

WESTERN AUSTRALIAN GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY.)

FRIDAY, JULY 28, 1843.

[NUMBER 366]

WESTERN AUSTRALIA,
ANNO SEPTIMO,
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. III.

An Act to make further provision for the
regulating of Public Houses.

Whereas it is expedient to make further provision to restrict the sale of Liquors under certain circumstances in licensed Public Houses within this Colony: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that from and after the passing of this Act, every Licensed Publican who shall knowingly supply any sort of Distilled or Fermented Liquor to any Aboriginal Native for the use of such native, shall, upon conviction before any one Justice of the Peace, forfeit and pay for every such offence any sum not exceeding Five Pounds.

II. And be it enacted, that no License to be obtained under any Act in force in this Colony shall authorize the furnishing of any Liquor mentioned in such Act to any Soldier after the hour of roll-call, or tattoo in the evening,—that is to say, after the hour of Nine o'clock from the Eleventh of October to the Fourteenth of May inclusive and after the hour of half-past Eight from the Fourteenth of May to the Eleventh of October inclusive, and any person convicted of having furnished any of the aforesaid Liquors to any Soldier after the hours aforesaid, or of harbouring any Soldier after the hours aforesaid, shall forfeit and pay any sum not exceeding Ten pounds nor less than Five pounds.

III. And for the more effectual discouragement of Tippling in Unlicensed Houses, be it enacted, that any person who shall after the passing of this Act purchase any such Liquor as aforesaid from any unlicensed person shall forfeit a sum not less than Five pounds nor more than Twenty pounds, unless he or she shall inform against such unlicensed person or voluntarily become a witness against him or her in respect of such act of selling or retailing.

IV. And be it enacted, that this Act shall be deemed and taken to be part of and incorporated with an Act passed in the fourth and fifth year of the reign of Her present Majesty, No. 8, intituled "An Act for repealing the laws now in force relative to the Licensing and Regulating Public Houses and for the better regulating the Granting of Licences for the sale of Ale, Beer, Wine, Spirits, and other Liquors, in Western Australia in future. And all penalties or forfeitures incurred under this Act shall be appropriated in like manner as is provided by the said excited Act for the appropriation of penalties or forfeitures thereby imposed.

V. And be it enacted, that all Informations and Proceedings in respect of any offence under this Act, or under the Act aforesaid, with which it is so incorporated shall be commenced within three calendar months after the commission thereof and shall be heard and determined, and all forfeitures and penalties in respect of the same shall be awarded and imposed in a summary way by any one Justice of the Peace

in all cases where it is not otherwise provided, and such Justice, or such Justices, (where it is so provided) shall summon the party accused and all necessary witnesses before any Justice (or where it is so provided before any two Justices of the Peace, of whom such summoning Justice need not be one) and upon appearance of the party accused, (or in his absence upon proof by oath of his having been served with the said summons either personally or by the same being left at his usual place of abode), such Justice or Justices shall hear the matter of such information and examine all necessary witnesses upon oath and make such order as to him or them shall seem meet, and in case the party accused shall be by him or them convicted, and shall fail to pay any penalty, forfeiture, fine, costs, or expenses awarded by such order forthwith, or at the time appointed by such Justice or Justices, it shall be lawful for such convicting Justice or Justices to levy and raise such penalty, forfeiture, fine, costs or expenses by distress and sale of the goods and chattels of the party so convicted, and in case such goods and chattels shall be insufficient for that purpose then it shall be lawful for such Justice or Justices to commit the party so convicted to any Jail or House of Correction for any term not exceeding six calendar months with or without hard labour unless the said sum so to be levied together with all costs and expenses shall be sooner paid.

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

"JOHN HUTT,"

GOVERNOR.

*Passed the Council }
13th July, 1843. }*

EDWARD C. SOUPER,
Acting Clerk of the Council.

No. IV.

An Act for rendering a Release as effectual
for the Conveyance of Freehold Es-
tates as a Lease and Release by the
same parties.

Whereas it is expedient to lessen the expense of conveying Freehold Estates: 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 every Deed or Instrument of Release of a Freehold Estate or Deed or Instrument purporting or intended to be a Deed or Instrument of Release of a Freehold Estate which shall be executed after the passing of this Act, and shall be expressed to be made in pursuance of this Act, shall be as effectual for the purposes therein expressed, and shall take effect as a Conveyance to uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing party or parties who shall have executed the same had also executed in due form a Deed or Instrument of Bargain and sale or Lease for a year for giving effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a Year shall be executed.

II. And whereas Deeds or Instruments of Bargain and Sale or Leases for a Year, to give effect to Deeds or Instruments of Release of Freehold Estates heretofore executed may have been lost or mislaid; Be it enacted, that where, in or by any Deed or Instrument of Release of Freehold Estates executed before the passing of this Act, any Deed or Instrument of Bargain and Sale or Lease for a Year giving effect to such Deed or Instrument of Release shall be recited, or by any mention thereof in such

Deed or Instrument of Release appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive evidence of the Deed or Instrument of Bargain and Sale or Lease for a Year so recited or mentioned having been made and executed; and such Deed or Instrument of Release shall also have the like effect as if the same had been executed after the passing of this Act, whether such Deed or Instrument of Bargain and Sale or Lease for a year shall or shall not have been lost or mislaid, or may or may not be produced.—Provided always, that this Act shall not prejudice or effect any proceedings at Law or in Equity pending at the time of the passing of this Act, in which the validity of any Bargain and Sale or Lease for a year shall be in question between the party claiming under such Bargain and Sale or Lease for a Year and the party claiming adversely thereto; and such Bargain and Sale or Lease for a Year, if the result of such proceeding shall invalidate the same, shall not be rendered valid by this Act.

III. And be it enacted, that in the construction of this Act, the word "Freehold" shall have not only its usual signification but shall extend to all Lands and Hereditaments for the Conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a Year, as well as a Release might have been used.

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

"JOHN HUTT,"

GOVERNOR.

*Passed the Council }
13th July, 1843. }*

EDWARD C. SOUPER,
Acting Clerk of the Council.

No. V.

An Act to appoint certain places for the
Landing of Goods within the limits
of Towns, not being a Seaport Town

Whereas it appears to be conducive to greater safety and regularity in the delivery of goods carried in boats, and also likely to operate as a further check against smuggling, if all goods coming from any seaport town were landed at certain places and no elsewhere—Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that it shall be lawful for the said Governor by Proclamation to be issued from time to time with the advice of the Executive Council to appoint and establish such place or places as to him shall seem meet at which all such goods must be landed within the limits of any town-site and any person convicted of having landed any such goods at any other place within any town-site than that appointed by such Proclamation as aforesaid, shall forfeit and pay for every such offence any sum not exceeding ten pounds.

II. Provided always, nevertheless, that in any case in which any such goods are required to be landed at any place within a town-site other than any of the places appointed by such Proclamation as aforesaid, a special permission must be obtained from the Collector or Sub-Collector of such seaport town or from the Tidewaiter of the town at which the goods have arrived, for the landing of such goods at the place required under a penalty not exceeding Ten pounds.

III. And be it enacted, that it shall be lawful for any one or more Justice or Jus

sices of the Peace to hear and determine any matter of complaint under this Act, and to impose any penalty in a summary way, and if the sum awarded be not paid forthwith, or on the day appointed by such Justice or Justices, then to levy the amount by distress and sale of the offender's goods; and if there be not sufficient goods to satisfy the amount with necessary costs and charges, then to commit the offender to prison for any term not exceeding three calendar months, with or without hard labor.

IV. And be it enacted, that no proceedings in respect of any offence under this Act shall be commenced after one calendar month from the commission of the alleged offence.

V. And be it enacted, that all sums arising from any penalty or forfeiture under this Act shall be applied as follows,—that is to say, after deducting all costs and expenses, one moiety to be paid to the Collector or Sub-Collector of Revenue towards the purposes of the government of the Colony, and the other moiety to the informer.

VI. And be it enacted, that this Act shall be and continue in force for the space of two years from the date thereof.

VII. And be it further enacted, that this Act may be amended or repealed by any Act during this present Session

"JOHN HUTT,"
GOVERNOR.

Passed the Council }
20th July, 1843. }

EDWARD C. SOUPER,
Acting Clerk of the Council.

No. 6.

An Act to amend an Act intituled "An Act for the relief of Insolvent Debtors not in custody."

Whereas it is expedient to amend an Act passed in the sixth year of the reign of Her present Majesty No. XI. intituled "An act for the relief of Insolvent Debtors not in custody"—Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies by and with the advice and consent of the Legislative Council thereof, that in the first line of the Seventeenth section of the said Act the words "Three Fourths" shall be deemed and taken to be the true and proper words instead of the words "the Majority" as now therein contained.

"JOHN HUTT,"
GOVERNOR.

Passed the Council }
27th July, 1843. }

EDWARD C. SOUPER,
Acting Clerk of the Council.

Colonial Secretary's Office, Perth,
July 24, 1843.

His Excellency the Governor has been pleased to appoint Henry Burgh, Esquire, to be a Magistrate of the Territory.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 28, 1843.

His Excellency the Governor has been pleased to direct it to be notified, that the office of the Registrar Clerk of the Civil Court will be closed on Friday next the 4th of August, Mr. Stone having a leave of absence for that day.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 17, 1843.

His Excellency the Governor has been pleased to appoint Mr. Robert Viveash to the situation of Hospital Assistant vice J. B. Vance, dismissed.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 14, 1843.

His Excellency the Governor has been pleased to direct it to be notified that, since the date for notice which was published in the Government Gazette of the 9th June last, declaring a grant of 120 acres of land on the Helena, assigned to J. S. Harris, to have reverted to the Crown for non-performance of the location duties, the requisite schedule of improvements has been sent in to this office.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 19, 1843.

His Excellency the Governor directs it to be notified that as the terms of assignment of the following blocks of land have expired without any evidence of the performance of the stipulated location duties having been furnished to the Local Government, they have reverted to the Crown, and are now open to purchase.

Canning.

5,000 acres, Stephen Henty
1,147 " P. P. Smith.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 19, 1843.

As no Crown Lands can now be sold in this Colony without a Proclamation having been first issued appointing a day for the sale thereof under the provisions of the "Act for regulating the Sale of Waste Lands belonging to the Crown in the Australian Colonies," His Excellency the Governor desires it to be notified for general information that no Proclamations whether relating to Country Lands or Town and Suburban allotments will be issued except in the Government Gazette on the first Friday of every month, and that all applications for the purchase of any Lands or Allotments must therefore be forwarded to the Office of the Colonial Secretary at least three clear days before the end of each month, in order that they may appear in the earliest Gazette of the following month.

By His Excellency's command,
PETER BROWN.

Colonial Secretary's Office, Perth,
July 18, 1843.

ERRATUM.

In a Government Notice dated 29th May, 1843, and published in the Government Gazette of the 2nd and 9th of June, 1843, declaring certain assignments of land to have reverted to the Crown for non-performance of the necessary location duties, "400 acres" on the Helena, in the name of J. Harris, should have been "480 acres."

By His Excellency's command,
PETER BROWN.

General Post Office, Perth,
July 27, 1843.

LIST OF UNCLAIMED LETTERS

Brown, Dennis
Brown, William
Buttrey, William
Barney, Edward
Baker, Mr.
Butterworth, John
Bagley, Thomas

Cole, Daniel

Durlacher, A.

Farmer, Phillip

Gee, William

Harrenden, Fanny

Hannan, Miss

Hennell, C.

Harwood, J.

Jones, Mr. F.

James, Mr.

Johnson, Thomas

Knight, James

Liversidge, William

Millar, J.

Miltigan, F.

Maxwell, G.

2 Pengilly, J. B.

Pestou, Spadrick

Parsons, John

Parsons, Thomas

Quinn, M.

Smith, John

Sheridan, John

Stewart, James

Tomson, John

Turner, William

Taylor, John

Thicket, John

Waldan, James

Webber, Samuel

Wood, Mr. junr.

Westwoode, James Henry

Letters detained for non-payment of ship postage—

William Tyrrell, New South Wales

R. W. Rollands, Cheapside, London

Mr. Brown, Orchards, Derbyshire

John Smith, Daventry, Northamptonshire

Mr. Pand, Brightlingsca, Essex.

The following letters are lying at the Guildford Post Office, detained for non-payment of ship postage—

Mr. Wm. Clinton, care of Mr. A. Sreek, Bass Road, Sydney.

Mr. Smallhorn, Builder, &c., Erind Place, Fitzroy Crescent, Hobart Town, V. D. L.

Mrs. Wells, Bartholomew Place, Newbury, Berks, England.

H. CAMFIELD,

Postmaster-General.

COMMISSARIAT NOTICE.

Commissariat Office, Perth,
July 20, 1843.

Tenders in triplicate will be received at this Office on Tuesday, 1st August, 1843, for Five hundred weight of Peas required for Her Majesty's service.

For further particulars application to be made at this office.

W. H. DRAKE,
Dep.-Asst.-Com.-General.

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