

# WESTERN AUSTRALIAN GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY.)

FRIDAY, JULY 22, 1842.

[NUMBER 314]

*Colonial Secretary's Office, Perth,  
July 19, 1842.*

His Excellency the Governor directs it to be notified that a Despatch has been received from the Right Honorable the Secretary of State for the Colonies disallowing two clauses of the Regulations published by the Local Government on the 17th June, 1841, in regard to the disposal of Crown Lands, which fixes the minimum quantity to be disposed of at 160 acres, and which establishes a right of extensive commonage over the unappropriated Crown Lands. Three hundred and twenty acres being the minimum quantity which can be disposed of, without any right of commonage.

*By His Excellency's command,  
PETER BROWN.*

*Colonial Secretary's Office, Perth,  
July 19, 1842.*

His Excellency the Governor directs it to be notified that a Despatch has been received from Her Majesty's Principal Secretary of State for the Colonies disallowing the notice issued on the 28th January, 1841, leaving it optional with parties holding lands under the primary Regulations upon which the location duties have not been performed to commute the same by payment of the sum of nine pence per acre on their unimproved lands held under the Colonial Office Circular B, and the sum of one shilling and six pence the acre on those held under the Circular C.

*By His Excellency's command,  
PETER BROWN.*

*Colonial Secretary's Office, Perth,  
July 19, 1842.*

His Excellency the Governor directs it to be notified that a Bar has been placed at each end of the Breakwater connecting the islands above Perth commonly known as the Flats, in consequence of the serious injury it has sustained from the recent practice of using it as a bridle path.

As it is very necessary that this embankment should be preserved, the public are cautioned against removing any of the material, whether earth or rushes, from its sides, on pain of being prosecuted for trespass.

*By His Excellency's command,  
PETER BROWN.*

*Colonial Secretary's Office, Perth,  
July 20, 1842.*

His Excellency the Governor is pleased to direct that the general objects of the following Bills now under the consideration of the Legislative Council be published for general information.

*By His Excellency's command,  
PETER BROWN.*

*A Bill to provide a summary remedy in certain cases of breach of contract.*

It being expedient that a more simple remedy should be provided in certain cases of breach of contract than is afforded by the existing laws of this Colony, it is proposed:—

That if any artificer, manufacturer, journeyman, workman, laborer, or other servant, employed in any manner howsoever, shall absent himself or herself from the lawful and usual service of the person or persons to whom he or she shall be so engaged, or shall refuse or neglect to work in the trade, calling, or employment for which he or she shall have been so hired or engaged,—or shall return his or her work, or desert or quit the same before the same shall be completely finished, or shall be guilty of any other misconduct,—it shall be lawful for any one Justice, upon complaint in such case made, to cause such party so offending to be brought before any two or more Justices of the Peace, by whom such complaint may be heard and deter-

mined, and upon conviction thereof to commit the party so offending to the common Jail for any term not exceeding three calendar months, there to remain and be kept to hard labor, and that every person convicted of so offending shall moreover forfeit all or such part of his or her wages or pay which shall or may be due or owing to him or her.

That if any artificer, splitter, fencer, well-sinker, or person engaged in removing reaping, or getting in of hay or corn, shepherd, or other laborer, who shall contract for the performance of any work in a certain time, or at a certain price, shall absent himself before the completion or termination of his contract, it shall be lawful for any Justice, upon complaint, to bring the person before any two or more Justices, and if it shall appear that such person has not fulfilled such contract, it shall and may be lawful to commit such person to the common Gaol, there to be kept to hard labor for any term not exceeding three months.

That it shall be lawful for any one or more Justices of the Peace, upon any complaint upon oath of any such artificer, manufacturer, journeyman, workman, laborer, menial, house or other servant, against any such master or mistress, or employer, touching or concerning any misusage, refusal of necessary provision, non-payment of wages, cruelty, or other ill-treatment whatsoever, to summon any such master, mistress, or employer, and upon proof thereof may order payment of such wages as shall appear due, and to order and award such amends as they shall think fair and reasonable.

*A Bill to facilitate actions against persons absent from the Colony, and against persons sued as joint contractors.*

It being expedient that the existing laws relative to the suing absent parties, and to the proceeding against joint contractors, should be altered so as to facilitate the prosecution of just claims, it is proposed:—

That in every action at law which shall be hereafter commenced in the Civil Court wherein the writ of summons shall (as to the defendant named therein) be returned non est inventus, if upon or after any such return an affidavit shall be filed on behalf of the plaintiff (in addition to a full affidavit of the cause of action) that such cause of action arose within the Colony, and that to the best of deponent's belief such defendant does not reside within the said Colony, and is possessed of, or entitled to, or otherwise interested in, any lands, monies, securities for money, chattels, or other property, in the custody, or under the control of any person or persons in the Colony (to be named in such affidavit), or that any such person or persons is or are indebted to such defendant, the plaintiff may proceed against such person by process of Foreign Attachment.

*A Bill to continue for a limited period an Act entitled "An Act to regulate the Licensing of Auctioneers and the collection of duties on property sold by auction."*

It being expedient, as this Act is shortly about to expire, that it should be continued for a limited period, it is proposed to continue it for the space of five years.

*A Bill to explain and amend certain Acts now in force relating to the building of Churches, Chapels, and Ministers' Dwellings.*

It being expedient to remove certain difficulties which have arisen in the construction of the Acts of Council, "An Act to provide for the appointment of Trustees of Church Property," and "An Act to promote the building of Churches and Chapels and to contribute towards the maintenance of Ministers of Religion," in cases of lands and other property intended for the use of the Church of England, and as to the

amount of money which it shall be lawful for the Governor in his discretion to issue under the Act last above mentioned, it is proposed:—

That the seventh section of the said last mentioned Act (by which it is provided that, in every case where the Governor shall deem it expedient to issue monies from the Colonial Treasury for the building of Churches, Chapels, or Ministers' dwellings, it shall be necessary that the said buildings and the lands thereunto belonging shall be conveyed to Trustees nominated by the congregation) shall not be deemed or taken to apply to any lands, buildings, or other property intended for the purposes of the Church of England; but that all such property shall henceforth be vested in the Trustees of Church Property under the provisions of the first Act above mentioned, and in three local Trustees to be appointed by the congregation and subscribers to the particular Church, Chapel, or Minister's dwelling, for which the money is intended.

*Colonial Secretary's Office, Perth,  
July 20, 1842.*

His Excellency the Governor directs it to be notified for general information that the following Acts have this day passed the Legislative Council—

An Act to make perpetual an Act entitled "an Act to provide a summary remedy against Horses and other Live Stock straying in Towns, and to prevent entire Horses and Bulls straying in any part of the Colony."

An Act to impose a duty on all goods imported into Western Australia, and not already subject to duty.

This Act to take effect from the 1st of August, 1842.

An Act to regulate the slaughtering of Cattle and other Live Stock in Towns.

This Act to take effect from the 1st of January, 1843.

*By His Excellency's command,  
PETER BROWN.*

*Colonial Secretary's Office, Perth,  
July 20, 1842.*

His Excellency the Governor has been pleased to direct the publication of the following notice, which has been issued by the Resident Magistrate, Albany, relative to the sale of Town Allotments.

*By His Excellency's command,  
PETER BROWN.*

*Albany, July 2, 1842.*

The Sub-Collector of Revenue will put up to sale by public auction, at the Government Offices, Albany, on Wednesday, the 10th day of August next, at one o'clock precisely, the undermentioned Town Allotments, subject to the existing regulations—

Albany lot S 127

Do. S 146

For further particulars application to be made to the Honorable the Surveyor-General at Perth, or Resident Magistrate, Albany.

J. R. PHILLIPS.

*Colonial Secretary's Office, Perth,  
July 8, 1842.*

**BONDED STORE, BUNBURY.**

Tenders in triplicate will be received by the Resident of Bunbury, on the 8th of September next, for the erection of a Bonded Store.

For further particulars application to be made to the Resident or Superintendent of Public Works.

*By His Excellency's command,  
PETER BROWN.*

*Printed by CHARLES MACFAULL,  
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