



THE WESTERN AUSTRALIAN  
**Government Gazette.**

[ Published by Authority. ]

TUESDAY, 17th OCTOBER, 1876.

45

PROCLAMATION

WESTERN AUSTRALIA, }  
 to wit. }  
 By His Excellency WILLIAM  
 CLEAVER FRANCIS ROBINSON,  
 Esquire, Companion of the  
 Most Distinguished Order of  
 Saint Michael and Saint  
 George, Governor and Com-  
 mander-in-Chief in and over  
 the territory of Western Aus-  
 tralia and its Dependencies,  
 &c., &c., &c.

(L.S.)  
 WILLIAM C. F. ROBINSON.

WHEREAS by an Ordinance of the  
 Legislature of the said Colony, made  
 and passed in the twenty-seventh year of the  
 reign of Her Most Gracious Majesty Queen  
 Victoria, No. 21, entitled "An Ordinance for  
 the recovery of Small Debts and Demands,"  
 the Governor is empowered by Proclamation  
 to constitute Local Courts for the recovery of  
 Small Debts and Demands, to be holden at  
 such times and places, and within such districts  
 throughout the said Colony, as may be most  
 fit and convenient; Now THEREFORE I, the  
 said Governor, do hereby notify and proclaim,  
 and do hereby constitute a Local Court for the  
 recovery of Small Debts and Demands to be  
 holden on the third Friday in each month, at  
 the hour of ten o'clock in the forenoon, at  
 Dongarra, in the Greenough District.

Given under my hand, and the Public  
 Seal of the Colony, at Government  
 House, Perth, this eleventh day of  
 October, One thousand eight hundred  
 and seventy-six, and in the fortieth  
 year of Her Majesty's reign.

By Command,  
 A O'GRADY LEFROY,  
 Acting Colonial Secretary.

GOD SAVE THE QUEEN!!!

PROCLAMATION

WESTERN AUSTRALIA, }  
 to wit. }  
 By His Excellency WILLIAM  
 CLEAVER FRANCIS ROBINSON,  
 Esquire, Companion of the  
 Most Distinguished Order of  
 Saint Michael and Saint  
 George, Governor and Com-  
 mander-in-Chief in and over  
 the territory of Western Aus-  
 tralia and its Dependencies,  
 &c., &c., &c.

(L.S.)  
 WILLIAM C. F. ROBINSON.

WHEREAS, on the 12th September last,  
 a Bill was passed by the Legislative  
 Council, entitled "An Act to enforce the  
 payment of duty on the transfer of Land," and  
 was on the same day presented to me for Her  
 Majesty's assent; and whereas I thereupon  
 informed the Legislative Council that I was  
 unable to assent to the same without further  
 consideration than I had been able to bestow  
 upon it in the short interval that elapsed  
 between the presentation of the Bill for Her  
 Majesty's assent and the prorogation of the  
 Legislative Council, and that, being unwilling  
 to delay the prorogation, my decision with  
 respect to the Bill would in due course be  
 announced in the *Government Gazette*; and  
 whereas I am desirous, before any final decision  
 is arrived at on the subject proposed to be  
 dealt with by the Bill in question, of com-  
 municating to the Legislative Council the  
 course which, after mature consideration, it  
 appears to me it would be advisable to take  
 in the matter; Now THEREFORE I, the said  
 Governor, do hereby certify and proclaim that  
 I have withheld Her Majesty's assent from the  
 said Bill as aforesaid, whereof all persons  
 concerned are hereby notified accordingly.

Given under my hand, and issued under  
 the Public Seal of the said Colony, at  
 Government House, Perth, this 12th  
 day of October, 1876.

By Command,  
 A. O'GRADY LEFROY,  
 Acting Colonial Secretary.

GOD SAVE THE QUEEN!!!

Colonial Secretary's Office,  
Perth, 11th October, 1876.

HIS Excellency The Governor has been pleased to make the following appointments, under the provisions of the Local Ordinance 27th Victoria, No. 21 of 1863, "The Small Debts Ordinance":—

Worshipful Edward Hayes Laurence, the Magistrate of the Local Court at Don-garra, Mr. James Waterson Johnson to be Clerk, and Mr. Henry Fletcher Waldeck to be Bailiff of said Court.

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

Colonial Secretary's Office,  
Perth, 17th October, 1876.

HIS Excellency The Governor directs the publication of the following Marine Notice, for general information.

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

#### NOTICE TO MARINERS.

##### LIGHTS AT CHAMPION BAY.

Two leading lights are now exhibited from towers erected about one mile South of the Chapman River and half a-mile North of the Old Cutting Beacon, when in line bearing E. by N.  $\frac{1}{2}$  N. and W. by S.  $\frac{1}{2}$  S. lead between North extreme of Point Moore reefs and the four-fathom bank.

The towers, which are painted white, the lower of octagon shape, and the upper square attached to Light-keeper's quarters, are 302 $\frac{1}{2}$  yards apart. The upper or inner light is a fixed red light (Holopliote) elevated 65 feet above level of the sea. The lower or seaward light is also a fixed red light of the fourth order, elevated 41 feet above the sea. Both lights are visible through an arc of 75 degrees, and in clear weather may be seen 8 or 9 miles.

A Lighthouse is in course of erection at extremity of Point Moore, from which will be exhibited a revolving light of the second order, the exact time of lighting and limits of illumination, &c., will be notified at an early date.

Bearings are Magnetic.

Colonial Secretary's Office,  
Perth, 17th October, 1876.

IT is hereby notified, for general information, that His Excellency The Governor has received a Despatch from Her Majesty's Secretary of State for the Colonies, enclosing Regulations for an examination of Candidates for the Civil Service of India, which is to be held in March 1877.

These Regulations can be seen on application at the Colonial Secretary's Office.

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

#### NOTICE.

Colonial Secretary's Office,  
Perth, 17th October, 1876.

IT is hereby notified, for general information, that the Government of Western Australia offer a subsidy of £3000 per annum to any person or persons who, subject to conditions to be specified, will place a steamer or steamers of not less than 350 tons nett register and 100 horse-power, to run between this Colony and the Straits Settlements.

Full particulars can be obtained on application at the office of the Colonial Secretary.

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

Colonial Secretary's Office,  
Perth, 17th October, 1876.

THE following additional Port Regulation has been approved by His Excellency The Governor in Executive Council.

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

#### ADDITIONAL PORT REGULATION.

Masters of vessels, *bonâ fide* owned in the Colony, possessing a Certificate of Exemption from Pilotage, will, on approaching Rottnest during the night, hoist vertically where best to be seen, two bright white lights, at least 20 feet above deck, and keep the same burning until the anchor is let go.

This Regulation is not to interfere with the carrying of the Exemption Flag during the day time, as pointed out in paragraphs 19 and 22 of the Port Regulations.

Colonial Secretary's Office,  
Perth, 17th October, 1876.

HIS Excellency the Governor directs the publication of the following letter, for general information.

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

Macclesfield, August 12, 1876.

DEAR SIR,—I have the honor to acknowledge the receipt of the communication dated May 15, 1876, which His Excellency Governor Robinson, C.M.G., has been pleased to forward to me through you.

According to the intimation contained in your letter, I received on the 1st of this month 10lbs. of reeled silk from Messrs. Louis Desgrand & Co., of Lyons. These 10lbs. were reeled by them from the 40lbs. of cocoons alluded to by you.

This result is considered by experienced reelers to be exceedingly favorable. It is seldom that so large a return can be obtained, even from good European cocoons.

The quality is pronounced by capable judges to be almost incomparable; the reeling by Messrs. Louis Desgrand & Co. has been very carefully attended to; the quality of the cocoons must have been excellent.

Under a separate cover I have forwarded, addressed to yourself, for the inspection of His Excellency, one skein as a sample.

According to His Excellency's wish, I will give directions to have the bulk manufactured into some description of fabric suitable to show the capabilities of the silk, probably a satin, which is the severest test to which silk can be submitted. There is no doubt but that the result will be quite satisfactory.

This successful experiment leads me to express the opinion that the production of silk in Western Australia cannot fail, in course of time, to become a most important and valuable industry.

I have, &c.  
WM. C. BROCKLEHURST, M.P.

The Honorable A. O'Grady Lefroy,  
Acting Colonial Secretary,  
&c., &c., &c.,  
Perth, Western Australia.

#### TENDER ACCEPTED.

Colonial Secretary's Office,  
Perth, 17th October, 1876.

THOMAS CHIPPER,

To convey a mail once every four weeks, between Perth and Albany, in a four-wheeled spring vehicle, for three years, for the sum of £1,000 per annum.

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

Colonial Secretary's Office,  
Perth, 17th October, 1876.

HIS Excellency The Governor in Council has been pleased to approve of the following Tables of Rent, Charges, and Fees fixed by the Collector of Customs under the provisions of the 151 section of "The Customs Ordinance, 1860."

The Rent chargeable on the items named in Table A is applicable to all the Bonded Warehouses in the Colony, the "Store Charges" are only applicable to the Port of Fremantle. One half the "Charges" to be levied at other Ports where no expenses are incurred by the Government for Carting, &c., &c.

His Excellency The Governor has been pleased to sanction that the following Scales of Rent and Charges, &c., shall be applied to the Goods remaining in the Stores on the dates that this Notice is received by the Collector of Customs and by the Sub-Collectors of Customs at the several out-ports.

Table A, applicable to Queen's Warehouses.

Items.	Rent per week.		Store Charges for Receiving, Delivery, Examining, Coopering, &c., &c.	Remarks.
	d.	s. d.		
Puncheon, Pipe or Butt ...	6	3 0		
Hogshead ...	3	2 0		
Quarter Cask ...	2	1 6		
Octave ...	1	0 6		
Barrel not exceeding 20 } galls. }	1	1 0		
Hhd. Leaf Tobacco ...	6	5 0		
Half-Hhd. Do. ...	3	2 0		
Case or Bale Tobacco ...	2	1 0		
Tierce Tobacco ...	3	2 0		
Half-Tierce Do. ...	2	1 6		
Keg or Qr.-Tierce Do. ...	2	1 0		
Case Cigars ...	3	1 0		
Box Do. ...	1	0 6		
Case of Wine or Spirits } over 2 galls. }	1	0 6		
Do. 2 galls. and under ...	1/2	0 3		
Chest Tea ...	1/2	0 6		
Half-Chest Do. ...	1/4	0 3		
Tea per ton of 40 Cubic ft.	2	1 6		
Sugar per ton ...	6	2 0		

} Not appli-  
cable to  
"A Store,"  
Fremantle.

All packages deposited in the Queen's Warehouses :

- Under 20 cubic feet ... 2d. per week.
- Over do. and per ton of }  
40 cubic feet ... } 4d. do.
- Rendering Tobacco unfit for }  
human use for Sheep wash, }  
where the labor is found by }  
Government ... } 6d. per cwt.
- And when performed under the }  
supervision of the Customs, }  
only ... } 3d. do.

The Owners finding all materials in both cases.

Applicable to the Receiving house, Fremantle,  
known as "A Store."

(Amendment of Gazette notice of 25th July, 1871.)

Rent on hogsheads ... 1 1/2 d. per week.

Charges for receiving and delivery :

- Under half-a-ton ... 6d.
- Over half-a-ton and per ton ... 1s.
- When the trucking and stowing }  
is performed at Government }  
expense ... } 2s. 6d. per ton.

By Command,

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

Colonial Secretary's Office,  
Perth, 27th September, 1876.

TENDERS (in duplicate, endorsed "Tenders for Northern Mails") will be received at this Office until noon of Wednesday, the fifteenth day of November, 1876, for the conveyance of the undermentioned Mails, for one, two, or three years, commencing from 1st January, 1877, viz. :—

GUILDFORD TO NORTHAMPTON

By the present route, viz., *via* Gingin, Victoria Plains, Walebing, Berkshire Valley, Long's, McPherson's, Whitfield's, (and during Winter *via* Milo), Irwin River, Dongara, Greenough and Geraldton, and *vice versa*, once a week.

The arrival and departure of the Mails will be subject to instructions from the Postmaster General, and liable to alterations at any time during the year.

The weight of the weekly Mails will be limited to two hundred and twenty-four pounds. (224 lbs.)

Two approved Sureties will be required to join the Contractor in a guarantee for the due fulfilment of the duties contracted to be performed.

Special Forms of Tender may be had on application to the various Resident Magistrates, and at the General Post Office, Perth; and no Tender will be entertained unless rendered on the prescribed form.

The Government do not bind themselves to accept the lowest or any Tender.

Further information may be had on application to the Postmaster General.

By Command,  
A. O'GRADY LEFROY,  
Acting Colonial Secretary.

CONVEYANCE OF MAILS.

Colonial Secretary's Office,  
Perth, 6th October, 1876.

TENDERS (in duplicate, endorsed "Tenders for (as the case may be) Mail") will be received at this Office until noon of Friday, the 24th November, 1876, for the conveyance of the undermentioned Mails, for one, two, or three years, commencing from 1st January, 1877, viz. :—

1. From Perth to Fremantle, and *vice versa*, twice daily, in a spring vehicle.
2. From Perth to Guildford, and *vice versa*, once daily, in a spring vehicle.
3. Express Mails between Perth and Fremantle, and Perth and Guildford, including the delivery in Perth of Newspapers, &c., on the arrival of the English and Colonial Mails.
4. From Guildford to Newcastle, and *vice versa*, twice a week, in a spring vehicle.
5. From Guildford to York, and *vice versa*, twice a week, in a spring vehicle.
6. From Perth to Vasse, *via* Canning, Serpentine, Pinjarrah, Brunswick, Australind, Bunbury, Minninup, Ludlow, and Lockville, and *vice versa*, in a spring vehicle between Perth and Bunbury, and on horseback between Bunbury and Vasse.

7. From Pinjarrah to Mandurah, and *vice versa*, once a week, on horseback.
8. From Bunbury to Balbarrup, *via* Dardanup and Bridgetown, and *vice versa*, once a week, on horseback.
9. From Busselton to Quindalup, and *vice versa*, twice a week, on horseback.
10. From Guildford to Upper Swan, and *vice versa*, once a week; and from Guildford to Chittering, and *vice versa*, once every four weeks as at present, on horseback.
11. From Geraldton to Glengarry, calling at Sandsprings, Ellendale, and Tibraden, from Glengarry to Greenough, and *vice versa*; and from Glengarry to Geraldton, once a week, on horseback.

The arrival and departure of the Mails will be subject to instructions from the Postmaster General, and liable to alterations at any time during the year.

Two approved sureties will be required to join the Contractor in a guarantee for the due fulfilment of the duties contracted to be performed.

Special Forms of Tender, with conditions attached, may be had on application to the various Resident Magistrates, and at the General Post Office, Perth; and no Tender will be entertained unless rendered on the prescribed form.

The Government will reserve to themselves the right to terminate the Contract at any time by giving three months' notice.

Where Mails are conveyed in wheeled vehicles, a free passage must be provided for an Officer of the Post Office or Telegraph Department, when required by the Postmaster General.

The Government do not bind themselves to accept the lowest or any Tender.

Further information may be had on application to the Postmaster General.

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

### NOTICE.

*Colonial Secretary's Office,  
Perth, 5th August, 1876.*

THE Contract with the Government for the conveyance of Mails and Passengers Coastwise by the Steamer *Georgette* being about to expire, Tenders will be received from parties willing to perform a similar service, with a Steamer of not less than gross register of 337 tons.

Further particulars can be obtained on application at the Colonial Secretary's Office, Perth, Western Australia.

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

### TENDER ACCEPTED.

*Department of Public Works,  
Perth, 13th October, 1876.*

SMITH, THOMAS,

To erect Brick Walls and Split Paled Fencing at the site of the proposed New Girls' and Infants' School, Perth, for the sum of £314.

JAS. H. THOMAS,  
The Government Engineer.

*Public Works' Office,  
Perth, 12th October, 1876.*

TENDERS (endorsed "Tender for Linemen's Huts,") will be received at this Office until noon of Wednesday, the 15th November, 1876, from persons willing to construct twenty-five Linemen's Huts for the Eucla Telegraph Line.

Plans and specifications may be seen and all particulars known on application at the Resident Magistrate's, Albany, or the Public Works' Office, Perth.

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.

JAS. H. THOMAS,  
The Government Engineer.

*Public Works' Office,  
Perth, 3rd October, 1876.*

TENDERS (endorsed "Tender for Perth Boys' School,") will be received at this Office until noon of Wednesday, the 18th October, 1876, from persons willing to undertake the erection of a Brick Wall and plastering same.

Plans and Specifications may be seen, and full particulars obtained, on application at the Department of Public Works, Perth.

Tenders to state the shortest time in which they will perform the work.

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.

JAS. H. THOMAS,  
The Government Engineer.

*Department of Public Works,  
Perth, 7th October, 1876.*

TENDERS (endorsed "Tender for Jarrah Flitches,") will be received at this Office until noon of Wednesday, the 30th October, from persons willing to supply and deliver at the Convict Establishment or North Jetty, Fremantle, 20 Flitches 22½ feet long 7 inches thick, any width from 12 in. to 30 in.

To be perfectly sound and of first-class quality.

The whole subject to admeasurement and approval after delivery.

Tenderers to state the shortest time in which they will deliver the above.

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.

JAS. H. THOMAS,  
The Government Engineer.

Colonial Secretary's Office,  
Perth, 17th October, 1876.

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

A. O'GRADY LEFROY,  
Acting Colonial Secretary.

CIRCULAR.

Downing Street, 2nd August, 1876.

SIR,—I have the honor to transmit to you for publication in the Colony under your Government, a copy of a Treaty between Her Majesty and the King of the Belgians for the mutual surrender of fugitive criminals, as well as a copy of the Order in Council of the 21st ultimo, for carrying that Treaty into effect.

The Officer Administering the Government of W.A.

I have, &c.,  
CARNARVON.

*Extract from "The London Gazette" of Tuesday, July 25, 1876.*

At the Court at Osborne House, Isle of Wight, the 21st day of July, 1876.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-third and thirty-fourth years of the reign of Her present Majesty, intituled "An Act for amending the law relating to the Extradition of Criminals," and also by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the Extradition Act, 1870," it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the twentieth day of May, one thousand eight hundred and seventy-six, between Her Majesty and the King of the Belgians, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Belgians, having judged it expedient, with a view to the more complete prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from the justice of their country, should, under certain circumstances, be reciprocally delivered up; Their said Majesties have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, John Savile Lumley, Esquire, Companion of the Most Honorable Order of the Bath, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

And His Majesty the King of the Belgians, the Count d'Aspremont-Lynden, Officer of His Order of Leopold, Commander of the Order of the Ernestine Branch of the House of Saxony, Grand Cross of the Orders of Leopold of Austria, of the Legion of Honor, of the Lion of the Netherlands, and of the White Eagle of Russia, &c., &c., Member of the Senate, His Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

It is agreed that Her Britannic Majesty and His Majesty the King of the Belgians, shall on requisition made in their name by their respective Diplomatic Agents, deliver up to each other reciprocally, any persons, except as regards Great Britain, native born and naturalized subjects of Her Britannic Majesty, and, except as regards Belgium, those who are by birth or who may have become citizens of Belgium, who, being accused or convicted as principals or accessories, of any of the crimes hereinafter specified, committed within the territories of the requiring party, shall be found within the territories of the other party:

1. Murder (including assassination, parricide, infanticide, and poisoning), or attempt to murder.
2. Manslaughter.
3. Counterfeiting or altering money, or uttering counterfeit or altered money.

4. Forgery, counterfeiting, or altering or uttering what is forged or counterfeited or altered.
5. Embezzlement or larceny.
6. Obtaining money or goods by false pretences.
7. Crimes by bankrupts against bankruptcy law.
8. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company, made criminal by any law for the time being in force.
9. Rape: Carnal knowledge of a girl under the age of ten years; carnal knowledge of a girl above the age of ten years and under the age of twelve years; indecent assault upon any female or any attempt to have carnal knowledge of a girl under twelve years of age.
10. Abduction.
11. Child stealing.
12. Kidnapping.
13. Burglary or housebreaking.
14. Arson.
15. Robbery with violence (including intimidation).
16. Threats by letter or otherwise with intent to extort.
17. Piracy by law of nations.
18. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
19. Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.
20. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.
21. Perjury and subornation of perjury.
22. Malicious injury to property, if the offence be indictable.
23. Aggravated or indecent assault.

Provided that the surrender shall be made only when in the case of a person accused, the commission of the crime shall be so established as that the laws of the country where the fugitive or person accused shall be found would justify his apprehension and

commitment for trial if the crime had been there committed; and in the case of a person alleged to have been convicted, on such evidence as, according to the laws of the country where he is found, would prove that he had been convicted.

In no case can the surrender be made unless the crime shall be punishable according to the laws in force in both countries with regard to extradition.

#### ARTICLE II.

In the dominions of Her Britannic Majesty, other than the Colonies or foreign possessions of Her Majesty, the manner of proceeding shall be as follows:—

##### I. In the case of a person accused—

The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Minister or other Diplomatic Agent of His Majesty the King of the Belgians, accompanied by a warrant of arrest or other equivalent judicial document, issued by a Judge or Magistrate duly authorised to take cognizance of the acts charged against the accused in Belgium, together with duly authenticated depositions or statements taken on oath or upon solemn affirmation before such Judge or Magistrate, clearly setting forth the said acts, and containing a description of the person claimed, and any particulars which may serve to identify him. The said Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

When the fugitive shall have been apprehended he shall be brought before the Police Magistrate who issued the warrant, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify, according to the law of England, the committal for trial of the prisoner, if the crime of which he is accused had been committed in England, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender, sending immediately to the Secretary of State a certificate of the committal and a report upon the case.

After the expiration of a period from the committal of the prisoner, which shall never be less than fifteen days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal to be surrendered to such person as may be duly authorised to receive him on the part of the Government of His Majesty the King of the Belgians.

##### II. In the case of a person convicted—

The course of proceeding shall be the same as in the case of a person accused, except that the warrant to be transmitted by the Minister or other Diplomatic Agent in support of his requisition shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place, and date of his conviction. The evidence to be produced before the Police Magistrate shall be such as would, according to the law of England, prove that the prisoner was convicted of the crime charged.

After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply for a writ of *habeas corpus*; if he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant.

#### ARTICLE III.

In the dominions of His Majesty the King of the Belgians, other than the Colonies or Foreign Possessions of His said Majesty, the manner of proceeding shall be as follows:—

##### I. In the case of a person accused—

The requisition for the surrender shall be made to the Minister for Foreign Affairs of His Majesty the

King of the Belgians by the Minister or other Diplomatic Agent of Her Britannic Majesty, accompanied by a warrant of arrest or other equivalent judicial document issued by a Judge or Magistrate duly authorised to take cognizance of the acts charged against the accused in Great Britain, together with duly authenticated depositions or statements taken on oath or upon solemn affirmation before such Judge or Magistrate, clearly setting forth the said acts and containing a description of the person claimed, and any other particulars which may serve to identify him.

The Minister for Foreign Affairs shall transmit the warrant of arrest, with the documents thereto annexed, to the Minister of Justice, who shall forward the same to the proper judicial authority, in order that the warrant of arrest may be put in course of execution by the Chamber of the Council (*Chambre du Conseil*) of the Court of First Instance of the place of residence of the accused, or of the place where he may be found.

The foreigner may claim to be provisionally set at liberty in any case in which a Belgian enjoys that right, and under the same conditions. The application shall be submitted to the Chamber of the Council (*Chambre du Conseil*).

The Government will take the opinion of the Chamber of Indictments or Investigation (*Chambre des Mises en Accusation*) of the Court of Appeal, within whose jurisdiction the foreigner shall have been arrested.

The hearing of the case shall be public, unless the foreigner should demand that it should be with closed doors.

The public authorities and the foreigner shall be heard. The latter may obtain the assistance of Counsel.

Within a fortnight from the receipt of the documents, they shall be returned, with a reasoned opinion, to the Minister of Justice, who shall decide and may order that the accused be delivered to the person duly authorized on the part of the Government of Her Britannic Majesty.

##### II. In case of a person convicted—

The course of proceeding shall be the same as in the case of a person accused, except that the conviction or sentence of condemnation issued in original or in an authenticated copy, to be transmitted by the Minister or other Diplomatic Agent in support of his requisition, shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place, and date of his conviction. The evidence to be produced shall be such as would, according to the Belgian laws, prove that the prisoner was convicted of the crime charged.

#### ARTICLE IV.

A fugitive criminal may, however, be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant, if the crime had been committed or the prisoner convicted in that part of the dominions of the two Contracting Parties in which he exercises jurisdiction: Provided, however, that, in the United Kingdom, the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall be discharged, as well in the United Kingdom as in Belgium, if within fourteen days a requisition shall not have been made for his surrender by the Diplomatic Agent of his country, in the manner directed by Articles II and III of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes specified in this Treaty, committed on the high seas on board any vessel of either country which may come into a port of the other.

#### ARTICLE V.

If the fugitive criminal who has been committed to prison be not surrendered and conveyed away within two months after such committal (or within two months after the decision of the Court upon the return to a writ of *habeas corpus* in the United Kingdom), he shall be discharged from custody, unless sufficient cause be shown to the contrary.

## ARTICLE VI.

When any person shall have been surrendered by either of the High Contracting Parties to the other, such person shall not, until he has been restored or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any offence committed in the other country prior to the surrender, other than the particular offence on account of which he was surrendered.

## ARTICLE VII.

No accused or convicted person shall be surrendered, if the offence in respect of which his surrender is demanded shall be deemed by the party upon which it is made to be a political offence, or to be an act connected with (*connexe à*) such an offence, or if he prove, to the satisfaction of the Police Magistrate, or of the Court before which he is brought on *habeas corpus*, or to the Secretary of State, that the requisition for his surrender has in fact been made with a view to try or to punish him for an offence of a political character.

## ARTICLE VIII.

Warrants, depositions, or statements on oath, issued or taken in the dominions of either of the two High Contracting Parties, and copies thereof, and certificates of or judicial documents stating the fact of conviction, shall be received in evidence in proceedings in the dominions of the other, if purporting to be signed or certified by a Judge, Magistrate, or officer of the country where they were issued or taken.

Provided such warrants, depositions, statements, copies, certificates, and judicial documents are authenticated by the oath or solemn affirmation of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

## ARTICLE IX.

The surrender shall not take place if, since the commission of the acts charged, the accusation, or the conviction, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the country where the accused shall have taken refuge.

## ARTICLE X.

If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes committed upon their respective territories, his surrender shall be granted to that State whose demand is earliest in date; unless any other arrangement should be made between the Governments which have claimed him, either on account of the gravity of the crimes committed or for any other reasons.

## ARTICLE XI.

If the individual claimed should be under prosecution, or condemned by the Courts of the country where he has taken refuge, his surrender may be deferred until he shall have been set at liberty in due course of law.

In case he should be proceeded against or detained in such country, on account of obligations contracted towards private individuals, his surrender shall nevertheless take place, the injured party retaining his right to prosecute his claims before the competent authority.

## ARTICLE XII.

Every article found in the possession of the individual claimed at the time of his arrest shall, if

And whereas the ratifications of the said Treaty were exchanged at Brussels on the twenty-eighth day of June last:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the fourth day of August, one thousand eight hundred and seventy-six, the said Acts shall apply in the case of the said Treaty with the King of the Belgians.

the competent authority so decide, be seized, in order to be delivered up with his person at the time when the surrender shall be made. Such delivery shall not be limited to the property or articles obtained by stealing or by fraudulent bankruptcy, but shall extend to every thing that may serve as proof of the crime. It shall take place even when the surrender, after having been ordered, shall be prevented from taking place by reason of the escape or death of the individual claimed.

The rights of third parties with regard to the said property or articles are nevertheless reserved.

## ARTICLE XIII.

Each of the High Contracting Parties shall defray the expenses occasioned by the arrest within its territories, the detention, and the conveyance to its frontiers, of the persons whom it may consent to surrender in pursuance of the present Treaty.

## ARTICLE XIV.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign Possessions of the two High Contracting Parties.

The requisition for the surrender of a fugitive criminal who has taken refuge in a Colony or foreign Possession of either Party, shall be made to the Governor or Chief Authority of such Colony or Possession by the Chief Consular Officer of the other in such Colony or Possession; or, if the fugitive has escaped from a Colony or foreign Possession of the Party on whose behalf the requisition is made, by the Governor or Chief Authority of such Colony or Possession.

Such requisition may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the respective Governors or Chief Authorities, who, however, shall be at liberty either to grant the surrender, or to refer the matter to their Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of Belgian criminals who may there take refuge, on the basis, as nearly as may be, of the provisions of the present Treaty.

## ARTICLE XV.

The present Treaty shall come into operation ten days after its publication in conformity with the laws of the respective countries.

After the Treaty shall so have been brought into operation, the Treaty concluded between the High Contracting Parties on the 31st July, 1872, shall be considered as cancelled, except as to any proceeding that may have already been taken or commenced in virtue thereof.

Either party may at any time terminate the Treaty on giving to the other six months' notice of its intention.

## ARTICLE XVI.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Brussels as soon as may be within six weeks from the date of signature.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Brussels, the twentieth day of May, in the year of our Lord one thousand eight hundred and seventy-six.

(L.S.) J. SAVILLE LUMLEY.

(L.S.) CTE. D'ASPREMONT-LYNDEN.

(Signed)

C. L. PEEL.

## LAND SALES.

Crown Lands' Office, Perth, 14th October, 1876.

THE undermentioned Allotments of Land will be offered for Sale, at Public Auction, on the date and at the place specified in the Schedule below, at one o'clock, p.m.

## SCHEDULE.

Date of Sale.	Place of Sale.	Description of Lot.	Number of Lot.	Quantity.			Upset Price.
				a.	r.	p.	
1876.							
1st Nov.	Perth ... ..	Kelmscott ... .. Sub.	59 ... ..	5	0	0	30s. per acre.
Do.	Do. ... ..	Perth ... .. Do.	63 ... ..	3	3	0	45s. per acre.

MALCOLM FRASER, Commissioner of Crown Lands.

Comptroller's Office,  
Fremantle, 14th October, 1876.

**A** CONDITIONAL Release has been issued to the undermentioned Convict:—

Reg. No. 9145 William Ditchfield

A CERTIFICATE of Freedom has been issued to the undermentioned Convict, whose sentence has expired:—

Reg. No. 8151 George Wetton

HIS Excellency The Governor has been pleased to revoke the Tickets-of-Leave of the undermentioned Convicts:—

Reg. No. 7617 John Atherton

„ 9246 John Mather

THE undermentioned man is requested to communicate with this office:—

Reg. No. 8436 William Taylor, who received a Certificate of Freedom on the 5th December, 1874.

W. R. FAUNTLEROY,  
Comptroller.

## MAIL NOTICE.

General Post Office,  
Perth, October 12th, 1876.

**M**AILS for transmission by Contract Packet via King George's Sound will close at the General Post Office, Perth, as under:—

For the Australian Colonies, New Zealand, and Tasmania, on Monday, the 30th October, at 12 o'clock (noon).

For Europe, India, Cape of Good Hope, &c., on Saturday, the 4th November, at 2 o'clock, p.m.

Money Orders for transmission by the above conveyances will be issued on the Australian Colonies, New Zealand, and Tasmania, up to noon on Saturday, the 28th October, and on the United Kingdom up to noon on Friday, November 3rd.

Letters for Registration must be posted one hour before the closing of the Mails.

Late Letters, on payment of a fee of 6d., may be posted up to 1 o'clock for the Colonial Mails, and up to 3 o'clock for the European Mails.

Newspapers must be posted one hour before the closing of the Mail by which they are intended to be sent, otherwise they will not be forwarded until the next Mail.

A. HELMICH,  
Postmaster-General.

## Transfer of Land Act, 1874.

**T**AKE NOTICE that Henry Mead of Whitby Falls W.A. farmer has made application to bring under the operation of the above Act the following parcels of land situate in Perth viz:—

Building allotments Y 65, Y 66, as the same are respectively described in the maps and books of the Survey Office and are of record therein.

AND FURTHER TAKE NOTICE that all person claiming any estate, right, title, or interest in the said lands or in either of them ARE HEREBY REQUIRED to lodge with the Registrar of Titles on or before the thirty-first of October a caveat forbidding the same to be brought under the Act.

J. C. H. JAMES,  
Commissioner of Titles.

October 16, 1876.

**I** HEREBY give notice that I have applied to the Blackwood Roads Board for permission to erect a swing gate across the Sandalwood Road  $\frac{1}{2}$ -mile above the Upper Preston Bridge.

R. H. ROSE.

Parkfield, 8th Oct., 1876.

**I** HEREBY give notice that I have applied to the Perth District Roads Board for permission to place two Swing Gates across the Minor Road passing through my paddock at the Limekilns.

HENRY BIRCH.

Perth, 3rd Oct., 1876.

**I** HEREBY give notice that I have applied to the Sussex Roads Board to allow me to erect a swing gate across the road leading to the Vasse Commonage.

JNO. ABBEY.

Busselton, September 27, 1876.

## The Government Gazette.

SUBSCRIPTIONS:—The Subscription will be at the rate of 5s. per annum, payable in advance. Subscriptions are required to terminate at the end of June or December; a less period than six months cannot be subscribed for.

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\*\* All payments are required in advance; and Letters and Remittances should be addressed to "The Government Printer, Perth."