



THE WESTERN AUSTRALIAN  
GOVERNMENT GAZETTE.

[ PUBLISHED BY AUTHORITY. ]

Tuesday. DECEMBER 24th, 1861.

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*Colonial Secretary's Office, Perth,  
24th December, 1861.*

**H**IS Excellency the Governor directs the publication of the following Order in Council for general information.

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

AT THE COURT AT BALMORAL,  
the 11th day of October, 1861.

*Present*

THE QUEEN'S MOST GRACIOUS MAJESTY  
IN COUNCIL.

**W**HEREAS by an Act of Parliament passed in the tenth year of the reign of His Majesty King George the Fourth, intituled "An Act to provide until the thirty-first day of December, one thousand eight hundred and thirty four, for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Holland," it was enacted that it should be lawful for His said Majesty King George the Fourth, His Heirs and Successors, by any Order or Orders to be by Him or Them made, with the advice of His or Their Privy Council, to authorize and empower any three or more persons resident and being within the said Settlement, to make, ordain, and constitute all such laws, institutions, and ordinances, and to constitute such courts and officers as might be necessary for the peace, order, and good government of His said Majesty's subjects, and others within the said settlement.

And whereas the aforesaid Act, after having been continued by divers Acts of Parliament, was finally, by an Act passed in a session holden in the thirteenth and fourteenth years of Her Majesty's reign, entitled "An Act for the better Government of Her Majesty's Australian Colonies" continued and still continues, in force:

And whereas in pursuance and exercise of the authority so given as aforesaid, Her present Majesty did, on the twentieth day of November, one thousand eight hundred and fifty seven, by and with the advice of Her Privy Council, order that the Governor of the Colony of Western Australia should, with certain persons therein mentioned, constitute the Legislative Council thereof, with power and authority to make, ordain, and establish all such laws and ordinances, and to constitute such courts and officers as might be necessary for the peace, order, and good government of the said settlement:

And whereas on the seventeenth day of June, one thousand eight hundred and sixty one, an Ordinance was passed by the said Governor and Legislative Council, intituled "An Ordinance to provide for the more effectual Administration of Justice by establishing a Supreme Court," and by the same Ordinance the Supreme Court of Western Australia was accordingly established.

And whereas it is expedient that provision should be made to enable parties to appeal from the decisions of the said Supreme Court to Her Majesty in Council: It is hereby ordered, by the Queen's Most Excellent Majesty, by and with the advice of Her Privy Council that any person or persons may appeal to Her Majesty, Her Heirs and Successors, in Her or Their Privy Council, from any final Judgment, Decree, Order or Sentence of the said Supreme Court of Western Australia, in such manner, within such time, and under, and subject to such Rules, Regulations, and Limitations as are hereinafter mentioned; that is to say, in case any such Judgment, Decree, Order or Sentence, shall be given or pronounced for or in respect of any sum or matter at issue above the amount or value of Five Hundred Pounds Sterling, or in case such Judgment, Order, or Sentence shall involve directly, or indirectly, any claim, demand, or question, to, or respecting property, or any civil right, amounting to or of the value of Five Hundred Pounds Sterling, the person or persons feeling aggrieved by any such Judgment, Decree, Order, or Sentence, may within fourteen days next after the same shall have been pronounced, made, or given, apply to the said court by motion or petition for leave to appeal therefrom to Her Majesty Her Heirs and Successors, in Her or Their Privy Council; and in case such leave to appeal shall be prayed by the party or parties who is or are directed to pay any such sum of money, or perform any duty, the said court shall be, and is hereby empowered, either to direct that the Judgment, Decree, Order, or Sentence appealed from, shall be carried into execution, or that the execution thereof shall be suspended pending the said appeal, as to the said court may appear to be most consistent with real and substantial justice; and in case the said court shall direct such Judgment, Decree, Order, or Sentence to be carried into execution, the person or persons in whose favor the same shall be given shall, before the execution thereof, enter into good and sufficient security, to be approved by the said Court, for the due performance of such Judgment or Order, as Her Majesty, Her Heirs or Successors shall think fit to make thereupon, or in case the said Court shall direct the execution of any such Judgment, Decree, Order, or

Sentence to be suspended pending the appeal, the person or persons against whom the same shall have been given shall, in like manner, and before any order for the suspension of any such execution is made, enter into good and sufficient security to the said Court for the due performance of such Judgment or Order as Her Majesty, Her Heirs and Successors, shall think fit to make thereupon; and in all cases Her Majesty, Her Heirs and Successors, will require that security shall also be given by the party or parties appellant, to the satisfaction of the said Court, for the prosecution of the appeal, and for the payment of all such costs as may be awarded by Her Majesty, Her Heirs or Successors, or by the Judicial Committee of Her or Their Privy Council to the party respondent; and if such last mentioned security shall be entered into within three months from the date of such motion or petition for leave to appeal, then and not otherwise, the Court shall allow the appeal, and the party or parties appellant shall be at liberty to prefer and prosecute his, her, or their appeal to Her Majesty, Her Heirs and Successors, in Her or Their Privy Council, in such manner and under such rules as are or may be observed in appeals made to Her or Them from Her Majesty's Plantations or Colonies.

And it is further ordered that it shall be lawful for the said Supreme Court of Western Australia, at its discretion, on the petition of any party who considers himself aggrieved by any preliminary or interlocutory Judgment, Decree, Order, or Sentence of the said Supreme Court, to grant permission to such party to appeal against the same to Her Majesty, Her Heirs and Successors, in Her or Their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final Judgments, Decrees, Orders, and Sentences.

And Her Majesty doth hereby further reserve to Herself, Her Heirs, and Successors, in Her or Their Privy Council, full power and authority, upon the humble petition, at any time, of any person or persons aggrieved by any Judgment or Determination of the said Court, to admit his, her, or their appeal therefrom, upon such terms and upon such securities, limitations, restrictions, and regulations as Her Majesty, Her Heirs, or Successors, shall think fit; and to reverse, correct, or vary such Judgment or Determination as to Her or Them shall seem meet. And it is further ordered that in all cases of appeal allowed by the said Court or by Her Majesty, Her Heirs or Successors, in Her or Their Privy Council, a true and exact copy of all evidence, proceedings, judgments, decrees, and orders had or made in such cases appealed from, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said Court. And that the said Court shall also certify and transmit to Her Majesty, Her Heirs or Successors, in Her or Their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges for or against the Judgment or Determination appealed against. And Her Majesty doth further direct and ordain that the said Court shall in all cases of appeal to Her Majesty, Her Heirs or Successors, conform to, and execute or cause to be executed, such Judgments and Orders as She or They shall think fit to make in the premises, in such manner as any Original Judgment, Decree, or Decretal Order, or other Order or Rule of the said Court of Western Australia, should or might have been executed.

And the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

EDMUND HARRISON.

### 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 the Governor of the said Colony with the advice and consent of the Legislative Council

thereof in the 24th Year of the Reign of Her Majesty Queen Victoria, and intituled "No. 15, An Ordinance to provide for the more effectual administration of Justice by establishing a Supreme Court."

Now therefore I the said 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 beforementioned Ordinance.

*Given under my hand and the public Seal of the Colony at Perth this 20th day of December 1861.*

A. E. KENNEDY,  
Governor &c.

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



GOD SAVE THE QUEEN !!!

*Colonial Secretary's Office, Perth,  
17th December, 1861.*

**N**O Tenders for Hay or Corn for Police Service at the undermentioned stations having been received, in accordance with the notice in the Government Gazette of the 15th October last, Tenders (in duplicate) endorsed "Tenders for (as the case may be;)" will be received at this office until noon of Thursday, the 26th instant from persons willing to supply hay and corn at the following places :

Mandurah, 66 bushels of barley or oats.  
Northam, 132 do. do.

4 tons hay.  
Toodyay, 198 bushels barley or oats.  
6 tons hay.

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the contract.

Forms of Tender may be had on application to the various Resident Magistrates, and at the Public Offices, Perth, and no tender will be entertained unless rendered on the prescribed form.

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

*Colonial Secretary's Office, Perth,  
17th December, 1861.*

**T**ENDERS (in duplicate) endorsed "Tenders for Sweeping Chimnies:" will be received at this office until noon of Thursday, the 26th instant, from persons willing to contract for sweeping Chimnies during the year 1862 at Perth and Fremantle, for the Local Government.

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the Contract.

Forms of tender may be had on application to the various Resident Magistrates, and at the Public Offices, Perth, and no tender will be entertained unless rendered on the prescribed form.

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

*Colonial Secretary's Office, Perth,  
17th December, 1861.*

**TENDERS** (in duplicate) endorsed "Tenders for Manure;" will be received at this Office until noon of Thursday, the 26th instant, from persons willing to purchase the manure collected at the several Police Stations throughout the Colony during the year 1862.

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the Contract.

Forms of Tender may be had on application to the various Resident Magistrates, and at the Public Offices, Perth, and no tender will be entertained unless rendered on the prescribed form.

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

### Tenders Accepted for 1862.

*Colonial Secretary's Office, Perth,  
24th December, 1861.*

#### FORAGE FOR POLICE HORSES.

- Albany—John McKail, Barley per bushel 6s. 4½d.  
Do.—James Bridges, Hay per ton £8. 8.  
Beverley—James Bartram, Hay per ton £6; Barley per bushel 6s.  
Bunbury—H. Lipschitz, Hay per ton £5 10  
Do. W. J. Roberts, Barley per bushel 5s. 4d.  
Canning—Thos. Middleton, Hay per ton £7 10s.; Barley per bushel 7s. 6d.  
Champion Bay—Fred. Waldeck, Hay per ton £8.  
Do. George Shenton, Barley per bushel 6s. 4d.  
Fremantle—Peter Gallagher, Hay per ton £8.  
Do. T. & H. Carter, and Co., Barley per bushel 6s. 9d  
Greenough—Fred. Waldeck, Hay per ton £7.  
Do. George Shenton, Barley per bushel 6s. 4d.  
Guildford—George Haysom, Hay per ton £8.  
Do. R. G. Meares, jun., Barley per bushel 6s. 6d.  
Lake Matilda—James Bridges, Hay per £8 8s.  
Do. John McKail, Barley per bushel 6s. 4½d. (6/11½)  
Mandurah—Joseph Cooper, Hay per ton £6.  
Perth—George Haysom, Hay per ton £6.  
Do. George Shenton, Barley per bushel 7s.  
Pinjarrah—Joseph Cooper, Hay per ton £6  
Vasse—P. Bridges, Hay per ton £5 15s.  
Do. Robt. T. Pries, Barley per bushel 6s.  
Wanerenooka—George Shenton, Hay per ton £7; Barley per bushel 5s. 6d.  
York—R. G. Meares, jun., Hay per ton £6 10s.; Barley per bushel 5s.
- ANNUAL SUPPLIES.**  
Albany—John McKail, at various prices.  
Do. Timothy Cullinane, Firewood at per cord 12s.  
Bunbury—H. Lipschitz, at various prices and Firewood at 6s. per cord.

- Fremantle—Albert & Barker, Firewood at 11s. per cord.  
Guildford—Wm. Wellman, Firewood at 6s. 10d. per cord.  
Perth—Joseph Farmaner, & Co., at various prices.  
Do. James Stevens, Firewood at 7s. 8d. per cord.  
Rottneest—Joseph Farmaner, & Co., at various prices.  
York—R. G. Meares, jun., at various prices: Firewood 5s. per cord.

#### SHOEING POLICE HORSE.

- Albany—John Howson, at per set 6s.; for removes 3s. 3d.  
Bunbury—John Conibeere, at per set 8s.; for removes 3s.  
Guildford—James Lauder, at per set 5s. 6d. for removes 3s.  
Perth—George Vagg, at per set 6s.; for removes 3s.  
York—Henry Stevens, at per set 6s.; for removes 3s.

#### LAND TRANSPORT.

- Fremantle—Albert & Barker, at various prices.  
Perth—George Haysom, at various prices.

#### FORAGE.

- Perth—George Haysom, at per horse per diem 4s.  
Guildford and York Road—R. G. Meares, jun., do. 3s.  
Champion Bay and Mines—G. Shenton, do. 3s.  
Bunbury—W. P. Clifton, do. 3s.

#### BURIAL OF PAUPERS.

- Perth—S. J. Chipper, for each adult £3 6s. 6d.; for each child £1 5s. 6d.  
Vasse—Charles Keyser, for each adult £3 5s.; for each child £2 5s.

#### MISCELLANEOUS.

##### F. T. GREGORY,

To supply sundry harness and saddlery for £22 2s. 6d.

##### ALBERT AND BARKER,

To convey a mail twice daily between Fremantle and the half-way tree on the Perth Road for 3 years at £120 per annum vice the tender of C. Sharpe, jun., accepted in error.

*Colonial Secretary's Office, Perth,  
12th November, 1861.*

**T**HE undermentioned Allotments of Land will be offered for sale at Public Auction, by the Collector of Revenue at Perth, at 1 o'clock p. m.

- on the 1st January, 1862.  
*York Suburban lot, No. 253.*  
Upset price £3 per acre.  
*York Town lot, No. 33.*  
Upset price £10.  
*Northam Town lots, Nos. 12, 39, 40 and 41.*  
Upset price £7 each.  
*Newcastle Town lots, Nos. 24, 25, 26 and 27.*  
Upset price £10 each.  
*Newcastle building lot, Nos. 21 & 22.*  
Upset price £10 each.  
By His Excellency's command,  
**FRED. P. BARLEE,**  
Colonial Secretary.

*Colonial Secretary's Office, Perth,  
24th December, 1861.*

**H**IS Excellency the Governor directs the publication of the following Proclamation for general information.

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

### PROCLAMATION

*Containing Regulations under the Diseased Cattle Act, 1861.*

**W**HEREAS by the "Diseased Cattle Act, 1861" it was provided that the Governor in Council might, by warrant under his hand, from time to time delegate to the Superintendent of any Province within the said Colony, all or any of the powers vested in the Governor or Governor in Council by the said Act, subject to such regulations as he might think fit, and might from time to time rescind such delegation: and whereas the said Governor hath, with the advice and consent of the Executive Council of New Zealand, delegated to William Sefton Moorhouse, Esquire, so long as he shall hold the office of Superintendent of the Province of Canterbury, the several powers vested in the said Governor by the second, fourth, fifth, seventh, ninth, and tenth sections of the said Act, subject to being rescinded as in the said Act provided, and subject to the regulations issued by the Governor in Council on the First day of October, One Thousand Eight Hundred and Sixty One, and to any other regulations to be from time to time duly made.

Now, therefore, I, the said William Sefton Moorhouse, by virtue of such powers in me vested, do hereby proclaim and declare:—

1. That after the date hereof the several Colonies of Australia, that is to say, the Colony of Victoria, of New South Wales, of Queensland, of South Australia, and Western Australia, as well as the Colony of Tasmania, and the Colony of the Cape of Good Hope, and the Islands of Great Britain and Ireland, shall be deemed to be, for the purposes of the above recited Act, infected Districts within the meaning of the said Act, and that no Cattle shall be allowed to be imported from the above-mentioned Districts, and that in the case where any Cattle may be imported from the said Districts, such Cattle shall be destroyed forthwith, in such manner and at such places as the Superintendent may proclaim and appoint.

2. That after the date of these regulations the Provinces of Otago, and Southland in the Colony of New Zealand, shall be deemed to be infected Districts within the meaning of the said Act, and that no Cattle shall be imported from the said Provinces either by land or sea.

3. That the following persons shall be appointed Inspectors under the second section of the said Act:—

Alexander Sproul  
Henry Scot McKellar  
Herbert Belfield  
Thomas Williamson Hall  
Michael Studholme  
Henry Wilson  
Harry Parker

George Babington Parker  
Robert McMurdo  
Philip Baker Boulton  
Robert Greaves

4. That every Inspector so appointed shall produce on demand, to any person requiring the same, a copy of the Act, and all regulations appertaining thereto.

Given under my hand at Christchurch, this First day of November, One Thousand Eight Hundred and Sixty-one.

W. S. MOOREHOUSE,  
Superintendent

By His Honour's command,  
T. W. MAUDE,  
Provincial Secretary.

*Colonial Secretary's Office, Perth,  
18th December, 1861.*

**H**IS Excellency the Governor directs it to be notified for general information that an Examination of Candidates for the Civil Service of India will be held in London in July, 1862.

Any natural born subject of Her Majesty, will be entitled to be examined at such examination, on compliance with certain regulations, the particulars of which may be obtained on application at this office.

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

*Colonial Secretary's Office, Perth,  
16th December, 1861.*

**W**ITH reference to the notice of the 22nd October last stating that the land in the Yadarino Reserve would be open for selection from the 1st January 1862, it is hereby notified for general information that those lands only on the Reserve lying South of the Irwin River will be thrown open for selection from that date.

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

*Colonial Secretary's Office, Perth,  
18th December, 1861.*

**H**IS Excellency the Governor directs it to be notified for general information that Her Majesty has been pleased to appoint the Attorney General to be a Member of the Legislative Council of this Colony in place of the Advocate General.

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

*Colonial Secretary's Office, Perth,  
19th December, 1861.*

**I**T is hereby notified for general information that purchasers of two or more town allotments, who may desire to have the same described in one title deed, must pay a title deed fee of twenty shillings on each allotment purchased.

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

*Police Court, Perth,  
4th December, 1861.*

**N**OTICE is hereby given to all Persons desirous of taking out Cart Licenses for the ensuing Year that a Licensing Meeting for that purpose will be held in the Police Court, Perth, on Tuesday, the 31st inst., at 11 o'clock in the forenoon.

THOS. N. YULE,  
Police Magistrate.

*Police Court, Perth,  
4th December, 1861.*

**T**ICKET-OF-LEAVE Holders in the district of Perth are hereby reminded that their Half-yearly Returns are to be sent into this office on or before the 31st instant. All defaulters will be severely dealt with.

THOMAS N. YULE,  
Police Magistrate.

**Notice to Owners of Boats and Boatmen.**

*Court House, Fremantle,  
2nd December, 1861.*

**T**HE Board appointed by His Excellency the Governor for the purpose of Licensing Boats and Boatmen for the year 1862, will assemble at the Court House, Fremantle, on Tuesday, the 31st December instant, at ten o'clock in the forenoon; also on Monday, 6th January, 1862, at the same hour.

Owners of boats and flats in Perth and Fremantle, will have their boats ready for inspection at the North or South Jetties, betwixt the hours of ten and twelve on the respective licensing days.

Names and numbers to be painted on boats before submitted to the inspection of the Board.

Boatmen applying for Licenses under the Act, will come prepared with such certificates of character and competency as they may be able to obtain.

All parties found working Boats without a license after the above mentioned licensing days, will be fined according to act of Council.

Cart licenses will also be granted on the same days.

THOMAS BROWN,  
Resident Magistrate.

*Colonial Secretary's Office, Perth,  
17th December, 1861.*

**A**PPLICATIONS will be received at this office until Thursday the 26th instant, from lads desirous to hold the position of Messenger at the Government Offices.

Applicants must be able to read and write, and their characters must bear strict enquiry.

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

*Colonial Secretary's Office, Perth,  
24th December, 1861.*

**C**ONDITIONAL Pardons were signed for the following men:—  
On the 16th instant, for—

Reg. No. 4993 Samuel Skeldon  
,, 3897 G. Lacy  
,, 3953 James Beeston  
,, 3994 John Jones  
,, 4667 Robert Wilson

On the 18th instant, for—

Reg. No. 3407 Martin Riley  
,, 4274 Robert Loxley  
,, 5012 William Mills

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

**ABSTRACT of RECEIPTS and EXPENDITURE of the PERTH CITY COUNCIL during the Half Year ending the 30th day of November, 1861.**

RECEIPTS.						EXPENDITURE.									
		£	s.	d.	£	s.	d.			£	s.	d.	£	s.	d.
1861. May 31st Nov. 30th	To Amount of Balance in hands .....				150	1	7	1861. Nov. 30th	By making Road in St George's and Adelaide Terraces .....	608	3	3			
	„ Cart Licenses and Fines .....	6	17	6					„ Repairs effected in Pier Street .....	3	10	0			
	„ Bush Licenses .....	49	0	11					„ Do. „ Barrack Street .....	6	10	0			
	„ Dog Do. ....	5	16	5					„ Do. „ Hay & Howick St. ...	6	10	0			
	„ Cattle Do .....	1	16	2	63	11	0		„ Do. „ William Street .....	2	10	0	627	3	3
	„ Assessments collected .....								„ Forage of One Horse .....						
	„ Cash borrowed on Security of Rates	255	11	9					„ Salaries & incidental expenses .....	20	8	0			
	„ Government Grant in Aid .....	100	0	0					„ Balance in hands .....	17	10	0			
	„ Proceeds of sale of Cart Harness & Punt .....	300	0	0						225	0	8	262	18	8
			20	17	7	676	9		4						890
					890	1	11								

**A STATEMENT of the WORKS and IMPROVEMENTS proposed to be executed within the City during the Year next ensuing, and estimated Cost thereof, with a Statement shewing the sources from which Funds are derivable to meet the above.**

1862.				1862.						
		£	s.	d.			£	s.	d.	
1862.	To continue the macadamising of the Road in Adelaide Terrace .....	180	0	0	1862.	By Dog Licenses .....	80	0	0	
	„ New Footpath in William Street .....	25	0	0		„ Cattle Do. ....	26	0	0	
	„ Do. Do. Murray Street .....	50	0	0		„ Cart Licenses, & Fines from Police Court	42	0	0	
	„ Do. Do. Sterling Street .....	50	0	0		„ Licenses to cut Timber &c. ....	83	0	0	
	„ General repairs of Roads & Footpaths throughout the City, not included in the above .....	330	0	0		„ Amount to be collected from Assessment	559	0	0	
	„ Forage for One Horse .....	50	0	0						
	„ Payment of Mortgage, debt & interest	105	0	0						
		790	0	0				790	0	0

J. G. C. CARR,  
Chairman of City Council.