



Government Gazette

OF

WESTERN AUSTRALIA.

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PERTH: Friday, February 20,

[1846.

PROCLAMATION.

By His Excellency ANDREW CLARKE, Esq., K.H. Governor and Commander-in-Chief of the Territory of Western Australia, and Vice-Admiral of the same.

WHEREAS the undermentioned ordinance, enacted by the Governor of Western Australia, with the advice and consent of the Legislative Council thereof, were passed in the 8th year of her Majesty's reign: 8th Vict. No. 3. "An Act for applying certain sums arising from the revenue receivable in the colony of Western Australia, to the service thereof, for the year commencing 1st April, 1845.

Now therefore, I, the Governor, do hereby proclaim and make known to all whom it may concern, that her Majesty has been graciously pleased to confirm and allow the before mentioned ordinance.

Given under my hand and seal at Perth, this sixth day of February, one thousand eight hundred and forty-six.

ANDREW CLARKE,

Governor and Com-in-Chief.

GOD SAVE THE QUEEN!!

By His Excellency's command,

PETER BROUN,

Colonial Secretary.

General Post Office, Perth,
Feb. 5, 1846.

List of Unclaimed Letters.

Adams, W.

Hale, Josh.

GOVERNMENT GAZETTE.

Adney, Charles
Bickly, J.H.
Downes, Edw.
Harrison, John
Harnett, Saml.
Hawkin, E.

Mapstead, J.
Martin, Charles
Nolligan, John
Norman, C.
Nillier, Elizth.
Yates, Wm.

H. CAMFIELD,

Postmaster-General.

Colonial Secretary's Office, Perth,
February 12, 1846.

His Excellency the Governor, has been pleased to appoint Mr. Laurence Welch, to the situation of Gaoler at Fremantle Gaol, which has become vacant in consequence of the resignation of Mr. N.M. Smith.

By His Excellency's command,

PETER BROWN,

Colonial Secretary.

Revenue Office, Perth,
February 4, 1846.

Notice is hereby given, that the undermentioned Licenses have been issued since the 3rd of Jan:-

For the Occupation of Crown Land, for the Year
ending Oct. 31, 1846.

J.T. Habgood - Town-site of Dunsbro' -
Price £20.

Publican's Licenses.

Michael Condron	Frederick Croi
Hannah Leeder	Jacob Dulmidge
G. Embleton	H.L. Cole
M. Mason	
A. Francisco	Fremantle
A. Curtis	"
C. Duffield	"
John Jones	Guildford
J. Simpson	Yerk
H. Monger	"
Thomas Waletts	Northam
J. Sinclair	Toodyay
W. Oakley	Dandalup
H. Kerr	Vasse
Adam Clarke	"

Free Licenses.

J. Capehorn	Point Water
E. Byfield	Mahogany Creek

One Gallon Spirit Licenses.

Messrs Mangles & Co.	Perth
L. & W. Sanson	"
W. & R. Habgood	"
S. Moore	Oakover nr. the Swan

Dog Licenses.

J. Hutt	Perth
Dr. Harris	"

W. Andrews
 Charles Jones
 John Jones
 Thomas Waters

Perth
 Guildford
 "
 "

Vasse.

R. Heppings one
 E. Henderson
 H. Chapman
 C. Bussell

S. Bryen
 J. Elwell
 J. Bussell
 J. Molloy

Colonial Secretary's Office,

January 14, 1846.

Persons desirous of contracting for the conveyance of the Post Office Mails, from and to the undermentioned places, for one year, from the 1st of April, 1846, are requested to send in their tenders to this office, on or before Tuesday, the 17th March next.

Daily.

Between Fremantle and Perth.
 " Perth and Guildford.

Once a Week.

" Guildford & Toodyay via York.
 " Perth and Pinjarra.
 " Pinjarra & Bunbury via Australind.
 " Bunbury and Busselton.

Tenders will also be received for the conveyance of the Mail the whole distance between Pinjarra and Busselton.

Between Perth and Albany - Monthly.

Tenders will be received for the conveyance of the Mail by one contractor the whole way, or for the conveyance of the Mail by separate contractors, between Perth and the Williams, and between Albany and the Williams.

Tenders will also be received for the conveyance of a Mail between Guildford and York via Toodyay, to leave Guildford on Monday morning, after the arrival of the Perth mail, and to return there from York on the Friday following.

Tenders will also be received for the conveyance of the Mail, once a week, between Fremantle and Bunbury, via Mandurah, and for the conveyance of the mail weekly between Mandurah and Pinjarra.

The several mails to be carried on horseback or in light carts.

Parties tendering, or an authorised agent to attend at this office on the day appointed to open the tenders, and each tender is to bear the signature of two respectable persons, who are willing to enter into Bond with the contractor, for the safe conveyance of the Mail, and the due performance of the contract.

By His Excellency's command,

PETER BROUN,

Colonial Secretary.

PROCLAMATION.

By His Excellency, JOHN HUTT, Esq. Governor and Commander-in-Chief of the Territory of Western Australia and its Dependencies, and Vice-Admiral of the same.

In pursuance of the authority in me vested, by a certain act of

the Imperial Parliament of Great Britain and Ireland, passed in the fourth and fifth years of her Majesty's reign, intituled "An Act for regulating the sale of waste lands belonging to the Crown in the Australasian Colonies," I do hereby notify and proclaim, that the following portions of land in the District of Wellington, be offered for sale by Public Auction, by the Collector of Revenue at Bunbury, on Wednesday, the 25th day of February next, at the upset price affixed thereto, on the terms and conditions set forth in certain land regulations dated the 14th June, 1843.

Leschenault location No. 61. Comprising 320 acres, more or less, and extending 47 chains true south, and 68 chains 9 links true west, from the S.E. corner of location No. 28, granted in fee to Mr. W.R. Bunbury.

Leschenault location No. 62. Comprising 485 acres, more or less, and bounded on the east by location No. 61 and part of No. 28, on the north by 68 chains of the south boundary of location No. 28, on the west by a true south line from location 28 to location 45 and by part of said location 45, on the south by a true east line from No. 45 aforesaid to S.W. course of location 61.

Upset price 20s. per acre.

Given under my hand and seal at Perth, this twenty-sixth day of January, one thousand eight hundred and forty-six.

JOHN HUTT,

Governor, &c.

GOD SAVE THE QUEEN!!!

By His Excellency's command,

PETER BROWN,

Colonial Secretary.

Colonial Secretary's Office, Perth,
February 2, 1846.

Property and Income Tax.

His Excellency the Governor, has been pleased to direct it to be notified for the information of all parties concerned, that the Imperial Act 5 & 6 Vic.c.35, for granting to Her Majesty, duties on profits arising from property, professions, trades, and offices, until the 6th day of April, 1846 has been extended for the period of three years.

By His Excellency's command,

PETER BROWN,

Colonial Secretary.

Colonial Secretary's Office, Perth,
February 4, 1846.

His Excellency the Governor has been pleased to direct the publication of an Imperial act passed in the 8th and 9th year of the reign of Her Majesty Queen Victoria, intituled "An act to amend an act to carry into execution a convention between her Majesty and the Emperor of Brazil for the regulation and final abolition of the African Slave Trade.

By His Excellency's command,

PETER BROUN,

Colonial Secretary.

WHEREAS a convention was concluded between his late Majesty King George the Fourth and the Emperor of Brazil, for the regulation and final abolition of the African Slave Trade, and signed at Rio de Janeiro on the 23rd day of Nov. 1826; and whereas by the said convention it was agreed between the high contracting parties to adopt, for the purpose and period therein referred to, the several articles and provisions of the treaties concluded between his said late Majesty and the King of Portugal on this subject on the 22nd Jan. 1816, and on the 28th July 1817, and the several explanatory articles which had been added thereto, with the instructions, regulations, and forms of instruments annexed to the treaty of the said 28th July 1817, and appoint forthwith mixed commissions for adjudicating the cases of vessels detained under the provisions of the aforesaid convention of the 23rd Nov. 1826: and whereas such mixed commissions were accordingly appointed; and whereas an act was passed in the 5th year of the reign of his said late Majesty, to carry that convention into execution, intituled "An act to carry into execution a convention between his Majesty and the Emperor of Brazil, for the regulation and final abolition of the Slave Trade: and whereas on the 13th March 1845 it was notified by the Imperial government of Brazil to her Majesty's government, that the British and Brazilian Mixed Commissions, established at Rio de Janeiro and Sierra Leone would cease on the 13th day of the said month of March; but that the Imperial government would agree that the said mixed Commissions should continue for six months longer, for the sole purpose of adjudicating the cases pending and those which might have occurred before the said 13th day of March; and whereas it has become necessary to provide for the adjudication of the cases of such vessels detained under the provisions of the said convention of the 23rd day of Nov. 1826 as were pending before the said commissions or either of them and remained undecided on the said 13th day of March, and of the cases of such other vessels as have been detained under the said convention previously to the said 13th day of March, but had not then been brought in for adjudication; be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the said Mixed Commissions established at Rio de Janeiro and Sierra Leone to proceed up to the 13th day of Sept. in the current year, in the adjudication of the cases of such vessels as may be detained under the provisions of the said convention of the 23rd of Nov. 1826 as were pending, before them or either of them and remained undecided on the said 13th day of March, and of the cases of such other vessels as may have been detained under the said convention previously to the said 13th day of March, but had not then been brought in for adjudication, in the same manner and with the like power and authority in all respects as they possessed and exercised under the said convention and under the said act of Parliament.

ii. And be it declared and enacted, that any decree or sentence which may have been or shall be made or passed by either of the said mixed British and Brazilian commissions established at Rio de Janeiro and Sierra Leone, or on any vessel or vessels captured and brought in before either of the said commissions before the said 13th day of March last to the said 13th day of Sept. ensuing inclusive by any persons or persons in her Majesty's service acting under any such order or authority as aforesaid is and shall be good and valid to all intents and purposes.

iii. And whereas by the said convention of the 23rd Nov. 1826 it was agreed and concluded by and between the high contracting parties, that at the expiration of three years, to be reckoned from the exchange of the ratifications of the said convention, it should not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the African Slave Trade under any pretext or in any manner

whatever, and that the carrying on such trade after that period by any person, subject of his Imperial Majesty, should be deemed and treated as piracy; and whereas it has become necessary for the purposes of carrying into effect the said convention, that so much of the said act of the 8th year of the reign of his late Majesty King George the Fourth, as prohibits the high court of Admiralty and the courts of Vice-Admiralty from exercising jurisdiction over Vessels captured in virtue of the said convention shall be repealed, and that further provisions be made for the due execution of the same; be it enacted, that so much of the said act as prohibits the high court of Admiralty or any court of Vice-Admiralty in any part of her Majesty's dominions from adjudicating on any claim, action or suit arising out of the said convention, or as makes any provision for barring any such claim, action, suit, or proceeding in the high court of Admiralty or any of the said courts of Vice-Admiralty, shall be repealed.

IV. And be it enacted, that it shall be lawful for her Majesty's high court of Admiralty and any court of Vice-Admiralty within her Majesty's dominions to take cognizance of and to adjudicate any vessel carrying on the African Slave Trade in contravention of the said convention of the 23rd Nov. 1826, and detained and seized on that account subsequently to the said 13th day of March, by any person or persons in the service of her Majesty, under any order or authority of the Lord High Admiral or of the Commissioners for executing the office of Lord High Admiral, or of one of her Majesty's Secretaries of State and the Slaves and cargo found therein, in like manner and under the like regulations as are contained in any act of Parliament now in force in relation to the suppression of the Slave Trade by British-owned ships as fully to all intents and purposes as if such acts were re-enacted in this act as to such vessels and to such high court of Admiralty or courts of Vice-Admiralty.

V. And be it enacted, that all persons acting under such order or authority of the Lord High Admiral or of the Commissioners for executing the office of Lord High Admiral, or of one of her Majesty's Secretaries of State, shall be freed and indemnified from and against all writs, actions, suits, and proceedings whatever, and all prosecutions and penalties, for being concerned in any search, detention, capture or condemnation of any vessel which shall have been found carrying on the African Slave Trade in contravention of the said convention of the 23rd Nov. 1826, or in the arrest or detention of any person found on board such vessel, or on account of the cargo thereof, or anything done in relation thereto, and that no action, suit, or writ, or proceeding whatever shall be maintained or maintainable in any court in any part of her Majesty's dominions against any person for any act done under any such order or authority as aforesaid.

VI. And be it enacted, that any ship or vessel which shall be detained under any such order or authority as aforesaid, and shall have been condemned by her Majesty's high court of Admiralty or by any court of Vice-Admiralty, may be taken into her Majesty's service, upon payment of such sum as the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral shall deem a proper price for the same, or, if not so taken, shall be broken up and entirely demolished, and the materials thereof shall be publicly sold in separate parts.

VII. And be it enacted, that every court of Vice-Admiralty shall from time to time as shall be required by the Lord High Admiral or the commissioners for executing the office of Lord High Admiral, certify to the said Lord High Admiral or Commissioners the name of every ship or vessel condemned in such court of Vice-Admiralty under this act, and the date of the condemnation thereof; and the said Lord High Admiral or commissioners shall once in every year report to her Majesty which of the ships or vessels condemned in the said high court of Admiralty or in any court of Vice-Admiralty under this act have been taken into her Majesty's service, and which have been broken up, and in each case the amount of the price paid for the same or sum for which the materials were sold; and a copy of every such report shall be laid before both Houses of Parliament within six weeks after such report shall have been received, if Parliament be then sitting, or if not, then six weeks next after the next meeting of Parliament.

VIII. And be it enacted, that so much of the several enactments

set forth in an act passed in the fifth year of his late Majesty King George the Fourth, intituled "an act to amend and consolidate the laws relating to the abolition of the Slave Trade" and in an act passed in the first year of the reign of his late Majesty intituled "an act to reduce the rate of bounties payable upon the seizure of Slaves," and an act passed in the first year of the reign of her present Majesty, intituled "an act for the better and more effectual carrying into effect the treaties and conventions made with foreign powers for suppressing the Slave Trade," as relates to persons giving false evidence being guilty of perjury; to maintaining and providing for captured slaves pending adjudication; to condemning Slaves as forfeitures to the Crown; to rewarding the captors by a bounty on the vessel as well as on the Slaves; to authorising the Commissioners of her Majesty's Treasury, if to their discretion it shall seem meet, to order payment of one moiety of the bounty where Slaves may not have been condemned or delivered over in consequence of death, sickness, or other inevitable circumstance: to the mode of obtaining such bounties: to authorising the high court of Admiralty to determine as to doubtful claims of bounty, and also on any question of joint capture, and to enforcing any decree or sentence of any Vice-Admiralty court; and also the whole of an act passed in the 6th year of the reign of her Majesty, intituled "an act to amend an act of the second and third years of her Majesty for the suppression of the Slave Trade," shall be applied, *mutatis mutandis*, to all cases of vessels detained and seized for carrying on the African Slave Trade in contravention of the said convention.

IX. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of Parliament.