



WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.
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SATURDAY, JULY 30, 1836. [NUMBERS 23

*Colonial Secretary's Office, Perth,
July 27, 1836.*

CONSIDERABLE doubts appearing to exist in the minds of the Public as to the intent and meaning of the 28th Clause of the recently established Rules and Regulations of the Civil Court, His Excellency the Governor directs the following Copy of a Letter which has been addressed to certain Memorialists, on the subject thereof, to be published for general information:—

“GENTLEMEN,—The Governor having had your Petition under consideration in Executive Council, wherein you request his attention to the new Rules and Orders of the Civil Court, which in several parts you conceive to be highly prejudicial to the Public, and calculated to close the door of Justice against the poor man, leaving it only open to the wealthy and independent members of the community; I am directed by His Excellency to express his regret that the Memorial should have given an interpretation to any part of the said Rules so directly opposed to their true intent and meaning.

“The serious expences which unsuccessful Defendants were liable to by the operation of the old Regulations in cases of an unimportant nature or trifling

amount, suggested to the Local Government the expediency of entering upon a revision of the same, with a view of protecting, in future, the poor Man against the richer Plaintiff and his Agent, in small cases, in which the intervention of an Agent was not necessary; and the result has been the substitution of the Regulations now complained of, which will be found strictly in accordance with the practice of the English Law, in minor cases, and calculated to relieve the Defendant from the burden of the charges of the Plaintiff's Agent, for the future, in all such cases.

“With respect to the observations on the Schedule of Fees, I am directed to state, that the same attention has been paid to relieve the poor Man from the weight of their operation; and that they have been remodelled with a view of lessening them in cases under Five Pounds, and making them bear more heavily in cases of larger amount, which are generally brought forward by persons whose dealings are on a larger scale, and who, consequently, can better afford to bear them.

“With reference to the increased amount of Deposits in Common Jury Cases, I am to observe, that the amount required to be deposited is not greater

than has been calculated as necessary to defray the probable expences of a Jury summoned according to the Provisions of the Act for regulating the Constitution of Juries, after payment of which, any surplus remains to the credit of the Depositor.

“In regard to the additional Charge for serving Summonses out of Perth, I am directed to inform you, that it has arisen from the necessity of insuring a greater degree of regularity through the intervention of the Sheriff; but this expense can at any time be avoided, by guaranteeing that Officer from the consequences of an irregularity in such service

“Under these circumstances, His Excellency cannot consent to grant the Prayer of the Memorial; but I am to assure the Petitioners, that if, after a fair trial, it should be found that the Rules, as remodelled, have failed to accomplish the objects contemplated, or that either they or the scale of Fees now established should operate in any way to the prejudice of the Public, measures will be taken for their amendment.

“With reference to the concluding paragraph of the Memorial, I am to state, that all Fees received by the Sheriff and the Registrar Clerk, payable under the Act of Council, are considered the property of the Crown, and to be accounted for as such; and as soon as they shall exceed what may be deemed a fair remuneration for the services of these Officers, any surplus will be applied in aid of the Revenue of the Colony.”

By His Excellency's command,
PETER BROWN,

Colonial Secretary.

*Colonial Secretary's Office, Perth,
July 28, 1836.*

HIS Excellency the Governor has been pleased to direct the republication of an Extract contained in a Notice dated 31st March, 1832, and the publication of an Extract from a Despatch, recently received from His Majesty's Principal Secretary of State for the Colonies, indicative of the views entertained by His Majesty's Government in respect to the nature of the protection to be afforded to the Colonists by the Military; and also of those entertained in regard to the Natives.

By His Excellency's command,
PETER BROWN,

Colonial Secretary.

NO. 1, EXTRACT FROM A DESPATCH
PUBLISHED MARCH 31, 1832.

“It becomes my duty to inform you, that it is impossible to furnish a sufficient number of Troops to guard every part of the Colony, and that the Settlers

from the Natives,—being, of course, expected to defend themselves against any petty assaults of a predatory nature to which they may be exposed. You will, therefore, take the first opportunity of impressing upon the Settlers generally the necessity of concentrating their strength as much as possible in towns and villages, instead of scattering themselves over a large extent of country at distant and detached settlements.”

NO. 2, EXTRACT FROM A DESPATCH
DATED JULY 23, 1835.

“It will be your duty to impress upon the Settlers, that it is the determination of the Government to visit every act of injustice or violence on the Natives with the utmost severity; and that in no case will those convicted of them remain unpunished. Nor will it be sufficient simply to punish the guilty, but ample compensation must be made to the injured party for the wrong received. You will make it imperative on the Officers of Police never to allow any injustice or insult, in regard to the Natives, to pass by unnoticed, as being of too trifling a character: and they should be charged to report to you, with punctuality, every instance of aggression or misconduct. Every neglect of this point of duty you will mark with the highest displeasure.

“I am aware that the Colonists, in their dealings with the Natives, will sometimes have to encounter conduct which, in civilized society, would be looked on as highly offensive; but it will be the duty of the Settler to practise forbearance and moderation, and, by exactness in the fulfilment of his engagements, to set an example of justice and good faith.

“Whenever it may be necessary to bring a Native to justice, every form should be observed which would be considered necessary in the case of a white person; and no infliction of punishment, however trivial, should be permitted, except by the award of some competent authority.”

*Commissariat Office, Perth,
July 29, 1836.*

SEALD Tenders will be received at this Office on Thursday, the 4th of August, at 12 o'clock, from such Person or Persons who may be willing to supply such Quantity of FIREWOOD for the use of the Military Hospital, as may from time to time be required.

The Price per Cord to be stated in words at length.

Any information as to Quantity may be obtained by application at this Office.

JOHN LEWIS,

Deputy Assistant Commissary General.