

WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY.)

TUESDAY, MAY 30, 1848.

[No. 136

Proclamation.

By His Excellency Lieut.-Col. FREDERICK CHIDLEY IRWIN, Knight Companion of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief in and over 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 5th & 6th years of Her Majesty's Reign, intituled "An Act for regulating the sale of Waste Lands belonging to the Crown in the Australian Colonies," I do hereby notify and proclaim, that the following portion of Land in the district of Wellington, will be offered for sale by Public Auction, by the Collector of Revenue, at Perth, on Wednesday, the 7th day of June, 1848, 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. 67, comprising four acres more or less, extending 10 chains S. Westward along N. W. boundary of Leschenault location No. 65 and four chains N. Westward in continuation of the N. E. boundary of said location No. 65, the opposite boundaries being parallel and equal.

Upset price £1 per acre.

Given under my hand and the Public Seal of the Colony, at Perth, this 10th day of May, 1848.

F. C. IRWIN,
Governor, &c.

By His Excellency's command.

R. R. MADDEN,
Colonial Secretary.

GOD SAVE THE QUEEN!!!

Proclamation.

By His Excellency Lieut.-Col. FREDERICK CHIDLEY IRWIN, Knight Companion of the Royal Hanoverian Guelphic Order, 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, and passed in the 5th & 6th years of Her Majesty's Reign, intituled "An Act for regulating the sale of Waste Lands belonging to the Crown in the Australian Colonies." I do hereby notify and proclaim, that the following Portion of Land in the district

of the Avon, will be offered for sale by Public Auction by the Collector of Revenue, at Perth, on Wednesday, the 21st day of June next, at the upset price affixed thereto, on the terms and conditions set forth in certain land regulations, dated 14th June 1843.

Avon Location No. 58, comprising ten (10) acres, more or less in form of a square extending 10 chains NNW and 10 chains WSW from South corner of Avon Location No. 1.

Upset price, £1 an acre

Given under my hand and the Public Seal of the Colony, this 15th day of May, 1848.

F. C. IRWIN,
Governor, &c.

By His Excellency's command,

R. R. MADDEN.

Colonial Secretary.

GOD SAVE THE QUEEN!!

Colonial Secretary's Office, Perth,
May 26, 1848.

PERTH JAIL.

Tenders will be received at this Office up to 12 o'clock on Tuesday the 6th June, for making certain additions and repairs to Perth Jail, for specification of which and further particulars, application is to be made to the Superintendent of Public Works.

By His Excellency's command,

R. R. MADDEN,

Colonial Secretary.

Proclamation.

By His Excellency Lieut.-Col. FREDERICK CHIDLEY IRWIN, Knight Companion of the Royal Hanoverian Guelphic Order, 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 Ordinance of the Legislative Council No. XX. of the X Victoria intituled "An Ordinance to Establish a Toll to be levied upon Sandal-wood, to be applied to the construction and repair of Public Roads and lines of communication," and which provides (see viii). "That it shall be lawful for the Governor with the advice of the Executive Council at any time by Proclamation under his hand to suspend the operation of this Ordinance for such time as he may deem expedient."

I do hereby notify and proclaim the suspension of the operation of the afore-

said Ordinance for a term of Six Months from the 1st Instant on account of the present depressed state of the Sandalwood trade.

Given under my hand and Seal at Perth this 27th day of May 1848.

F. C. IRWIN,
Governor &c.

By His Excellency's command.
R. R. MADDEN,
Colonial Secretary.

GOD SAVE THE QUEEN!!!

*Colonial Secretary's Office Perth,
May 25, 1848.*

ACCEPTED TENDER.

The Governor directs it to be notified for the information of all whom it may concern that the tender of George Stokes for shingling the Perth Jail has been accepted.

By His Excellency's command,
R. R. MADDEN,
Colonial Secretary.

*Colonial Secretary's Office Perth,
May 25, 1848.*

NATURALIZATION OF ALIENS.

His Excellency the Governor is pleased to direct the publication for general information of the following Circular Dispatch, and Act of Parliament for the Naturalization of Aliens, received from the Right Hon. the Secretary of State for the colonies.

By His Excellency's command,
R. R. MADDEN,
Colonial Secretary.

Downing-street, Sept. 25, 1847.

In the last Session of Parliament, an Act was passed "for the Naturalization of Aliens," 10th & 11th Vict., c. 83. I herewith enclose a copy of it.

The preamble of that Act explains briefly the circumstances in which it originated. In almost all of the British Colonies Laws had, of late years been enacted, the object of which was to impart the privileges of Natural-born British Subjects to Aliens inhabiting the colonies in which those enactments were made. On referring those Acts to the successive Law Officers of the Crown, it appeared from their answers to such references, to be a matter of great doubt whether they were valid and effectual for their purpose, and whether the Queen could properly be advised to confirm them. The principal ground of this doubt was the existence in the British Statute Book of various General Acts respecting the Naturalization of Aliens, some of which Acts of Parliament, and especially the Statute 7th & 8th Vict., c. 66, were supposed by Her Majesty's Legal Advisers to extend to, and to be in force throughout the British Colonies. But the Colonial Acts in question being found to be in several respects at variance with and repugnant to those Acts of Parliament, it was inferred that such Colonial Enactments were null and void either in whole or in part.

To obviate a conclusion replete with so much inconvenience, and recommended by no assignable advantage, Her Majesty's Government recommended to Parliament in their last Session, the passing of the Act which I now enclose.

The result of that Act is First, to give validity to all Colonial Naturalization Acts formerly passed and to declare that they shall be taken to have been valid from the time of their enactment. Secondly, the Act then proceeds to provide that all Naturalization Acts which shall hereafter be passed by any Colonial Legislature shall, within the limits of the colony have the force of Law any Law or Statute to the contrary notwithstanding.

But Thirdly, both the retrospective and prospective

operation of the 10th & 11th Vict., c. 83, is confined to Colonial Acts which authorize the enjoyment of the privileges of Naturalization within the limits of the Colony within which such Act shall have been, or shall be, made. It also declares, Fourthly, that all such Naturalization Laws shall be subject to the Rules which regulate the Enactment and disallowance of Colonial Laws on any other subject. And, Finally, it declares that the 7th & 8th Vict., c. 66, does not extend to the British Colonies.

The result of these Enactments will be to remove all doubts which have hitherto prevented the confirmation of various naturalization Acts of the different British Colonies, and to ascertain the competency of the Colonial Legislatures to confer on Aliens the privileges of Natural-born British subjects, if the exercise of those privileges be limited to the particular Colony in which the Enactment may be made.

It may obviate a possible misconception to add that inasmuch as that part of the Navigation Act which confines to British subjects the ownership of British Registered Shipping is not repealed, but continues in full force, the disability of an Alien naturalized under a Colonial Act to own such Shipping is not removed by the accompanying Statute 10th & 11th Vict., c. 83. It would, indeed, be at variance with the terms of that Act to claim such a privilege in pursuance of it, inasmuch as the privileges which it authorises the Colonial Legislatures to confer, are expressly restricted to the limits of the Colony within which they may so be conferred.

I propose, in a series of separate Despatches, to advert to, and dispose of, the particular questions of this kind which have hitherto been pending; those separate Despatches being, of course, addressed to the Governors of those Colonies only in which any such questions have arisen.

I have the honor to be,
Your obedient humble Servant,
GREY.

To the Officer Administering the
Government of Western Australia.

ANNO DECIMO & UNDECIMO
VICTORIÆ REGINÆ.
CAP. LXXXIII.

An Act for the Naturalization of Aliens.

[22nd July, 1847.]

WHEREAS by divers Acts, Statutes, or Ordinances enacted by the Legislatures of divers of Her Majesty's Colonies or Possessions abroad Provision hath been made for imparting to divers Aliens there resident the Privileges or some of the Privileges of Naturalization, to be exercised and enjoyed within the respective Limits of such Colonies and Possessions respectively: And whereas Doubts have arisen as to the Competency of the said Legislatures to enact any such Laws, Statutes, or Ordinances, and as to the Validity of the same when so enacted, and it is expedient that such Doubts be removed: Be it therefore and it is hereby declared and 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 all Acts, Statutes, and Ordinances heretofore made and enacted by the Legislatures of any of Her Majesty's Colonies and Possessions abroad for imparting to any Person or Persons the Privileges or any of the Privileges of Naturalization, to be by such Person or Persons exercised and enjoyed within the respective Limits of such Colonies or Possessions respectively, shall within such Limits have and be taken and reputed to have had from the Time of the Enactment thereof respectively all such and the same Force and Effect as doth by Law belong to any other Law, Statute, or Ordinance made or enacted by any such respective Legislatures.

II. And be it and it is hereby enacted and declared, That all Laws, Statutes, and Ordinances which shall hereafter be made and enacted by the Legislatures of any of Her Majesty's Colonies or Possessions abroad for imparting to any Person or

Persons the Privileges or any of the Privileges of Naturalization, to be by any such Person or Persons exercised and enjoyed within the Limits of any such Colonies and Possessions respectively, shall within such Limits have the Force and Authority of Law, any Law, Statute, or Usage to the contrary in anywise notwithstanding: Provided nevertheless, that all such Laws, Statutes, and Ordinances shall be made and enacted in such Manner and Form, and subject to and in conformity with all such Rules as now are or hereafter shall be in force in respect of other Laws, Statutes, or Ordinances enacted or to be enacted by any such Legislatures respectively, and shall and may be confirmed or disallowed by Her Majesty in such and the same Manner, and subject to the same Rules and Regulations as extend or as shall hereafter extend to the Confirmation or Disallowance of any other such Laws, Statutes, or Ordinances.

III. And whereas a certain Act was made and

enacted in the Seventh and Eight Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Aliens*: And whereas Doubts have arisen whether the said recited Act of the Seventh and Eight Year of Her Majesty's Reign extends to and is in force in Her Majesty's Colonies or Possessions abroad; now it is hereby further enacted and declared, That the said recited Act of the Seventh and Eighth Year of Her Majesty's Reign, or any Part of it, doth not extend to the said Colonies or Possessions or to any of them.

IV. And be it enacted, That this Act may be amended or repealed by any other Act of this present Session of Parliament.

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