of sheep-dressing.*

Tobacco may be boiled down for sheep-dressing at one penny a pound duty, subject to certain regulations which the Governor, with the advice of the Executive Council, is empowered to make and publish from time to time.

*A Bill to revive and continue an Ordinance to allow the Aboriginal Natives of Western Australia to give information and evidence without the sanction of an oath.*

*A Bill to extend the provisions of an Ordinance to regulate the apprenticeship and otherwise provide for the guardianship and control of a certain class of Juvenile Immigrants, to other classes of youths besides those mentioned therein.*

The provisions of the Ordinance 6 Vict. No. 8, to be applied to all other classes of apprentices under the care of the Local Government.

*A Bill to provide for the summary trial and punishment of Aboriginal offenders.*

Felonies and misdemeanours, with certain exceptions, committed by the aborigines, to be summarily triable by two Justices, and punishable by imprisonment not exceeding one year.

Power to award corporal punishment to male offenders in addition to, or in substitution for, imprisonment, provided such corporal punishment be inflicted in presence of sentencing magistrate.

Exception of certain felonies from jurisdiction.

Justices may decline summary jurisdiction, and remit case for trial in ordinary course of law.

Protector entitled to be present at summary trial, and to conduct of suggest defence of accused.

Notice of trial to be given in certain cases to Protector ; in all cases where practicable.  
 Record of conviction to be transmitted to Clerk of the Peace, and abstract transmitted to Colonial Secretary.  
 Form of record of conviction.  
 No conviction to be quashed for mere matter of form, &c.  
 One Justice may receive the original information. Signature of one Justice sufficient. Commitment not to be quashed for merely formal error.  
 Certain provisions of 7 Vict. No. 1 to apply hereto.  
 Governor to appoint prisons and officers, and to direct employment of persons sentenced hereunder to hard labour, and to make prison regulations.  
 Breaking or otherwise escaping from place of confinement appointed—how punishable.  
 Lapse of time to bear summary prosecution only when it bears prosecution by indictment.  
 Governor empowered to remit or mitigate sentence in certain cases.  
 Justices, &c., not responsible in law for other than wilful and corrupt acts.  
 Schedule.

*Colonial Secretary's Office, Perth,  
 February 24, 1849.*

REPORT OF LICENSES ISSUED.

*Publicans' Licenses for Current Year.*

John Sherratt, King George's Sound; H. M'Kenzie, do.  
*One-Gallon Spirit Licenses.*

H. E. Adams, Bunbury; J. Hassell, King G.'s Sound.  
*Depasturing Licenses.*

February 10, James Payne, 4,000 acres, Leschenault district.

*Sandalwood and Timber Licenses.*

January 2, J. M'Kail, timber license, 1 month, King George's Sound; Feb. 12th, J. Herbert, sandalwood license, 1 month, Toodyay; Feb. 7th, George Hancock, 2 men, 1 month.

*Dog Licenses.*

Perth—G. Shenton, 1 dog. King George's Sound—S. Knight, 1 dog; J. Cooper, 2 ditto; J. Welstead, 1 ditto; W. Scott, 1 ditto; L. Mooney, 1 ditto; H. M'Kenzie, 1 ditto; Thomas Barrett, 1 pack; W. Scott, 1 ditto; Thomas South, ditto; S. Croft, ditto; James Annice, ditto; J. Morrison, ditto; John Young, 3 dogs; David Young, 1 ditto; Henry Tally, 1 ditto; J. R. Bance, 1 ditto; Thomas Crutchly, 1 ditto. Bunbury—David Edil, 1 dog; John Alward, 1 ditto; E. Clarke, 1 ditto.

*By His Excellency's command,*

R. H. BLAND,

*Acting Colonial Secretary.*

*Colonial Secretary's Office, Perth,  
 February 22, 1849.*

ERRATUM.

**I**N the Commission of the Peace issued on the 8th instant, and published in the Government

Gazette of the 13th instant, the name of Daniel Scott, Esquire, of Fremantle, was accidentally omitted,

*By His Excellency's command,*

R. H. BLAND,

*Acting Colonial Secretary.*

*In the Civil Court of }  
 Western Australia. }*

*Between*

PETER BELCHES, PLAINTIFF,

AND

ALFRED WAYLEN, DEFT.

**W**HEREAS an action has been commenced in this Court at the suit of the above-named Peter Belches against the above-named Alfred Waylen to recover the principal sum of £336 for so much money lent and advanced by the said Plaintiff to and at the request of the said Alfred Waylen in or about the year 1840, and also the further sum of £41 6s. 5d. for interest on the said principal sum heretofore due and owing to the said Plaintiff from the said Defendant; and it being alleged that the said Alfred Waylen does not reside within this Colony; a Writ of Foreign Attachment has been issued, returnable on Tuesday, the 13th March next, wherein Anthony O'Grady Lefroy, of Perth, Esquire, is Garnishee.

Notice is hereby given thereof, and that if at any time before final judgment in this action the said Alfred Waylen, or any person on his behalf, will give the security and notice required by Act of Council 6 Victoria, No. 4, intituled "*An Act to facilitate Actions against Persons absent from the Colony, and against Persons sued as Joint Contractors,*" the said Attachment may be dissolved.

Dated the 19th February, 1849.

A. H. STONE,

*Agent for Plaintiff.*