

**WESTERN AUSTRALIAN**  
**GOVERNMENT GAZETTE.**

(PUBLISHED BY AUTHORITY.)

FRIDAY, SEPTEMBER 23, 1842.

[NUMBER 323

WESTERN AUSTRALIA,  
ANNO SEXTO,  
VICTORIÆ REGINÆ.

By His Excellency JOHN HUTT, Esquire,  
Governor and Commander-in-Chief in  
and over the Colony of Western Australia  
and its dependencies, and Vice-  
Admiral of the same, with the advice  
and consent of the Legislative Council  
thereof.

No. VIII.

An Act to regulate the apprenticeship and  
otherwise to provide for the Guardian-  
ship and control of a certain class of  
Juvenile Immigrants.

Whereas certain Juvenile Immigrants have recently been transmitted to this Colony with and under special directions from Her Majesty's Principal Secretary of State for the Colonies for the purpose of being apprenticed within the same, and it is probable that others of the same class will hereafter be transmitted in like manner and for the like purpose; and whereas it is expedient to regulate by law the mode and duration of such apprenticeship, and to provide for the due enforcement of relative rights and obligations thereunder, and otherwise for the general superintendence and control of such Immigrants: Be it therefore enacted by His Excellency the Governor of Western Australia, by and with the advice and consent of the Legislative Council thereof, that in order to obviate any uncertainty as to the objects and applicability of this Act, a notice published by His Excellency's command in the Government Gazette setting forth that certain persons therein named are Immigrants to be apprenticed under this Act shall be exclusive evidence in all proceedings at law, before Justices of the Peace or otherwise, that such persons (on due proof of identity if requisite) are within the operation of this Act.

II. And be it enacted, that it shall be lawful for His Excellency the Governor, by any writing under his hand and seal of office, to appoint a Guardian for and over all such Juvenile Immigrants as aforesaid under the style or official designation of *Guardian of Government Juvenile Immigrants*.

III. And be it enacted, that it shall be lawful for such Guardian, with the approbation of the Governor, to apprentice any such Juvenile Immigrant as aforesaid in manner hereinafter set forth for any term not less than two years nor exceeding five years to any master or mistress for the purpose of being instructed in any art, handicraft, trade or calling.

IV. And be it enacted, that every such apprenticeship as aforesaid shall be effected by an Instrument in Writing in the form or to the effect (as nearly as circumstances may admit) set forth in the Schedule to this Act, and countersigned by the Governor; and every such instrument shall be drawn and executed in triplicate, whereof one part shall be retained by the Guardian, another part by the master, and the third part shall be transmitted by the Guardian to the Clerk of the Bench of Magistrates for the District within which such master shall be resident, or, in case there be no such Clerk, then to any Magistrate in the neighbourhood of such residence.

V. And be it enacted, that no such Guardian as aforesaid shall incur any per-

sonal liability whatever by reason of his entering into and executing any such instrument of apprenticeship; and that all rights, powers, and remedies accruing to or exercisable by any such Guardian as aforesaid under or by virtue of any such instrument by him executed shall survive and vest to and in his successor for the time being in the said office of Guardian.

VI. And be it enacted, that from and immediately after the arrival in this Colony of any such Immigrant as aforesaid until he shall be apprenticed as aforesaid, and (in case of the dissolution or determination of any such apprenticeship before the expiration of the stipulated time thereof until such Immigrant shall have been re-apprenticed for the residue of such term) every such Immigrant shall be subject to the management, orders, and control of such Guardian as aforesaid for the time being in like manner to all practicable intents and purposes as if such Guardian were a master under this Act, and shall be subject, during any such interval, to the like punishments and by the like mode of proceeding for any misconduct towards such Guardian as may be inflicted under this Act for any like misconduct of an apprentice towards a master.

VII. And be it enacted, that every such Guardian as aforesaid shall have the general superintendence over the moral, religious, and technical, instruction, the health, comfort, and general treatment of all such Immigrants as aforesaid during their apprenticeship, and shall for that purpose have right of access at all reasonable times to see and converse with any apprentice under this Act; and shall in all matters connected with such superintendence, not specially provided for by this Act, conform himself to such written instructions as he shall from time to time receive from His Excellency the Governor.

VIII. And be it enacted, that it shall be lawful for any Justice of the Peace upon complaint on oath by any master or mistress, or by any such Guardian as aforesaid, against any apprentice bound under this Act touching or concerning any misdemeanor, misconduct, or ill-behaviour in the service of such master or mistress, to issue his warrants for bringing such apprentice before any two or more Justices of the Peace, who may hear, examine, and determine the same, and upon conviction thereof may punish the offender by commitment to any House of Correction or Common Gaol with hard labour for any term not exceeding three calendar months, and may fine such offender to the extent of all or any part of any annual allowance then due to him; and in case of a second or further conviction may order (in addition to such fine and imprisonment with hard labor) that such offender shall undergo a whipping not exceeding three dozen lashes.

IX. And be it enacted, that any time so spent in prison by an apprentice as aforesaid shall not be reckoned part of his term.

X. And be it enacted, that in case of any such second or further conviction, the convicting Justices, with the written consent of the Guardian, may dissolve such apprenticeship, in addition to any such punishment as aforesaid.

XI. And be it enacted, that it shall be lawful for any Justice of the Peace upon complaint on oath by any apprentice bound under this Act, or by any such Guardian as aforesaid on behalf of any such apprentice touching any misusage, neglect of due instruction, default in payment of any annual

allowance, refusal of necessary provision, or clothing, or other ill treatment of or towards such apprentice by his master or mistress to summon such master or mistress to appear before any two or more Justices of the Peace at a reasonable time to be named in such summons and upon proof on oath to their satisfaction of the matter of such complaint (whether the master or mistress be present or not, if service of such summons be also upon oath proved) the said Justices may order payment of such annual allowance or of such portion thereof as shall appear to them to be due, and may also award a pecuniary compensation or amends to such apprentice not exceeding Five Pounds, or may discharge such apprentice by warrant or certificate under their hands and seals; or may (if the justice of the case shall in their discretion so require) at one and the same time, by way of cumulative remedy, order and award such payment of annual allowance and amends and grant such discharge; and such order for payment of any allowance or arrears thereof, and such award of amends may be carried into effect by distress and sale of the goods and effects of such master or mistress; and all sums paid or levied under any such order or award shall be handed over to such Guardian as aforesaid for the time being to be by him disposed of for the use and benefit of the apprentice entitled to the same in such manner as His Excellency the Governor shall from time to time in writing direct.

XII. And be it enacted, that if default shall be made by any master or mistress in providing medical attendance and necessaries for any apprentice bound under this Act, or in duly providing for the decent and Christian burial of any such apprentice, it shall be lawful for any such Guardian as aforesaid for the time being or for any Justice of the Peace to make due provision of and for such medical attendance, necessaries and burial, and if the costs and charges thereof respectively be not paid by such master or mistress within thirty days after written demand of payment thereof signed by such Guardian or Justice shall have been left at the usual residence of such master or mistress such costs and charges may be summarily recovered on the complaint of such Guardian or Justice in like manner as the wages or annual allowance of an apprentice are and is hereinbefore made recoverable.

XIII. And be it enacted, that, in case of the death of any master or mistress during the period of any such apprenticeship as aforesaid, such indenture of apprenticeship shall not continue or be in force during any longer time than for three calendar months next after the death of such master or mistress; and during such three calendar months such apprentice shall continue to live with and serve as an apprentice the executors and administrators, of such master or mistress, some or one of them, or such person or persons as such executors or administrators, some or one of them, shall appoint; and in every such case such executors and administrators, or their appointee or appointees, shall be subject and entitled during such period as last aforesaid to the same summary remedies as are hereinbefore provided against or for a master or mistress.

XIV. And be it enacted, that within such three calendar months as last aforesaid it shall be lawful for any two Justices of the Peace, on application made by the widow of such master, or husband of such

mistress, or by any son, daughter, brother or sister, of such master or mistress, by indorsement on any such indenture of apprenticeship, subscribed also by such applicant, to order that such apprentice shall serve as an apprentice any one of such persons making such application as aforesaid (such person having lived with, and having formed part of the family of such master or mistress at the time of his or her death) for the residue of the term mentioned in such indenture of apprenticeship and such person shall be and be deemed and taken to all intents and purposes the master or mistress of such apprentice under this Act in like manner as if such apprentice had been originally bound to such person by such indenture; and from the date of such order the executors and administrators and the personal estate and effects of the master or mistress so dying as aforesaid shall be released and discharged from any covenant or agreement contained in any such indenture on the part of any such master or mistress.

XV. And be it enacted, that all and singular the regulations and provisions hereinbefore made, and directed to take place on the death of the original master or mistress, shall be deemed and taken to relate to the like event of the death of any such subsequent master or mistress and to their several relations and representatives before enumerated, from time to time as often as the case shall happen during the continuance of the term mentioned in any such indenture of apprenticeship.

XVI. And be it enacted, that in case no such application shall be made as aforesaid within three calendar months next after the death of such master or mistress or in case such two Justices to whom any such application as aforesaid shall have been made, shall not think fit that such apprenticeship should be continued, then the said apprenticeship shall be determined, and the indenture of Apprenticeship and covenants therein contained shall be at an end, in like manner as they would have been at the expiration of the term therein mentioned.

XVII. And be it enacted, that in the event of any master or mistress becoming insolvent, or having been absent from the Colony for any period exceeding three months, it shall be lawful for any two Justices of the Peace, at the request of the Guardian, to dissolve such apprenticeship if it shall appear to them that it is expedient so to do.

XVIII. And be it enacted, that this Act may be amended or repealed by any Act to be passed during the present Session.

"JOHN HUTT,"  
GOVERNOR.

Passed the Council }  
10th Sept., 1842. }  
EDWARD C. SOUPER,  
Acting Clerk of the Council.

SCHEDULE REFERRED TO.

FORM OF DEED OF APPRENTICESHIP.

This Indenture made the \_\_\_\_\_ day of \_\_\_\_\_ between A B of \_\_\_\_\_  
"Guardian of Government Juvenile Immigrants" in the Colony of Western Australia under an Act passed in the sixth year of Her Majesty Queen Victoria entitled "An Act to regulate the Apprenticeship and otherwise to provide for the guardianship and control of a certain class of Juvenile Immigrants" of the one part and C D of \_\_\_\_\_ in the said colony of the other part, Witnesseth that he the said A B, in the exercise of the authority for that purpose in him vested by the said Act of Council, doth hereby put and place E F, one of the said Immigrants, to be an apprentice with and under him the said C D for the space of \_\_\_\_\_ years from the date hereof. The said E F during all the term shall well and faithfully serve the said C D in all such lawful business as the said E F shall be put unto by command or sanction

of his said master according to the power, wit, and ability of him the said E F, and shall in all things behave himself honestly, obediently, and orderly towards the said C D, his family and household, and the said C D, for himself, his executors and administrators, doth hereby promise and covenant to and with the said A B, and with each and every the successor and successors of the said A B in the said office of Guardian under the said Act, that he the said C D to the best of his skill and ability the said E F in the craft, mystery (occupation or calling) (of a \_\_\_\_\_), which he the said C D now useth, will teach and instruct, or cause to be taught and instructed as much as thereunto belongeth, or in any wise appertaineth, and that the said C D during the said term shall find and allow unto the said E F sufficient meat, drink, apparel, washing, lodging, medical attendance and necessaries, and all other things needful or meet for an apprentice, and pay or cause to be paid to the said A B or his successor for the time being as aforesaid for the benefit of the said E F the sum of \_\_\_\_\_ for the \_\_\_\_\_ year of the said term, the sum of \_\_\_\_\_ for the \_\_\_\_\_ year of the said term (&c.) by half-yearly payments in each and every year; and shall and will at the costs and charges of the said C D, his executors and administrators, provide decent and Christian burial for the said apprentice in case such apprentice shall die during the said term and shall and will within \_\_\_\_\_ days after such death report the same in writing to the nearest Magistrate together with the cause and circumstances of such death to the best of the knowledge and belief of the said C D and shall and will on and during every Sabbath day during the said term exempt the said E F from labor, and secure his attendance at Divine Worship so far as circumstances will admit, and shall and will at all reasonable times during the said term admit the said A B or his successor for the time being as aforesaid to have access to the said E F for the purpose of enquiring into the health, comfort, progress in instruction, and general treatment of the said E F and afford to the said E F reasonable facility and opportunity of writing to his said Guardian or to his friends, and of receiving letters from his said Guardian and friends.

In witness, &c.  
(Signed) A B, Guardian of Government Juvenile Immigrants.

C D.  
(Countersigned) \_\_\_\_\_, Governor.

No. VI.

An Act to prevent the unauthorised occupation of Crown Lands.

Whereas the unauthorised occupation of Crown Lands is derogatory to the dignity of the Crown, is likely to prove prejudicial to civilization and improvement, and productive of great expense to the public; and whereas it is expedient that such evils should be prevented by the prohibition of such unauthorised occupation; and that the improvement of the Territory should be encouraged by the issuing of licenses of occupation, conferring, to a certain extent, a right of pre-emption of the soil—Be it therefore enacted by His Excellency the Governor of Western Australia, by and with the advice and consent of the Legislative Council thereof, that any person who shall be in the habit of causing or permitting his, or her, horses, cattle, sheep, or any other description of live stock, to be fed or grazed upon any lands the property of Her Majesty, her Heirs and Successors, without having a license in the manner and form hereinafter mentioned, shall forfeit and pay for every such offence the sum of ten pounds—Provided always, that no information shall lie for any second or subsequent offence unless fourteen clear days shall have elapsed between the commission of such offence and the former.

II. And be it enacted, that all applica-

tions for licenses under this Act shall be approved of by the Governor before the issuing of such licenses; and all such licenses shall be signed by the Collector of Revenue, and countersigned by the Colonial Secretary; and shall be in the form in the annexed schedule; and for every such license there shall be paid to the Collector of Revenue at the rate of twenty pounds for every four thousand acres of land so granted in occupation as aforesaid, and every such license shall be and continue in force until the first day of July next ensuing the date thereof, and no longer.

III. And be it enacted, that the holders of such license as aforesaid shall be entitled to a preference over any other person in obtaining a new license of such land, and no lands occupied by virtue of any such license as aforesaid shall be sold or otherwise disposed of to any other person than the licensed occupier thereof, without three months notice in writing having been given to such occupier; and every such occupier shall be entitled to a preference over any other person in purchasing the same, or so much thereof as may be appointed in the Land Regulations then in force, and in conformity with such regulations, at the minimum price of Crown Lands at that time, without competition; provided he effect such purchase within such period of three months as aforesaid.

IV. And be it enacted, that every person so licensed as aforesaid shall, in the event of a renewal of his license being refused by the Government, or of such land being purchased by any other person, be entitled to receive from the Government as aforesaid, or from such purchaser, respectively, the full value of all buildings, fences, and standing crops then on such lands; and such value to be fixed by two arbitrators to be appointed by the parties respectively—Provided always, that if either of such parties shall, after fourteen days notice from the other party of his having appointed an arbitrator, neglect or refuse to appoint an arbitrator, the arbitrator appointed by the other party shall proceed with the nearest Justice of the Peace to estimate such value; and their decision shall be binding on all parties concerned, and that in case of any difference of opinion arising between such arbitrators, they shall appoint an umpire, whose decision shall be final; and until the amount of such value be duly paid to the party to whom the same shall have been so awarded, shall not be compellable to give up possession of the land in respect of the improvements upon which such value shall have been awarded.

V. And be it enacted, that any person or persons keeping Stock on shares, or by any other arrangement with the owner thereof, and not being the Shepherd or labourer bona-fide hired by such owner to take charge of such Stock, shall be taken and deemed to be the owner of such Stock for the purposes, and within the provisions, of this Act.

VI. And be it enacted, that all Informations and proceedings in respect of any offences against the provisions of this Act shall and may be heard and determined in a summary manner by any two or more Justices of the Peace, who shall have power to commit the offender to gaol there to be kept with or without hard labor for any period not exceeding three calendar months in case the fine and costs adjudged by them be not paid.

VII. And be it enacted, that all Prosecutions in respect of offences against the provisions of this Act shall be commenced within three calendar months after the offences thereby respectively charged shall have been committed.

VIII. And be it enacted, that all fines recovered under this Act shall be paid and applied as follows, that is to say; after deducting the expenses of prosecution from the produce thereof, one moiety thereof shall be paid to the Colonial Treasurer, to

be applied towards the Government of the Colony; and the other moiety to the party or parties informing.

IX; And be it enacted, that the operation of this Act be suspended until Her Majesty's pleasure be known.

"JOHN HUTT,"  
GOVERNOR.

Passed the Council }  
25th Aug., 1842. }

EDWARD C. SOUPER,  
Acting Clerk of the Council.

**SCHEDULE REFERRED TO.**

**LICENSE TO OCCUPY CROWN LANDS.**  
These are to certify (in pursuance of an Act passed in the sixth year of the reign of Her Majesty Queen Victoria, entitled "An Act to prevent the unauthorised occupation of Crown Lands") that A B is duly authorised, from the date hereof until the first day of July next, to occupy the lands hereinafter described; provided the same shall not be sold to any other person; and to cut, remove, and use, all soil, timber, and other materials found upon the said Lands, for the use and improvement of the said Lands, or of any establishment to be made thereon; but not to sell or dispose of the same to any other person; that is to say—

[Here follows the description of the lands]  
And that the said A B has paid into my hands the sum of \_\_\_\_\_ on account of such license.

Given under my hand the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.  
(Signed) C D, Collector of Revenue  
(Countersigned) E F, Colonial Secretary.

Colonial Secretary's Office, Perth,  
September 19, 1842.

Notice is hereby given that the Resumption of the Fremantle Allotment No. 175 has been cancelled.

By His Excellency's command,  
PETER BROWN.

Colonial Secretary's Office, Perth,  
September 16, 1842.

His Excellency the Governor directs it to be notified that the undermentioned Boys are Immigrants to be apprenticed under the Act of Council sixth Victoriae No. VIII, entitled "An Act to regulate the apprenticeship and otherwise to provide for the guardianship and control of a certain class of Juvenile Immigrants, viz.:

- James Nimmo
- John Marrell
- Henry Towter
- Jeremiah Murphy
- John Tyne
- Robert Strickland
- John Norton
- James Neale
- John Edward Lane
- Henry Wilson
- Benjamin Hayter
- Henry Bolton
- Charles Dixon
- Joshua Harwood
- George Doughty

Samuel Taylor  
Samuel Organ  
James Mortimer.

Applications for the services of any of these boys must be made to John Schoales, Junior, Esquire, Guardian under this Act.

By His Excellency's command,  
PETER BROWN.

Colonial Secretary's Office, Perth,  
September 12, 1842.

His Excellency the Governor has been pleased to appoint J. Schoales, Jun., Esq., to be Guardian of Government Juvenile Immigrants.

By His Excellency's command,  
PETER BROWN.

Colonial Secretary's Office, Perth,  
September 13, 1842.

His Excellency the Governor has been pleased to direct the publication of the following notice of a reward which has been offered by the Resident Magistrate Fremantle under the authority of the Local Government for the apprehension of the person or persons concerned in firing a loaded pistol through the door of a dwelling house in the town of Fremantle.

By His Excellency's command,  
PETER BROWN.

**REWARD OF £5.**

Whereas on the night of the 28th ultimo, between the hours of 10 and 11 o'clock, some evil disposed person or persons did wantonly and maliciously fire a pistol loaded with ball through the door of Hookum Chan's house, situated in Henry street, Fremantle, the above reward will be paid by the undersigned to any person who shall give such information as will lead to the apprehension and conviction of the offender or offenders.

R. McB. BROWN.

Colonial Secretary's Office, Perth,  
August 31, 1842.

His Excellency the Governor has been pleased to direct the following notice, issued by the Resident Magistrate of Fremantle, relative to the sale of a town allotment, to be published for general information.

By His Excellency's command,  
PETER BROWN.

Public Offices, Fremantle,  
August 29, 1842.

The Sub-Collector of Revenue will put up to sale by public auction, at the Public Offices, Fremantle, on Monday, the 3rd day of October next, at one o'clock, the undermentioned town allotment—

Fremantle building lot No. 346.

For further particulars application to be made to the Resident Magistrate or Surveyor-General.

R. McB. BROWN,  
Resident.

Colonial Secretary's Office, Perth,  
September 12, 1842.

His Excellency the Governor directs it to be notified that the lands hereafter de-

scribed have reverted to the Crown, the period for the performance of the location duties having expired without any improvements having been effected upon them—

240 acres Avon,	George Best
6,000 do.,	A. Butler
100 do.,	Jos. Backenden
4,600 do.,	Clarke and Spyres
100 do.,	Thomas Harwood
200 do.,	T. Puckrin
1,466 do.,	Charles Smith
100 do.,	A. Summerland
2,640 do.,	Willett & Co.

By His Excellency's command,  
PETER BROWN.

List of Unclaimed Letters remaining in the General Post Office addressed to persons unknown, or not to be found, and not previously advertised, 5th of September, 1842—

Barum, James.	King, Mr.
Browne, Joseph.	King, William.
Bull, Mr.	
	Marris
Cadman, Mr.	Millard, Thomas.
	Miles, Mr.
Dring, David	Manning, G. W.
Durlacher, A.	M'Kecknie
Finegan, John	Robertson, William
	Robinson, William
McGowen, Thomas	Ruste
Harrison, J. W.	Seaward, Mr. E.
Hill, W. H.	Stuart, James
Heresly, C.	
	Wilson
James, Mr.	Westmore, J. H.
	Wovel, Mr.
	H. CAMFIELD,
	Postmaster-General.

**GENERAL ROAD TRUST.**

On Wednesday, the 5th October next, at 12 o'clock, a meeting of the General Road Trust will be held at the Court-house Perth.

J. W. HARDEY,  
Chairman.

September 9, 1842.

**GENERAL QUARTER SESSIONS.**

NOTICE is hereby given that the next General Quarter Sessions of the Peace of our Lady the Queen for the Colony of Western Australia will be holden at the Court-house at Perth in and for the said Colony on Monday the third day of October next, at the hour of nine in the forenoon of the same day.—Dated this sixteenth day of September, in the year of our Lord one thousand eight hundred and forty-two.

A. H. STONE,  
Clerk of the Peace.

Printed by CHARLES MACVAUL,  
Government Printer.