



WESTERN AUSTRALIAN
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*Colonial Secretary's Office, Perth,
March 23, 1836.*

HIS Excellency the Governor has been pleased to direct the publication of the general objects of the undermentioned Bills, which are now under the consideration of the Legislative Council, and will be read a second time on Monday week, the 4th Proximo.

1.—Bill to amend an Act intituled "*An Act for establishing a Court of Civil Judicature.*"

It is proposed, that it shall not be lawful to act as a Practitioner in the Civil Court without having first obtained a Certificate and paid such License Fee as shall be appointed by the Governor, by Proclamation, and without having such Certificate enrolled in the Office of the Registrar Clerk of the Court.

Provided that it shall not be necessary for any Person duly called to the English, Scottish, or Irish Bar, or any Law Officer of the Crown, to have such Certificate, and that nothing therein contained is to have the effect of preventing any Person from conducting his own Cause, or employing another who is not a licensed Practitioner; but such Person shall not be entitled to make any charge for his trouble and attendance in any Costs between party and party.

That any Person desiring such Certificate is to make such proof before the Commissioner as will enable him to certify whether such Person has been duly admitted a Solicitor or Attorney of the superior Courts, or of any other and what Court, or whether such Person is without any such previous qualification.

That the License is to be proportioned to the degree of such qualification, so that the amount shall be less to a qualified than to an unqualified Person.

That the Certificate shall be annually renewed.

the Certificate is to be forfeited for the whole or part of the year.

That in case of such gross misconduct as would occasion an Attorney to be struck off the Rolls in England, the Commissioner is to report to the Governor with a recommendation that such Persons be disqualified from ever practising in the Court; and on the written approval of the Governor, the Commissioner is to pronounce Judgment to that effect, and such Person is to be disqualified accordingly.

That any Fees payable under this Act be reserved to the use of the Crown.

That henceforth any Award made under the authority of the Court may be recorded and proceeded upon in like manner as if it were a Judgment of the Court.

That any Instrument of the tenor and effect as in Schedule annexed to the Bill, from the Registrar Clerk and signed by the Commissioner, shall be as valid and effectual to transfer and convey all Right, Title, and Interest of the Person whose Property was so sold under execution.

That on such Claim being made to Property taken or intended to be taken in execution, the Sheriff may apply to the Commissioner to call before him, by a Rule of Court, as well the Party issuing the Process as the Party making such Claim, and that the Commissioner shall make such Rules and Decisions as shall appear just.

2.—"*A Bill for the Recovery of small Debts in Districts remote from Perth.*"

It is proposed, that it shall be lawful for the Governor to appoint one or more Justices of the Peace in any of the remote Districts of the Colony, to hear and determine in a summary way all Questions between Parties where the Debt, Damage or Thing claimed, shall not exceed Ten Pounds, provided that no Title to Lands shall be

That the Governor may alter, suspend, or cancel any such Appointment, or limit or extend the Jurisdiction of such Justice or Justices.

That upon complaint being made, such Justice is to issue his Summons, wherein shall be expressed the names of Plaintiff and Defendant, the cause of Complaint, and an appointed time and place for hearing such Complaint.

That at the hearing the Justice is to examine the Defendant and such Witnesses as may be produced, and to make such decision as shall be agreeable to the merits of the case and consonant to equity and good conscience.

That if the Defendant does not appear, proof must be made of service of the Summons on Defendant a reasonable time before the Hearing, previous to any decision being made against the Defendant.

That the Justice is to issue his Warrant to levy the Sum decreed against the Defendant, in case of a Decree; or against the Plaintiff, in case the Complaint shall be dismissed with costs.

3.—“*A Bill for attaching Debts, Goods, Monies and Effects in the hands of third Parties*”

It is proposed to introduce a Proceeding in the nature of Process by Writ of Foreign Attachment.

That after the commencement of this Act, any Plaintiff having obtained a Judgment or commenced an Action against a Defendant for the Recovery of any Debt, may, upon affidavit of such Debt and of his belief that any debt, sum of money or any goods or effects belonging to Defendant is or are in the possession of a third Party, apply to the Commissioner for a Rule or Summons in the nature of a Writ of Foreign Attachment.

That such Rule or Summons shall be directed as well to such third Party as to the Defendant, calling upon both or either of them to appear at a time and place appointed, and show cause why such Debt, Money, Goods or Effects, should not be paid or delivered over to Plaintiff, in satisfaction of his Debt.

That such Rule or Summons is to contain a Notice warning such Party not to pay over such Money, Goods or Effects, until the Decision of the Matter by the Commissioner.

That an Inventory be taken of Property attached in the hands of the Person so warned, and appraisement made by the Sheriff or other lawful Officer.

That such Inventory and Appraisement be returned to the Court.

That after service of such Rule, or after hearing and disallowance of the Cause shown, if the Party so warned shall pay over such Debt, or deliver over such Money, Goods or Effects so attached, Judgment may be entered up for the Amount of such Debt or Money or the appraised value of such Goods or Effects. Provided that if the Party so warned shall agree to pay such Debt to the Plaintiff, he shall not be obliged to make payment in other manner, or at earlier period, than he had agreed to pay the Defendant.

That the Receipt of the Plaintiff be sufficient Discharge for the Debt or Money or appraised Value of Goods and Effects attached. And all Cost incurred by such third Party to be deducted out of such Debt, Money, or Value of Goods or Effects attached.

That if the Party in whose hands the Debt has been attached shall signify his consent in writing to pay the same, it shall not be necessary for such Party to appear in Court, but a Memorandum of such Consent shall be entered by the Registrar Clerk, and if the Debt be not paid according to the terms of such Consent, then, upon application of the Plaintiff, Judgment may be entered forthwith for the Debt and Costs.

That in order to prevent frivolous and vexatious Applications or Opposition, the Commissioner may allow or disallow Costs, or give full or exemplary Costs against either Party, as circumstances seem to require.

That such Rules and Decisions as shall be made by the Commissioner are to be entered of Record, and to have the same force and effect as Judgments of the Court.

That nothing contained in this Act is to make it lawful to attach the Salary, Pay or Pension of any Government Officer, Naval or Military Officer, Seaman or Soldier.

4.—“*A Bill for applying certain Sums arising from the Revenue receivable in the Colony of Western Australia, to the Service thereof, for the Financial Year commencing the 1st April, 1836.*”

5.—“*A Bill for the Adoption of the following Act of the British Legislature:—*

1.—An Act for making better Provision for the Disposal of the undisposed of Residues of the Effects of Testators.

2.—An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate.

3.—An Act for amending the Laws respecting the Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees: and for enabling Courts of Equity to give effect to their Decrees and Orders in certain Cases.

4.—An Act for consolidating and amending the Laws relating to Property belonging to Infants, Females-covert, Idiots, Lunatics, and Persons of unsound mind.

5.—An Act for reducing into one Act all such Forgeries as shall henceforth be punished with Death, and for otherwise amending the Laws relative to Forgery.

6.—An Act to repeal so much of an Act of the Sixteenth Year of His late Majesty King George the Third, for the more effectual Prevention and Punishment of blasphemous and seditious Libels, as relates to the Sentence of Banishment for the Second Offence; and to provide for some further remedy against the abuse of publishing Libels.

7.—An Act to abolish certain Oaths and Affirmations taken and made in the Customs and Excise Departments of His Majesty's Revenue, and to establish Declarations in lieu thereof.

8.—An Act for consolidating and amending the Laws against Offences relating to the Coin.

9.—An Act for abolishing the Punishment of Death in certain Cases, and substituting a lesser Punishment in lieu thereof.

10.—An Act for shortening the Time of Prescription in certain Cases.

11.—An Act for regulating the Protesting for non-Payment of Bills of Exchange drawn

payable at a Place not being the Place of Residence of the Drawee or Drawees of the same.

- 12.—An Act for abolishing the Punishment of Death in certain Cases of Forgery.
- 13.—An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto.
- 14.—An Act for the further Amendment of the Law, and the better Advancement of Justice.
- 15.—An Act to repeal so much of two Acts of the Seventh and Eighth Years and the Ninth Year of King George the Fourth, as inflicts the Punishment of Death upon Persons breaking, entering, and stealing in a Dwelling-House; also for giving power to the Judges to add to the Punishment of Transportation for Life in certain Cases of Forgery, and in certain other cases.
- 16.—An Act to render Freehold and Copyhold Estates Assets for the Payment of simple and Contract Debts.
- 17.—An Act for the Amendment of the Law relating to Dower.
- 18.—An Act for the Amendment of the Law of Inheritance.

By His Excellency's Command,
PETER BROWN,
Colonial Secretary.

Colonial Secretary's Office, Perth,
March 25, 1836.

NOTICE is hereby given the Schooner "Sally Ann" will proceed on the 1st Proximo for King George's Sound and the other Outstations.

QUARTER SESSIONS.

NOTICE is hereby given, that the next General Quarter Sessions of the Peace for the Colony of Western Australia will be holden at the Court House, at Fremantle, on Wednesday, the 6th day of April next, at the hour of Nine in the Forenoon.—Dated the 10th day of March, in the year of our Lord 1836.

A. H. STONE,
Clerk of the Peace.

Commissariat Office, Perth,
March 4, 1836.

TENDERS FOR FRESH MEAT.

SEAL**E**D Tenders in Triplicate will be received at this Office on

Tuesday, the 29th March, at 12 o'clock, (marked "Tenders for Fresh Meat.") from such Person or Persons as may be willing to contract for the supply of Fresh Meat for the use of His Majesty's Troops, for Three Months certain, (from the 1st of April to the 30th of June next,) in such Quantities as may be required from time to time at the following Stations, viz. :—

Perth, Upper Swan, Kelmscott, and Murray River.

The Price per Pound to be stated in figures and words at length; and two sufficient Sureties will be required (whose names must be stated in the Tender) for the due performance of the Contract. Parties tendering, or their Agents, duly authorised, are requested to attend on the day the Tenders are opened.

Any further particulars will be made known on application at this Office.

JOHN LEWIS,
Dep. Assist. Commissary General.

COMMISSARIAT OFFICE.

Perth, February 9, 1836.

SEAL**E**D TENDERS in Triplicate (marked "Tenders for Wheat") will be received at this Office until Tuesday the 5th of April next, at 12 o'clock, (when they will be opened,) from such Person or Persons who may be willing to supply, for the use of His Majesty's Government, 1500 Bushels of COLONIAL WHEAT, 60lbs. to the bushel, the growth of the Harvest of 1836.

The Wheat to be of unexceptionable quality, clean, free from smut and drake, and to be delivered at the Commissariat Store, Perth, from harvest-time until the end of March, 1837, at the cost and risk of the Contractor. The Wheat to be subject to a Board of Survey before payment is made.

No Tender will be received for a less quantity than Twenty-five Bushels.

Any further information may be obtained by applying at this Office.

JOHN LEWIS,
Deputy Assistant Commissary General.