#### GOVERNMENT GAZZETTE.

 $(PUBLISHED\ BY\ AUTHORITY.)$ 

## FRIDAY, OCTOBER 29, 1847.

[NUMBER 108

WESTERN AUSTRALIA. ANNO DECIMO VICTORIÆ REGINÆ.

By His Excellency Lieutenant Colonel FREDERICK CHIDLEY IRWIN, Knight Companion of the Royal Hanoverian Guelphic Order, Governor and Com-mander-in-Chief of the Territory of Western Australia, and Vice-Admiral of the same; with the advice and con-sent of the Legislative Council thereof

#### NO. XVI.

An Ordinance to provide a summary re-medy for Breach of Contracts connected with the Fisheries of the Colony

Whereas certain doubts have arisen concerning the decision of disputes between parties concerned in the Bay Whaling and other Fisheries in this Colony; and whereas it is expedient to provide a summary remedy for such disputes-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 the provisions of an Act passed in the Sixth year of the Reign of Her present Majesty entitled "An Act to provide a summary remedy in certain cases of Breach of Con tract" shall except as hereinafter modified apply and extend to all owners and persons fitting out or providing for the whale or other fisheries of or belonging to this colony, and all whalers and persons employed or engaged in any of the said services subject to the jurisdiction of the colony-Provided that all the powers and authority which by the aforesaid act are given to any two justices may for the purposes of this ordinance be exercised by one justice-Provided also that no justice who is bene ficially or as agent for another interested in any particular fishery shall act or adjudicate in any matter concerning the same under this ordinance.

II. And be it enacted, that articles of agreement between any owner or employer in the fisheries and the several whalers or persons engaged by him in such service shall be in writing, and signed by the parties to be charged therewith, and all such articles entered into after the passing hereof, shall be signed only in the presence of some Justice of the Peace, being distinctly read over to every party before he shall be required to sign the same, and such owner or employer shall within 21 days from the passing hereof, and on or before the twentieth day of April in every year thereafter, or as soon thereafter as may be practicable, deposit the original are ticles so signed as aforesaid at the Office of the Government Resident, who shall on payment of the sum of five shillings receive and retain the same in secure custody, and permit from time to time, on the payment of one shilling for each signature, addition nal signatures to be made thereto, and allow inspection thereof to any party paying six pence; and shall, on payment of ten shillings, and on proof to his satisfaction of the signature of the parties sought to be charged, or of the Justice or Justices attesting the same, grant to any person interested therein office copies of such articles, certified as true copies under his hand and seal; which office copies so certified shall he sufficient evidence of the agreement the same as if the original articles were produced and proved according to law; and whosever shall wilfully neglect to deposit such articles in manner aforesaid shall on conviction forfeit and pay a sum not exceeding Twenty pounds.

III. And be it enacted, that every owner or employer as aforesaid desirous to avail himself of the provisions hereof shall within two calendar months from the date

engaged by him in any fishery as aforesaid, and the capacity in which such person is employed, paying to the Printers of the Government Gazette a fee of five shillings for the insertion; and no such whaler or person engaged as aforesaid whose name is not published in like manner as aforesaid shall be bound by any such agreement.

IV. And be it enacted, that whosoever shall during the continuance of the term of service contracted for by any such articles knowingly or after two calendar months from the publication of the Gazette Notice as aforesaid employ or retain, or assist in employing or retaining, contrary to the true intent and meaning of such articles any whaler or person who shall have so bound himself to any service still unperformed, shall on conviction for every such offence forfeit and pay a penalty not exceeding

Fifty pounds. V. And be it enacted, that every such whaler or person bound under articles as aforesaid, who shall engage or hire himself in the service of any other owner or emi ployer against the consent of his master, and contrary to the intent and meaning of his articles, shall on conviction for every such offence be adjudged to forfeit to such owner or employer any wages or lays then or thereafter payable or deliverable under the said articles, or any part thereof, and in case any such whaler or person so break: ing his agreement shall have received any advance against his lays or wages on faith of any such agreement, such whaler or person shall on conviction forfeit and pay a sum equal to double such advance. and out of the monies received the amount of such advance shall be paid to the em ployer or party who disbursed the same, and the residue thereof shall be paid to the use of her Majesty, her heirs and successors, for the public uses of the colony, and the offender may further be committed to prison for a period not exceeding three calendar months and during that period to be kept to hard labor as to the convicting justice may seem reasonable.

VI. Provided always and be it enacted, that nothing herein contained shall prevent any whaler or other person being engaged by his emoloyer to serve as a scaman in accordance with the provisions of an act of the Imperial Parliament of the fifth and sixth years of the reign of his late Majesty King William the Fourth intituled "an "act to amend and consolidate the laws "relating to the merchant seamen of the "United Kingdom, and for forming and "maintaining a registrar of al the men engaged in that service"

VII. And be it enacted, that all sums of money received by any justice of the peace under this ordinance for the reception, inspection, or certified copy of any such articles as aforesaid, shall or may be re-tained by such justice for his own use and benefit.

VIII. And be it enacted, that all informations and proceedings for offences against this ordinance shall be commenced within three calendar months after the offences thereby respectively charged shall have been committed.

FREDERICK CHIDLEY IRWN. Governor and Commander in Chief. Passed the Council, 2nd Sept, 1847. Walkinshaw Cowan,

# NO. XVII.

Clerk of the Councils.

An Ordinance to amend an Act entitled "An Act to provide for the Registration of Birthe, Deaths, and Marriages in the Colony of Western Australia."

Whereas an act was passed in the fourth and fifth years of the reign of her present Majesty entitled "an act to provide for the of signing any such articles, or from the registration of births, deaths, and marpassing of this Ordinance, insert a notice riages in the colony of Western Australia;" in the Government Gazette setting forth and whereas it is expedient to amend the the name of every whaler or other person same in certain respects—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 some person present at the death, or in attendance during the last illness, of every person dying, or the occupier or some inmate of the house or tenement, or the master of any coasting vessel or boat, in which such death shall have happened, or such other person as the Registrar shall deem most competent according to the circumstances, shallgive information upon being requested so to do to the Registrar, according to the best of his or her knowledge or belief, of the several particulars required to be known touching the death of such deceased person; and that any such person refusing to give such information, or giving false informa-tion, shall be liable to the like pains and penalties as are provided by the said act for neglecting to give notice of a death, or for wilfully making any false statement respectively, and that every pecuniary per nulty under this ordinance shall be recovered and appropriated in like manner as the like penalties under the said not are thereby directed to be recovered and appropriated.

II. And be it enacted, that all such entries of deaths as shall have been madeby the respective Registrars since the passing of the said act upon other information. than that required under the said act, where they were unable to obtain the requisite in reformation from the parties in the said not mentioned, shall be valid for the purposes.

of the said act.

III. And be it enacted, that all births, deaths, and marriages shall be registered henceforth according to the forms in the. schedules hereunto annexed.

IV. And be it enacted, that the said: act as to all proceedings, matters, and things . henceforth to be taken or done thereunder, shall be read and construed as if the words "Registrar General" had been substituted in and throughout the same for the word "Registrar," and as if the word "Registrar" had been substituted in and through out the same for the words 'Sub-Registrar.'

FREDERICK CHIDLEY IRWIN, Governor and Commander-in Chief. Passed the Council, \ 12th August, 1847.

WALKINSHAW COWAR, Clerk of the Council.

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Colonial Secretary's Office, Porth, October 29, 1847.

Tenders will be received at this Office up to 12 o'clock on Tuesday, the 16th of November, for the erection of the Shell of a School House, 40 feet by 20, on the site to be pointed out, and according to the specification and form of tender to be exhibited by the Superintendent of Public Works.

By His Excellency's command, G. F. MOORE. Colonial Secretary.

Colonial Secretary's Office, Perth, October 28, 1847. Tenders in triplicate will be received at

this Office until Tuesday, the 16th proximo, for a supply of from 20 to 30 cords of firewood, for the use of Her Majesty's Gaol, at Fremantle.

The firewood to be delivered in Cliff-

street, above high water mark.

Further particulars may be known on applying to the Resident Magistrate, Fre-

By His Excellency's command, G. F. MOORE. Colonial Secretary.

Colonial Secretary's Office, Verth October 20, 1847.

His Excellency the Governor, with a view to the public convenience, has added the following to the Post Office Regulations:-

1. Letters containing Money or important documents may be registered at the time of delivery into the Post Office, upon payment to the Postmaster or letter clerk in the General Post Office) a fee of one shilling upon each letter, exclusive of the postage; In such cases the address is to be specially noted on the back of the Letter Bill accompanying the mail, and a receipt taken for the same when delivered. Letters intended for any port beyond sea, may be also registered, upon payment of a similar fee, and the receipt of the party to whom addressed will be returned by the first opportunity, on the Voucher which

accompanies the letter.
2. Persons wishing to send Bank Notes or Drafts by Post, are advised to cut such Notes or Drafts in halves, and send them at two different times, waiting the acknown ledgement of one half before the other is sent, but it is to be observed that the Post Office does not engage to ensure the party from loss in any caze, the fee as provided in the foregoing section, being demanded for the additional trouble of registry only. By His Excellency's command, G. F. MOORE. Colonial Secretary.

> Colonial Secretary's Office, Perth, October 28, 1847.

Weekly Report of Sandal Wood Licenses issued.

Oct. 18.—C. Hinds, 3 months, 2 men " 20.—T. W. Huzlewood, ditto, ditto Toodyay

22.-E. Middleton, ditto ditto, York 23.-J. M. Dempster, ditto, ditto. By His Excellency's command, G. F. MOORE,

Colonial Secretary.

# Proclamation.

By His Excellency, FREDERICK CHIDLEY IRWIN, ESQUIRE, Knight Companion of the Royal Hanoverian Guelphic Order, Governorand 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, and passed in the fifth and sixth years of Her Majesty's reign, intituled 'an act for regu-lating the sale of waste lands belonging to the Crown in the Australian colonies,' I do hereby notify and proclaim, that the fol-lowing portion of land in the District of the Swan, will be offered for sale by Public Auction, by the Collector of Revenue at Perth, on Wednesday the 10th day of November, 1847, at the upset price allixed thereto, on the terms and conditions set forth in certain regulations, dated the 14th June, 1843.

Swan Location, No. 111-comprising 9 acres more or less, adjoining the West boundary of Swan location, No. 94, and in form of a double square with its N.E. corner 10 chains South from N.W. corner of location 94 aforesaid.

Upset price £2 per acre.

Given under my hand and seal at Perth this seventh day of October, 1847. F. C. IRWIN,

Governor, &c. By His Excellency's command, G. F. MOORE. Colonial Secretary.

GOD SAVE THE QUEEN!!

Colonial Secretary's Office, Perth, October 28, 1847.

Depasturing Licenses.

The following applications have been received:--

1847.

Sept. 30-James Payne, 6,000 acres, on the Ferguson River, adjoining the lands of James Henty, Esq. Oct. 1-G.M. Whitfield, 4,000 acres, Avon

Oct. 1—G.M. Whitfield, 4,000 acres, Avon-District, adjoining the lands of Messrs. Poley, Anderson, and F. Whitfield.
Oct. 19.—J. Taylor, 1038 acres, Avon, adjoining the lands of Messrs. W. Milligan, R. Draper, F. C. Irwin & W. H. Mackie, C. Heal, S. Parker, E. B. Gaccey, and J. F. Smith.
Oct. 27.—W. L. Brockman, 8,000 acres, Swan district, adjoining the lands of Messrs. Brockman and R. Edwards.
Oct. 27.—Peter Brennan, 640 acres, Web.

Oct. 27.-Peter Brennan, 640 acres, Web lington district, adjoining the lands of Messrs. F. Ommanney, J. K. Child, & Sir J. Stirling.

Oct. 27 .- S. Parker, 4,000 acres, Avon. (now under license to J. W. Hardey) adjoining the lands of Messrs. Gregory and S. Parker.

\* Particulars of boundaries have been forwarded to the respective Government Residents.

By His Excellency's command, G. F. MOORE. Colonial Secretary.

> General Post Office, Perth, October 23, 1847.

List of Unclaimed Letters.

1 Bennett, John 2 Bathe, John

Bunker, Ebenezer

Broughton

Forster, William

Hamilton, T. Harnett, Samuel Harper, William

Rosenberg, M.

3 Sinclair, George 1 Stafford, William 1 Shipton, John

1 White, Richard. A. HELMICH, Postmaster General.

## COMMISSARIAT NOTICE.

Commissariat Office, Perth, October 21, 1847.

YENDERS in duplicate, will be received at this Office on Wednesday, the 10th November next, at 12 o'clock, for the erection of

A POWDER MAGAZINE, to be erected in Perth.

Plans and specifications may be seen on application to the Superintendent of Publie Works, who will also point out the intended site of the building; and the party whose Tender is accepted, must enter into a Bond with two approved sureties for the due performance of his contract.

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

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