



THE WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.
 [PUBLISHED BY AUTHORITY.]

TUESDAY, SEPTEMBER 16, 1856.

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BY virtue of a Proclamation bearing date 15th September, 1856, under the hand of His Excellency Arthur Edward Kennedy, Esquire, Governor, and the Public Seal of the colony of Western Australia, the following Land will be offered for sale at public auction, by the Collector of Revenue at Perth, on the 1st day of October, 1856, at 1 o'clock p.m., at the upset price affixed thereto, on the terms and conditions set forth in certain Land Regulations, dated 14th June, 1843 :

Murray Location No. 58—Comprising 263 acres more or less, bounded on the East by Peel Inlet, on the North by the Mandurah Ferry reserve, by Peel Building Lots 2 and 3, and a Public Road 50 links wide on their west side, and by H. E. Hall's Murray Location No. 2; on the West by a south line 48 chains from S.W. corner of Location 2 to A. Erskine's location 5; on the South by the said location 5, and on the inner part by a public road 1 chain wide towards Bunbury; all true. Upset price £1 per acre.

Swan Location 201—Comprising 10 acres more or less, extending 12½ chains west and 8 chains north from a spot 8 chains west from west boundary of J. Hitchcock's location 147, and 7 chains north from north boundary of the Mission Grant No. 12; opposite boundaries parallel and equal and all true. Upset price £1 per acre.

By His Excellency's command,
CHARLES SHOLL,
 For the Colonial Secretary.

Proclamation.

By His Excellency ARTHUR EDWARD KENNEDY, Esq., Governor and Commander-in-Chief of the Colony of Western Australia and its Dependencies and Vice Admiral of the same.

WHEREAS by an Ordinance of the Legislative Council of the said Colony "No. 4 of 1832," entitled "An Act to extend the Jurisdiction and regulate the proceedings of the Court of Quarter Sessions," it is enacted that the Sessions of the said Court shall be held at such times and places as the said Governor shall from time to time appoint by Proclamation. And whereas it is expedient to remove the Sessions of the said

Court from the building wherein they have for some time past been held to a place near the Colonial Gaol: Now therefore, I the said Governor, do hereby appoint and proclaim that the Sessions of the Court of General Quarter Sessions of the peace for the said Colony, shall hereafter be held at and in the new Court House adjoining the new Colonial Gaol at Perth in the said Colony on the first Wednesday in the months of January, April, July, and October respectively, in each and every year.

Given under my hand and the Public Seal of the said Colony at Government House this thirteenth day of September, 1856.

A. E. KENNEDY,
 Governor, &c.

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

GOD SAVE THE QUEEN!!!

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.

WHEREAS the undermentioned Ordinance was passed by His Excellency Charles FitzGerald, Esquire, then Governor of the said Colony, with the advice and consent of the Legislative Council thereof, in the Fifteenth Year of the reign of Her Majesty Queen Victoria and intituled:

No 9.—An Ordinance to repeal an Ordinance 14th Victoria No 26, intituled, "An Ordinance for the further improvement of Towns and the greater security of Life and Property therein, and to make other provisions in lieu thereof."

And whereas the other undermentioned Ordinance was passed by me, Arthur Edward Kennedy, Governor of the said Colony, with the advice and consent of the Legislative Council thereof, in the nineteenth year of the reign of Her Majesty

Queen Victoria, and intituled:

No 2.—“An Ordinance to amend the Towns' Improvement Amending Ordinance 15th Victoria, No 9.”

Now, therefore, I Arthur Edward Kennedy, do hereby proclaim and make known unto all whom it may concern, that Her Majesty has been graciously pleased to confirm and allow the before mentioned Ordinances.

Given under my hand and the Public Seal of the Colony this thirteenth day of September, 1856.

A. E. KENNEDY,
Governor, &c.

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

GOD SAVE THE QUEEN!!

Custom House, Fremantle, Sept. 11, 1856.

THE following Rules and Regulations with respect to “Wreck” being extracts from the “Merchant Shipping Act, 1854,” are published for general information—

Clause 443.

All cargo and other articles belonging to any ship or boat stranded or in distress, that may be washed ashore or otherwise be lost or taken from such ship or boat, shall be delivered to the Receiver of Wreck, and any person, whether he is the owner or not refusing to deliver the same to the Receiver or to any person authorised by him to demand the same, shall incur a penalty not exceeding L.100.

Clause 450.

If any person finding or taking possession of any “wreck,” is the owner, he shall immediately give notice to the Receiver, describing in such notice, the marks by which such wreck is distinguished in default of which he shall incur a penalty not exceeding L.100.

If any person not being the owner finds or takes possession of any wreck, he shall as soon as possible deliver the same to the Receiver, in default of which, he shall forfeit all claim to salvage, and shall incur a penalty not exceeding L.100.

The term “wreck” includes “goods wrecked,” casualties, flotsam, jetsam, lagan, derelict, things cast overboard, and anchors and cables found or to be found in or upon the shores of the sea or any tidal water.

WILLIAM GALE,
Receiver.

*Colonial Secretary's Office, Perth,
September 4, 1856.*

HIS Excellency the Governor is pleased to direct the removal of Mr Daniel Scott's name from the Commission of the Peace.

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

Colonial Secretary.

*General Post Office, Perth,
Sept. 13, 1856.*

LIST of unclaimed letters lying at this Office—

Ashby, Richard
Smith, Richard

R. M. SUTHERLAND,
Acting Postmaster-General.

Lock-up at the Vasse.

*Colonial Secretary's Office, Perth,
September 12, 1856.*

THE TENDER received for the construction of the above building being in excess of the Estimate laid before Council, notice is hereby given that fresh Tenders will be received until the 24th Instant, for the performance of the work in accordance with the terms of Gazette Notice of the 1st September, instant.

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

Government Notice.

NOTICE is hereby given that the next General Quarter Sessions of the Peace of our Sovereign Lady the Queen will be holden at the new Court House at the New Jail Perth, on Wednesday, the first day of October next ensuing, at the hour of nine in the forenoon of the same day. Dated at Perth, the eleventh day of September, Anno 1856.

A. H. STONE,
Clerk of the Peace.

To Upholsterers.

*Colonial Secretary's Office, Perth,
Sept. 12, 1856.*

SEALED Tenders (in duplicate) will be received at this office until noon of FRIDAY, the 19th inst., for

SUNDRY FURNITURE FOR THE
NEW COURT HOUSE.

All particulars may be obtained on reference to the Public Work's Office.

Tenders must be rendered on half sheets of Foolscap in the prescribed form.

The Government will not necessarily accept the lowest or any tender.

By His Excellency's command,
CHARLES SHOLL,
Pro Colonial Secretary.

*Colonial Secretary's Office, Perth,
August 30, 1856.*

THE Honorable the Collector of Revenue will offer for sale by public auction at Perth on the 24th September, 1856, Tillage Lease No 788, for 8 years from 1st January, 1856, of 100 acres more or less of land in the Victoria District, extending 30 chains South and 33 chains 33 links West from a spot 70 chains S.E. by S. magnetic from summit of White Peak; opposite boundaries parallel and equal and all true.

Annual Rent £10. Upset premium 5s.
Half rent for remainder of 1856.

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

*Colonial Secretary's Office, Perth
September 12, 1856.*

HIS Excellency the Governor has been pleased to appoint HENRY CAMFIELD, ESQUIRE, to be Acting Chairman of Sessions at Albany, vice J. W. Sillifant, Esquire, resigned.

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

NOTICE.

*Colonial Secretary's Office, Perth,
September 10, 1856.*

JOSHUA J. HARWOOD has engaged the following men to work at a Whale Fishery, at Fremantle, during the season of 1856:—

John Hazelton, Headsman; William Willey, Boatsteerer; Thomas Bland, Henry Cox, John Cassey, Prentice Bearse, Wm. Read, Philip Snyder, and Bunyart, Pulling Hands.

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

To Resident Magistrates.

*Colonial Secretary's Office, Perth,
Sept. 6, 1856.*

HIS Excellency the Governor in Executive Council has been pleased to direct that the following shall be the number of Public Houses to be licensed for the year 1857, in the under-mentioned Towns and Districts of this Colony—

- Perth, 8.
- Fremantle, 5.
- Albany, 4.
- Bunbury, 3.
- York, 3.
- Swan, 7.
- Murray, 3.
- Canning, 1.
- Toodyay and Northam, 5.
- Lynton, Port Gregory, 1.

And that the following fees are to be respectively charged for such Licenses—

- At Perth and Fremantle, £50.
- Toodyay
- York
- Albany
- Guildford
- Bunbury
- Busselton
- Northam
- Lynton, Port Gregory } £40.
- Road-side Inns, £10.

Magistrates may recommend a reduction of the License fee for the last in cases where they deem it necessary.

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

*Colonial Secretary's Office, Perth,
Sept. 8, 1856.*

CONDITIONAL PARDONS have been this day signed for the following men:—

- Reg. No. 176 James Riley
- " 297 William Bailey
- " 300 Henry Priest
- " 321 George Mann
- " 1022 George Rogers
- " 1043 David Hill
- " 1056 George Carnell
- " 1317 Edmund Jaques
- " 1499 James Hunt
- " 1611 Martin Wilkinson
- " 1740 John Holmes
- " 2076 Joseph McNamara
- " 2087 James Murphy
- " 2090 Alexander Wheatley
- " 2094 James McGourlick
- " 2125 Michael Enright
- " 2240 Thomas McNamara
- " 2323 John Carroll
- " 2359 Thomas Murphy
- " 2370 Michael Horan

- " 2413 Edward Byrne
- " 2424 Edmund Whelan
- " 2471 John Cox
- " 2485 Quinlan Leary
- " 2531 Patrick Barrett
- " 2673 Thomas Maiers
- " 2733 John Fewkes
- " 2880 Ernest Gooch.

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

*Colonial Secretary's Office, Perth,
Sept. 13, 1856.*

A CONDITIONAL PARDON has been this day signed for the under-mentioned

Reg. No. 98 John Luff.
By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary

*Council Office, Perth,
Sept. 11, 1856.*

HIS Excellency the Governor directs it to be notified for general information that the Legislative Council will meet for the despatch of business on **FRI-DAY, October 10, 1856.**

HENRY WAKEFORD,
Clerk of the Council.

*Colonial Secretary's Office, Perth,
Sept. 11, 1856.*

HIS Excellency the Governor directs it to be notified for general information that the undermentioned Bills will be submitted to the Legislative Council at its next Session.

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

A BILL to enlarge the remedies of Creditors against the persons of their Debtors, the provisions of which are as follow:—

I. On affidavit of debt and belief debtor is about to abscond, Resident may issue process to arrest. Form of Writ.

II. Copy given to defendant.

III. Arrest founded on judgment to be deemed final process.

IV. Modes by which debtor may obtain discharge—

1. By deposit of claim.
2. By deposit of security for debt and costs.
3. Bail bond—two sureties.

V. How debtor arrested on mesne process to obtain discharge.

VI. Civil Court may be moved for discharge of debtor.

VII. Debtor not obtaining discharge to be lodged in gaol.

VIII. Bill of particulars to be served and warrant entered.

IX. Rules to be made for conduct of suits against persons in custody.

X. Arrest may be founded on unrevived judgment.

XI. No defendant to be discharged from arrest on ground of defect or irregularity not imputable to corruption or malice.

XII. Plaintiff in certain cases may issue execution against person of debtor on application to Commissioner.

XIII. Person arrested may apply to Commissioner for discharge.

XIV. Fees.

A BILL for giving relief to Insolvent Persons and providing for the due collection, administration and distribution of insolvent estates in Western Australia and for the prevention of frauds affecting the same, the provisions of which are as fol-

low:—

I. Civil Court to be a Court of Insolvency and Judge to be Commissioner of Insolvency, and may have officers. Official assignee. Discharge of his duties in such form as said Commissioner shall direct. Present officers of Civil Court may hold office under this Ordinance.

II. Fees to be paid in Insolvency proceedings. Costs to be allowed in Insolvency proceedings.

III. The Commissioner may accept surrender of estate of any person by petition declaring himself insolvent.

IV. Surrender by persons vested with administration of estate of others.

V. What shall be deemed acts of Insolvency.

VI. Creditors of debtor making affidavit of debt and of having required payment Court may summon debtor.

VII. Manner of proceeding upon summons of debtor by creditor.

VIII. Debtor not attending summons or refusing to admit the demand and not making deposition of belief of good defence thereto and not paying or compounding within a certain time or giving bond to be deemed acts of insolvency.

IX. Debtor signing admission of demand and not paying, securing or compounding within a certain time an act of insolvency.

X. Debtor admitting part only of a demand and not making deposition of a good defence to the residue and not paying, securing or compounding for sum admitted and as to residue not paying or compounding or giving bond an act of insolvency.

XI. Admission of debt signed elsewhere than in Court may be filed and have the same force as an admission signed by debtor on application in Court on summons.

XII. What alienation, &c., fraudulent and void. Exception of assignments in trust for creditors. Provision as to outstanding bills.

XIII. What alienation, &c., liable to be set aside at the instance of a creditor injured thereby.

XIV. What alienation, &c., having the effect to prefer one creditor to another void.

XV. Exception when any third party has purchased and acquired the goods or effects for a just price or in satisfaction of a debt.

XVI. Alienation after order of sequestration void.

XVII. What acquittances, &c., for debts or security for same made by insolvent void.

XVIII. What payments made by or to the insolvent fraudulent and when valid.

XIX. Sequestration upon petition of creditors against an insolvent person.

XX. Nature and amount of petitioning creditor's debt.

XXI. Affidavit of petitioning creditor.

XXII. Cost of sequestration.

XXIII. Sequestration of estate of company or partners.

XXIV. Liabilities and privileges of partners of any company or of others. Partners only one vote.

XXV. Lodging with Sheriff order of sequestration or process.

XXVI. Attachment of the estate how to be made, &c.

XXVII. Attachment of moveable property how to be made and penalty for defeating it.

XXVIII. Official assignee to aid under rule of Court.

XXIX. Sheriff or his deputies to execute the duties of messengers.

XXX. Summons to debtor upon order of sequestration and as to service thereof.

XXXI. Court to judge if order of sequestration is to be confirmed or otherwise and

effect thereof.

XXXII. If petition unfounded or malicious.

XXXIII. Sequestration revived by other creditors and effect thereof though superseded as to original petitioning creditor.

XXXIV. As to payments and other security from insolvent to petitioning creditor after order for sequestration.

XXXV. Effect of order of sequestration upon judgment.

XXXVI. Effect of order of sequestration on actions against insolvent.

XXXVII. Effect of order of sequestration on insolvent in custody under legal process.

XXXVIII. Effect of order of sequestration upon action commenced by insolvent.

XXXIX. Appointment and notice by Commissioner of two public meetings of creditors for the proof of debts.

XL. Proof of debts.

XLI. What debts proveable in cases of mutual credit.

XLII. Debts payable at a future time proveable on a rebate of interest and as to votes of such creditors.

XLIII. Proof by creditors holding pledge or lien.

XLIV. As to proof of debts on a contingency or condition.

XLV. Landlord to be entitled to six months rent.

XLVI. Wages of Clerks &c.

XLVII. As to securing claimants debts which may eventually be established

XLVIII. Mode of settling interest upon claims.

XLIX. Within what time and before whom debts are proveable and effect thereof upon dividend previously made.

L. What creditors entitled to vote in number and what in value.

LI. Creditors may vote by agent.

LII. Special assignee.

LIII. Effect of his appointment.

LIV. Compensation to special assignee.

LV. Effect of the order of sequestration upon the estate of the insolvent.

LVI. Power of official assignee over property in the possession order and disposition of insolvent and of which he is reputed owner.

LVII. Action by or against official assignee.

LVIII. As to official assignee calling general Meetings of creditors.

LIX. As to proceedings under minutes of meetings of creditors when not before Commissioner.

LX. Employment by Official assignee of Attorney.

LXI. Employment by Official assignee of the Insolvent or other persons.

LXII. Attendance of Insolvent and delivery of inventory and surrender at first meeting before Commissioner.

LXIII. Insolvent attempting to abscond before distribution of estate without consent of creditors or certificate to be apprehended and committed to prison.

LXIV. Examination of Insolvent before Commissioner.

LXV. Warrant for apprehension of Insolvent not appearing.

LXVI. In what cases Insolvent under examination may be committed.

LXVII. Wife or any person may be summoned for examination before Court or Commissioner.

LXVIII. Expenses to be tendered to person summoned.

LXIX. As to discharge from prison by Court or Commissioner of person under commitment.

LXX. What shall be considered fraudulent

insolvency and the punishment thereof.

LXXI. As to offence of knowingly receiving any fraudulent alienation from insolvent.

LXXII. As to offence of removing, embezzling, &c., any property under attachment.

LXXIII. Warrant to search for concealed property of any insolvent.

LXXIV. Time and mode of appointing third meeting of creditors.

LXXV. Trustees may compound or submit to arbitration upon notice thereof.

LXXVI. As to sale by Official Assignee, conditions of sale, &c.

LXXVII. Title conveyed by Official Assignee.

LXXVIII. As to wearing apparel, tools, &c., of Insolvent.

LXXIX. As to Official Assignee paying in and drawing money from bank.

LXXX. Penalty upon Official Assignee for misconduct.

LXXXI. Accounts of Official Assignee.

LXXXII. Power of Official Assignee in respect of agreements entered into by Insolvent for purchase or exchange of real property.

LXXXVIII. Insolvent entitled to lease or agreement, for lease when liable for rent or covenant and remedy of lessor, &c., when Official Assignee refuses to accept, &c.

LXXXIV. Time and mode of offering composition by Insolvent or on his behalf and proceeding thereon.

LXXXV. Account and plan of distribution and when to be laid by Official Assignee before Commissioner.

LXXXVI. As to inspection and notice

thereof.

LXXXVII. As to objections of creditors thereon.

LXXXVIII. As to proceeding before Court thereon.

LXXXIX. As to confirmation by the Court and effect thereof.

XC. As to distribution of estate.

XCI. Time and mode of Insolvent obtaining certificate and allowance thereof by the Court.

XCII. In what cases Insolvent not entitled to certificate, and if obtained, when void.

XCIII. Contract, &c., to persuade creditors to compound or to sign certificate void.

XCIV. Effect of certificate and allowance thereof.

XCV. When Insolvent Official Assignee not discharged as to his future effects.

XCVI. Mode of pleading certificate and obtaining discharge from imprisonment thereon.

XCVII. As to imprisonment of uncertificated insolvents and proceedings thereon.

XCVIII. Records of Proceedings.

XCIX. Proofs.

C. Commencement of Ordinance, and repeal of No 6 of 1843, and No 11 of 1849.

CI. Deposit of £— towards expenses by petitioning Creditor.

CII. Ordinance to extend to aliens denizens, and women.

CIII. Ordinance may be cited as Insolvent Ordinance, 1856.