



THE WESTERN AUSTRALIAN
GOVERNMENT GAZETTE.

[PUBLISHED BY AUTHORITY.]

Tuesday, JULY 27th, 1858.

No. 29.

*Colonial Secretary's Office Perth,
July 24th, 1858.*

THE following Ordinance having passed the Legislature of South Australia, and been approved by Her Majesty the Queen, is hereby published for general information.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

ANNO VICESIMO PRIMO
VICTORIÆ REGINÆ.

No. 18.

An Act to prevent the introduction into the Province of South Australia of Convicted Felons and other Persons sentenced to Transportation for Offences against the Laws.

[Reserved 30th November, 1857]

Preamble.

WHEREAS it has pleased the Government of the United Kingdom of Great Britain and Ireland to constitute the adjacent Colony of Western Australia a penal settlement for the safe keeping of convicted felons and other persons undergoing transportation for offences against the laws: And whereas many of the said convicted felons have been and are frequently permitted to pass from the said Colony to other Australian Colonies: And whereas it is essential for the preservation of peace and good order in the community that an immediate stop should be put to the landing or being in the Province of South Australia of convicted felons or other persons undergoing sentence of transportation for offences against the laws—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows—

1. No convicted felon, or other person undergoing sentence of transportation for any offence against the laws, nor any person who is or shall be under sentence in any British Colony or Possession, other than the said Province, for any capital or transportable offence, nor any person not at liberty, by reason of any conviction or sentence, to reside in any part of the United Kingdom of Great Britain and Ireland, shall land in any of the ports of the said Province or come or be in any place within the limits of the said Province, under the penalty, on conviction thereof, before any two Justices of the Peace for the said Province, or before any Local Court, established in the said Province, if a male, of being sentenced to penal servitude for a period not exceeding three years, and, if a female, of being imprisoned, and kept to hard labor, in one or other of the public gaols of the said Province, for a period not exceeding two years, or at the discretion of the convicting Justices, or of the said Court, of being conveyed as a prisoner by the most safe and expeditious mode of conveyance to the Colony or Possession to which he or she was transported, or in which he or she was convicted (as the case may be,) there to be dealt with according to law.

Imprisonment of felons who enter the Colony.

2. The master of any ship or vessel arriving at any port of or place in the said Province, from any port or place in Western Australia, shall detain every passenger on board his ship or vessel, until he shall have obtained from the Collector, or other chief officer of Customs, at or nearest to the port of arrival, in respect of each passenger respectively, a certificate that the said master has proved, to the satisfaction of the said Collector, or other chief officer of Customs, that the passenger, in respect of whom such certificate is granted, is not a prisoner of the Crown, or runaway convict, or any convict coming under cover of any conditional pardon, ticket of leave, or indulgence of any kind, other than a

No person coming from Western Australia to land without proof of being a free person.

free pardon, or remission of his or her sentence by Her Majesty: And any master who shall permit or suffer any passenger to land previous to obtaining such certificate, shall be liable to a penalty of Twenty five Pounds for each passenger so landing.

Fining of masters or owners of vessels bringing felons.

3. Any master mariner, or other person commanding, navigating, or sailing any ship, vessel, or boat which may hereafter, with the knowledge of such master or other person, bring to any port or other place in the said Province any runaway convict, or any convict coming under cover of any conditional pardon, ticket of leave, or indulgence of any kind other than a free pardon or remission of his or her sentence by Her Majesty, shall be guilty of a misdemeanor; and upon conviction thereof before any Local Court established as aforesaid, or before any two Justices of the Peace shall for every such offence, incur and be liable to a fine not exceeding One Hundred Pounds, or to imprisonment for any time not exceeding three calendar months, or to both, at the discretion of the said Court or Justices respectively.

Definition of "offender illegally at large"

4. Any person who has been, or shall be transported for any offence against the law to any British Colony or Possession, or who is under sentence for any capital or transportable offence in any British Colony or Possession other than the said Province who shall hereafter come to the said Province, not having served the full period of his or her sentence, or the full term for which he or she was transported, or not having received from Her Majesty a free pardon or remission of his or her sentence shall, for the purposes and in the construction of this Act, be deemed to be an offender illegally at large; and the term "offender illegally at large," whenever it occurs in this Act, shall be taken to signify and denote such person so transported who has not served such period or term, or received such pardon or remission as aforesaid.

Penalty for concealing offenders.

5. Every person who shall knowingly harbor or conceal any offender illegally at large, for the purpose of evading the provisions of this Act, shall, on conviction thereof before any such Court as aforesaid, or before two Justices of the Peace, forfeit and pay for every such offence a sum not exceeding One Hundred Pounds; and in default of payment, shall be imprisoned in any of Her Majesty's gaols in the said Province for any period not exceeding twelve months.

Property of offenders to be forfeited, and whole or part applied in conveying them away.

6. All property found upon or in the possession of the person convicted of being an offender illegally at large shall be forfeited, and it shall be lawful for the said Local Court or the convicting Justices to order the whole or a sufficient part thereof to be applied towards the expense of conveying such offender to the Colony or Possession to which he or she was transported or in which he or she was convicted.

What deemed evidence of a person being a convict.

7. Proof on oath that any person was in any other British Colony or Possession than the said Province, known to be, or was commonly reputed and deemed to be a transported felon, or a convict under sentence for any capital or transportable offence, shall, for the purposes of this Act, be taken as good *prima facie* evidence that such person was transported to such Colony or Possession, or convicted therein of a

capital or transportable offence, as the case may be; and evidence that such person was so known, deemed, or reputed, at any period within seven years, shall be taken as good *prima facie* evidence that such person has not served the full period of his or her sentence, or the full term for which he or she was transported, and has not received such pardon or remission as aforesaid, unless the contrary be proved.

Justice to issue search warrants to apprehend offender

8. It shall be lawful for any Justice of the Peace, having credible information on oath that any offender illegally at large is harbored in any dwelling-house, or tenement, or other place, within his jurisdiction to grant a search warrant to any one or more constables to search for and apprehend such offender; and any person found and apprehended by virtue of such warrant, shall, by such constable or constables, be forthwith taken before a Justice or Justices of the Peace, for examination, and to be further dealt with according to law.

Appropriation of penalties.

9. All fines and penalties recovered under this Act, and all moneys and property forfeited and not specially appropriated, shall be applied to and go to Her Majesty, Her heirs, and successors, for the public uses of the said Province.

Proceedings not to quashed for want of form.

10. All proceedings under this Act shall be had and taken in a summary way, and no such proceeding shall be quashed for want of form.

General issue may be pleaded in all actions

11. If any suit or action shall be brought against any Justice of the Peace, constable, or other person, for any act or thing done in furtherance of this Act, the defendant in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon.

Commencement of Act.

12. This Act shall take effect two months from and after the passing thereof.

Colonial Secretary's Office,
Perth, July 27th, 1858.

The following Titles of Bills proposed to be submitted to the Legislative Council at its next Session are published for general information.

By His Excellency's command
FRED. P. BARLEE,
Colonial Secretary.

PUBLIC BILLS.

A BILL for the further appropriation of the Revenue for the year 1857, and for the General Appropriation of the Revenue for the year 1859.

A BILL to prevent the evasion of the Passenger Act and to regulate the licensing of Passage Brokers.

A BILL to legalize the acts of all persons who have exercised the functions of Sheriff in Western Australia since the 27th day of May 1835 and to indemnify and discharge them from all Suits, Prosecutions, or Liabilities incident thereto or connected therewith and to provide for the better appointment of such Officers for the time to come.

A BILL to amend the Customs Law.

A BILL for the incorporation and regulation of Joint Stock Companies and other Associations and for limiting the liabilities of members of certain of the same.

A BILL to alter the existing Law providing for the Improvement of the City of Perth and to make other regulations instead thereof.

A BILL to provide for a system of passports in the Colony of Western Australia.

A BILL to amend an Ordinance to consolidate and amend the Laws relating to the Sale of Spirituous and fermented liquors.

A BILL for vesting Church of England lands in Western Australia in the Lord Bishop of Perth and his Successors.

A BILL to alter and amend the Law for regulating the Constitution of Juries and for the trial of Issues in certain cases in the Criminal and Civil Courts of Western Australia.

PRIVATE BILLS.

A BILL to naturalize Joannes Antonius Baesjou.

A BILL for vesting Roman Catholic Church Lands in Western Australia in the Roman Catholic Bishop Administrator and his Successors.

Town Lands for Sale in York and Toodyay.

*Colonial Secretary's Office, Perth,
July 23rd, 1858.*

THE undermentioned Town lands in York and Toodyay having recently been laid out, they are open to selection for purchase by Public Auction at the upset price of £10. per building lot, and £3. per acre for Suburban lots;—

IN YORK.—44 Building lots of one acre on right bank of Avon River.

26 “ “ on left bank do.
16 Suburban lots of $3\frac{1}{2}$ to $6\frac{1}{2}$ acres near Gerald Farm.

IN TOODYAY.—9 Building lots of one acre near the Police Station.

Particulars may be known at the Survey Office, or from the Resident Magistrates respectively.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

BY Virtue of a Proclamation, bearing date July 22nd, 1858, under the hand of His Excellency Arthur Edward Kennedy, Esquire, Governor, and the Public Seal of the Colony of Western Australia, the following Lands will be offered for sale at Public Auction by the Collector of Revenue at Perth on the 4th of August, 1858, at one o'clock, at the upset price affixed thereto on the terms and conditions set forth in certain Land Regulations dated 14th June, 1843.

Cockburn Sound location 102, comprising 18 acres more or less as marked on the ground, bounded on the West by the shore of Owen's Anchorage, including the low rocky Cliffs there, on the North by an East line of 16 chains 46 links, at 30 chains South from locations 83 and 85, on

the South by an East line, of 13 chains 56 link, on the East by a South line 13 chains 42 links, and on the inside by the marked Public road, all true.

Upset price £4. per acre.

Avon location 253, comprising 10 acres more or less, extending 10 chains magnetic W. S. W., from West boundary of T. Carroll's location 235, and between a continuation of the same North and South boundaries.

Upset price £1. per acre.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

*Colonial Secretary's Office, Perth,
July 8th, 1858.*

TENDERS will be received at this office until noon of Thursday 29th instant, for the supply of Four Horses fit for general Police Service in this Colony.

Tenders to state age, height, and price of each horse. Each animal must be sent to Perth for examination by the usual Board of Officers.

Forms of Tender may be had on application at the Public Offices Perth, or to the Resident Magistrates in the various districts, and no tender will be noticed unless rendered on the prescribed form.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary.

Land Sales already notified in the "Government Gazette."

At Perth—

On the 4th of August, 1858.

Cockburn Sound location 101, containing 35 acres.

Upset price £1. per acre.

Bejoording Suburban lot No. 27, containing 5 acres.

Upset price £1 10s. per acre.

Bejoording Suburban lot, No. 4, containing 3 acres, 3 roods and 38 perches.

Upset price £1 10s. per acre.

Avon location 252, containing 10 acres.

Upset price £1 per acre.

1st September, 1858.

Geraldton Building lot No. 6.

Upset price £15.

Victoria location 324, containing 100 acres.

[This land is known to contain Minerals.]

Upset price £1. per acre.

Victoria location 325, containing 100 acres.

[This land is known to contain Minerals.]

Upset price £1. per acre.

Victoria location 326, containing 100 acres.

[This land is known to contain Minerals.]

Upset price £1. per acre.

By His Excellency's command,
FRED. P. BARLEE,
Colonial Secretary,

Tillage Lease for Sale.

*Colonial Secretary's Office, Perth,
July, 13th 1858.*

THE Honorable the Collector of Revenue will offer for Sale by Public Auction, on the 1st September, 1858, the undermentioned Tillage Lease:—

Tillage lease 1076, to the end of 1858, of 125 acres more or less of land on the lower Greenough Flat, extending 25 chains, true N. E. from Gregory's Road, abreast of Victoria locations, 144, 97, 96, 95, and 145.

Rent £6. 5s. 0d.

Upset premium 5s. 0d.

By His Excellency's command,

FRED. P. BARLEE.

Colonial Secretary.

*Colonial Secretary's Office, Perth,
July 22nd, 1858.*

HIS EXCELLENCY the Governor is pleased to approve of the Assessment of 10s. on each allotment being levied for the general improvement of the Town of Fremantle, in accordance with the vote of a Meeting of the Trust held on the 5th instant at that place.

By His Excellency's command,

FRED. P. BARLEE,

Colonial Secretary.

*Colonial Secretary's Office Perth,
July 19th, 1858.*

CONDITIONAL PARDONS have been this day signed for:—

Reg. No.	Name
1338	Enoch P. Barrett.
3825	Henry Seymour.

By Excellency's command,

FRED. P. BARLEE,

Colonial Secretary.

*Colonial Secretary's Office,
Perth, July 24th, 1858.*

THE following Immigrants per "Emma Eugenia" are in Perth Depots available for service:—

2 married farm servants
7 single Girls

By His Excellency's command

FRED. P. BARLEE,

Colonial Secretary

*General Post Office Perth,
July 23rd, 1858.*

LIST of unclaimed Letters lying at this Office:—

Atkins Andrew
Appleby H. R.
Bird Charles
Bullen John
Bowden Henry
Browning J.
Brown Louisa
Burke Thomas (2)
Barnard Mary (4)
Beard James
Bortrin Mr.

Barnes G. W.
Bowker J. T. (2)
Bodkin Robert
Brady John
Brian Robert
Byrne Elizabeth
Bary Thomas
Briggs W. A. (2)
Barnett Edward
Brackerson Elizabeth
Clarke Thomas
Cockling Charles
Callaghan Mrs. M. (2)
Conry Henry
Cookman James
Carson Matilda (Registered)
Clements Anne
Cockell M. A.
Cavangh Michael
Clary R.
Clarkson Thomas (2)
Colston Mrs.
Colston W. H. (2)
Crawford James
Crawford Andrew
Crockford W. T.
Dodd Wm. 12th, Regt.
Davis William
Dixon Martha
Dobson Henry (Registered)
Donally David
Donough Caroline
Dundon D.
Dwilly Richard
Deneen Serjeant
Evans Caroline
Eyles Henry
Emperingham Edward
Easton Joseph
Eaves Fredk.
Edwards John
Edwards Mrs. B.
Fitzgerald Patrick
Frost John
Fry R. E.
Forse William
Faley Thomas
Fennery R.
Felstead Thos.
Francis John
Griffen Mrs.
Gavin Miss Mary
Gordon Mrs. M. A.
Gregory Mr.
Harte John
Hindelaney Johan
Hourihan Anne
Hine William
Hutchinson Charles
Hivins John
Hoare Thomas
Hodgson John
Harker George (2)
Head James
Heavy Thomas 12th Regt.
Hemsley Mrs.

Heys Edward
 Hollander Mr. S. A. (2)
 Hogan Mrs. John
 Hunsworth James
 Jonchim John
 Johnston William
 Jennings Daniel
 Joyce Henry
 Kinnon Thomas (2)
 Keeles P.
 Keeler Robert
 Kindar Samuel, Ward
 Kilka Anthony
 Knight James
 Liles W.
 Langworthy John (2)
 Lloyd George
 Lovell David
 Long Mrs. Eliza
 Mole Maria
 Marshall Mr.
 McFarlain Mr. William
 McAlish John
 McGarvey William
 McBly William
 McIntire Daniel
 McKenzie J. H.
 McKenzie James
 Moodham Richard
 Miller John
 Marron John
 Mahar Catherine
 Marney William
 Marble Capt. John (2)
 Marble Mrs, E. C.
 Mascaro Joseph
 Mickle Capt. T.
 Millward W.
 Miles George
 Morrison W. (2)
 Munro John
 Murray George
 Nash William
 Nestie Michael
 Newman Richard
 Newman Thomas
 Newis John (2)
 Ougden Mrs. F.
 Ormrod W.
 O'Brien Michael
 O'Halloran John M. (2)
 Orpin George
 Penfound Thomas
 Pearse Michael
 Pearse James
 Purser Mrs.
 Pass William
 Pitts James
 Plummer James
 Reilly Thomas
 Rushbruk William
 Ryan Thomas
 Ryan Mary

Rewell William
 Renter Henri
 Rogerson James
 Rose David
 Richardson M.
 Rodman Miss
 Rumble James
 Summersford John
 Smith Miss
 Small Levi
 Slone George
 Stanton James
 Shannons Richard
 Scott Mr. A.
 Scott Alexander
 Spence W. R.
 Shankland R. (2)
 Seddon W. J.
 Skilton Francis
 Slidstone William
 Stickley Joseph
 Strange W.
 Sullivan John J.
 Symms John
 Templeton John
 Thomas G. 3909
 Taylor John
 Taylor Mrs. H. (2)
 Tiernen Mr.
 Walker Peter K. (2)
 Westcott H.
 Wallis Henry
 Walsh Daniel (2)
 Webb John
 Whelan Mr.
 Wilkinson J.
 Woodward G. W.
 Wood George
 Wright John
 Wamenby Joseph
 Captain of the Brig "Sarah"

The undermentioned Letters are detained
at this Office for non-payment of Postage :

Adolyf Schultze — Hamburgh, 1s. 2d.
 Robt. Watchborn, St. Kilda, Melbourne 6d
 W. Addison — Victoria Plains, 2d.

A. HELMICH,
 Postmaster General.

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