

WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

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[NUMBER 326

WESTERN AUSTRALIA,

ANNO SEXTO,
VICTORIÆ REGINÆ.

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

No. VII.

An Act to explain and amend certain
Acts now in force relating to the
building of Churches, Chapels, and
Ministers' dwellings.

Whereas an Act was passed in the first
year of the reign of Her present Majesty
entitled "An Act to provide for the ap-
pointment of Trustees of Church Prop-
erty," whereby certain Trustees were ap-
pointed, in whom should be vested the prop-
erty in all lands and buildings intended
for the purposes of the Church of England;
and whereas in the fourth year of the reign
of Her said Majesty an Act was passed
entitled "An Act to promote the building
of Churches and Chapels, and to contribute
towards the maintenance of Ministers of
Religion in Western Australia," whereby
it was required that before any monies
should be issued out of the Colonial Treas-
ury for the erection of any Churches,
Chapels, Ministers' dwellings, or other
buildings for religious purposes, the estate
in the same should be vested in Trustees no-
minated by the congregation; and whereas
certain difficulties have arisen in the con-
struction of the Acts aforesaid in cases of
lands and other property intended for the
uses of the Church of England, and as to
the amount of money which it shall be law-
ful for the Governor in his discretion to issue
under the Act last above mentioned, on ac-
count of any particular Church or Chapel;
and whereas it is expedient to remove such
difficulties by amending certain portions of
the said Act; Be it therefore enacted by
His Excellency the Governor of Western
Australia, by and with the advice of the
Legislative Council thereof, 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 there-
unto belonging shall be conveyed to Trus-
tees 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 Prop-
erty under the provisions of the Act first
above mentioned, and in three Local Trus-
tees to be appointed by the congregation or
subscribers to the particular church, chapel,
or minister's dwelling, for which the money
is intended.

II. And be it enacted that every such
Local Trustee as aforesaid shall have the
same powers, rights, and privileges, as a
general Trustee in every matter or thing
affecting the interests of the particular con-
gregation by which he was appointed, and
shall be entitled to vote, either in person,
or by proxy, or by letter, at all meeting of
the Trustees on all such matters and things
as aforesaid.

III. And be it enacted, that the whole
sum or sums of money so issued towards
the erection of any particular church,
chapel, or minister's dwelling, under the
provisions of the Act last above mentioned
shall not in any case exceed the sum of
Five hundred Pounds, unless the issue of
such further sum be approved by the Legis-
lative Council.

IV. 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 }
25th Aug., 1842. }

EDWARD C. SOUPER,
Acting Clerk of the Council.

No. X.

An Act to amend and continue for a
limited period an Act entitled "An
Act to regulate the Licensing of Auc-
tioneers and the Collection of Duties
on Property sold by Auction."

Whereas an Act was passed in the third
year of the Reign of Her present Majesty
entitled "An Act to regulate the Licensing
of Auctioneers and the Collection of Du-
ties on Property sold by Auction," which
Act is shortly about to expire; and whereas
it is expedient that the said Act should be
continued for a limited period; Be it there-
fore enacted by His Excellency the Gover-
nor of Western Australia, by and with the
advice of the Legislative Council thereof,
that the said Act shall be, and the same is
hereby continued for the space of five years
from the date of this Act.

II. Provided always and be it enacted,
that every Auctioneer shall over and above
any license to him or her granted as such
Auctioneer, take out such license as is or
shall be required by law for the dealing in,
retailing, or selling, any goods or commo-
dities for which a retail or separate license
is or shall be specially required before he
or she shall be authorised or permitted to
sell such goods or commodities by Auction,
and if any such person shall sell any such
goods or commodities as aforesaid by Auc-
tion without having taken out such license
as aforesaid for the purpose he or she shall
be liable to the penalty in that behalf im-
posed upon persons dealing in, retailing or
selling any such goods or commodities
without license, notwithstanding any license
to him or her granted as aforesaid for the
purpose of exercising or carrying on the
trade or business of an Auctioneer, anything
herein contained to the contrary notwith-
standing—Provided always, that where
such goods or commodities as aforesaid are
the property of any person or persons duly
licensed to deal in retail, or sell the same
such person or persons having made lawful
entry of his, her, or their house or premises
for such purpose, it shall and may be law-
ful for any person exercising or carrying
on the trade or business of an Auctioneer
as aforesaid, being duly licensed for that
purpose to sell such goods or commodities
as aforesaid, for and on behalf of such per-
son or persons, and upon his, her, or their
entered house or premises without taking
out a separate license for such sale—Pro-
vided always, that such separate or retail
license as aforesaid shall operate to enable
such licensed Auctioneer to sell in more
than one set of premises.

III. 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 }
15th Sept., 1842. }

EDWARD C. SOUPER,
Acting Clerk of the Council.

Colonial Secretary's Office, Perth,
October 6, 1842.

His Excellency the Governor has been
pleased to direct the publication of the
first Annual Report of the Registrar of
Births, &c.

By His Excellency's command,
PETER BROWN.

General Registry Office, Perth,
September 30, 1842.

SIR,—I have the honor to transmit, for
the information of His Excellency the Go-
vernor, my first Annual Report under the
Act of Council for the Registration of
Births, Marriages and Deaths, in Western
Australia.

The appendant tables show the number
of Births, Marriages, and deaths registered
during the year ending this day.

I have pleasure in reporting that the
Registration during the first year of its
establishment has been attended with suc-
cess, and in no instance did the operation
of the registration act meet with such hin-
derance, as to render it necessary to have
recourse to the pecuniary penalty given by
the Act for enforcing observance of its
provisions.

The Act having been sufficiently pub-
lished throughout the Colony, and a fall
year in effect, I am disposed to recommend
that the smallest penalty of twenty shillings
be enforced in every instance of neglect, in
future, to register a birth or death within
one month from the date thereof.

The table No. 1 shews that males pre-
ponderate in the births of this year, and
that the number of births in the Colony
were considerably more than double that of
deaths, exhibiting generally a superiority
in favor of this country over others with
reference to mortality.

An examination of table No. 2 will prove
that, out of the total number of Marriages,
there were twenty-two solemnized according
to the rites of the Church of England, and
sixteen according to other forms; from
which it is apparent a large number of the
inhabitants availed themselves of the Mar-
riage Act. The excess in Marriages by
Sub-Registrars Licenses over those by Sub-
Registrars Certificates (or banns) manifests
the comparatively thriving condition of
that order of colonists which in England
customarily resort to banns with a view to
husband slender resources.

I may here state, the object of the Go-
vernment in providing for a due solemniza-
tion of Marriage has been kept in view
by the Local Officers; that object princi-
pally being, that the Sub-Registrar of the
District in which any marriage is solemn-
ized, should not only require a strict and
full compliance with the preliminaries en-
joined by the Marriage Act, but subse-
quently be present at the ceremony, to
register and bear testimony to the occur-
rence, without which, it is needless to say,
his record would assume a questionable ap-
pearance.

It will be pleasing to His Excellency, on
referring to tables Nos. 3 and 4, to observe,
as a proof of the salubrity of this climate,
that out of the twenty-nine registered

Deaths during the past year, ten died from accidental causes, leaving nineteen which died from disease, whereof seven were children under one year of age. If accidental deaths, and children under one year old, are left out of the table, the rate of mortality in the Colony would be four in every one thousand of the population, or one to every two hundred and fifty contemporaries, which is exactly two-fifths per cent.

Some striking facts appear in regard to the mortality among children and adult females. Of seventy-two children born during the year, there were three born dead, or one premature birth in twenty-four; the number of children who died before completing their first year is seven, one out of every 10.2 born. Out of about five hundred adult females in the Colony, four died during the year (three of whom died from childbirth); the naturally moderate and quiet habits of that sex may in some degree account for this low mortality among them.

With regard to the two tables just now alluded to, I hope in my next report to place other Colonies in juxta position with this, in order to exhibit whatever difference may prevail in reference to sickness and mortality, and to arrive by this means at a knowledge of the comparative health of the colonists in either country; nor will my comparison be matter of merely curious speculation, but may be made a source of important benefit to this Colony, and from which may be inferred our climate is signalled by the comparative absence of much physical misery, including many, if not most, of the malignant diseases which arrest our race elsewhere. The General Registry will, at a future period, furnish materials for a statement of the average duration of human life in this Colony, which is an acknowledged indication of comparative amounts of happiness; but greatly interesting as it would be to possess a comprehensive account of the agencies producing death, the population is far too greatly deficient in that denseness and opulence which is requisite in order to report a useful classification. It is contemplated, after the registration has been in operation a few years, to embrace this and many other valuable and interesting branches of statistics which a registry of deaths suggests.

The object of the Legislature in passing the Registration Act was not merely a record of statistical details which may prove of main importance in the future progress of society; but the benefit also of the community, in providing a Central Office of reference in Perth, with respect to the date, and every other circumstance connected with Births, Marriages, and Deaths in Western Australia. The Act will by this means obviate the necessity, in future, of procuring the evidence of the mother, surgeon, nurse, or attendant at a birth or death, which in general is required to prove the precise time; for, be it observed, it has frequently been decided, that an entry in the Parish Books of a christening or burial is not of itself evidence of the time of birth or death, because such an entry is, of necessity, a statement of a past or by gone event, and affords mere hearsay proof thereof; nor is a parish register evidence of the place of birth or death. And it has not been essential for legal purposes in England, previously to the passing a similar statute, to register a birth, marriage, or death, as such entry only assisted in evidence. The Registration Act will then ensure to each family and individual the most authentic and satisfactory evidence, on which in some cases not improbably

their property and welfare will hereafter depend.

The method adopted in furtherance of the objects alluded to, under his Excellency's instructions, has been to divide the Colony into eight districts, viz., Perth, Guildford, York, Toodyay, Albany, the Vasse, Bunbury, and Pinjarra, to each of which has been assigned a Sub-Registrar, who is required to inform himself carefully of every birth and death which may happen within his district. Having received intelligence of a birth or death, he proceeds to register it in duplicate, the duplicate is forwarded to this office as soon as convenient, in order to be transcribed into the General Register; the Sub-Registrar also attends at every marriage to register the same—transmits the duplicate to this office for transcription—and forwards a certified copy of marriage to the parties married.

The duties performed by myself upon the receipt of every duplicate are, a strict examination, and if any erasure, interpolation, informality, omission, error, or defect of any kind can be detected, it is noted on the back of the duplicate; and if such defect should require any explanation, or may at any future period cast doubt on any matter recorded in the general register, a letter is addressed to the gentleman who made the entry, and his reply preserved ready for reference in the event of any explanation being required at any future time. The duplicate is then copied into the General Register. Every entry in the General Register has been compared with its corresponding duplicate, all which duplicates have been arranged, numbered, endorsed, and packed in papers for preservation and reference.

Three Alphabetical Indexes have been made to the Birth, Marriages, and Deaths, containing for the first year of registration, ending on the thirtieth September instant, one hundred and sixty nine entries.

In concluding this report I cannot omit acknowledging, that the success attending the operation of the registration is to be attributed not alone to a right understanding of its beneficial tendency diffused among the community, but the exertions of the respective Sub-Registrars.

I have the honor to be,
Sir,
Your most obedient servant,
G. F. STONE,
Registrar of Births, &c., &c.
The Honorable the }
Colonial Secretary. }

Tables referred to in the annexed Report, showing the number of Births, Marriages, and Deaths, during the year ending Sept. 30, 1842.

Table No. 1.

Births.	Males.	Females.	For every 1000 of the population	or
72	40	32	24*	one birth for every 41-48 living persons

Table No. 2.

Marriages solemnized according to the rites of the Church of England.	
By Sub-Registrars' licenses.....	19
“ “ certificates....	3
Total.....	22
Not according to the rites of the Church of England.	
In the W. Methodist Chapel....	3

In Sub-Registrars' Offices.....	13
Total.....	16
Total Marriages.....	38

Table No. 3.

Deaths.	Males.	Females.	For every 1000 of the population*	or
29	21	8	9.2	1 death for every 103-13 persons.

Table No. 4.

Ages.				Causes.	
Under 1 year	1 to 5	5 to 30	30 upwards	Causes enumerated.	No.
7	3	13	6	Accidents.....	10
				Premature births.....	3
				Dysentery.....	4
				Childbirth.....	3
				Liver-complaint.....	1
				Acute rheumatism.....	1
				Apoplexy.....	1
				Convulsions, croup.....	2
				Water on the brain.....	1
				Influenza.....	1
				Lumber abscess.....	1
				Inflammation of the brain	1
Total deaths.....					29

* The population of the colony is computed at 3,000, which probably will be somewhat below the census to be taken throughout the territory this day.

Colonial Secretary's Office, Perth,
October 11, 1842.

His Excellency the Governor has been pleased, under the Act of Council 4th Victoria No. 6, to approve of the undermentioned Ministers of the Church of England officiating as Chaplains in this Colony at the several stations noted opposite their respective names—

The Rev. W. Meares, York, Yorkshire.
The Rev. J. R. Woollaston, Bunbury, Wellington.
The Rev. Wm. Mitchell, Guildford, Perthshire.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
October 5, 1842.

His Excellency the Governor has been pleased to approve of the appointment of Charles Harris to be Constable of Australind.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
September 29, 1842.

His Excellency the Governor has been pleased to appoint, subject to the approval of the Right Honorable the Secretary of State for the Colonies, Mr. Alfred Searle to the situation of Assistant-Surveyor, which has become vacant in consequence of the melancholy death of Mr. Robert Ray.

By His Excellency's command,
PETER BROWN.

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