



THE WESTERN AUSTRALIAN
Government Gazette.

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*Colonial Secretary's Office,
Perth, 25th January, 1876.*

HIS Excellency The Governor directs the publication of the following Despatch (with its enclosures) for general information.

A. O'GRADY LEFROY,
Acting Colonial Secretary.

CIRCULAR (2).

Downing Street, 22nd October, 1875.

SIR,—With reference to my Predecessor's Circular Despatch of the 3rd December, 1873, I transmit herewith for your information and for general publication in the Colony under your Government, a copy of a letter from the Board of Trade enclosing a copy of "The Merchant Shipping Act, 1875."

2. I request that in accordance with the desire expressed by the Board of Trade, you will furnish me with an immediate report of any case in which grain, &c., is shipped in British Vessels in contravention of the Act, and in such a manner as to endanger human life.

3. I shall be obliged if you will favor me with any observations which may occur to you with reference to the application of the several provisions of this Act to the Colony under your Government.

I have, &c.,
CARNARVON.

The Officer Administering the Govern- }
ment of Western Australia. }

The Board of Trade to the Colonial Office.

Board of Trade, Whitehall Gardens,
11th August, 1875.

SIR,—I am directed by the Board of Trade to enclose a copy of "The Merchant Shipping Act, 1875," and to request your attention to the 3rd Section of this Act relating to the carriage of grain and other seeds or nuts in British Ships.

I am to suggest that a copy of this Act should be sent to the Governors of all Colonies from which grain is shipped.

I am further to suggest that instructions may be given to cause an immediate report to be sent to the Board of Trade of any case in which grain, &c., is

shipped in British Vessels in contravention of the Act, and in such a manner as to endanger human life.

I have, &c.,
THOMAS GRAY.

The Under Secretary of State,
Colonial Office.

UNSEAWORTHY SHIPS.

[38 & 39 Vic. CH. 88.]

A.D. 1875.

ARRANGEMENT OF CLAUSES.

Clause.

1. Appointment and powers of officers having authority to detain unseaworthy ships.
2. Ship to be detained on complaint of crew.
3. Cargo of grain, &c.
4. Penalties on sending unseaworthy ships to sea.
5. Marking of deck lines.
6. Statement of load-line.
7. Penalty for offences in relation to marks on ships.
8. Proceedings may be taken against the Board of Trade by action against the principal secretary.
9. Liability of shipowner to crew.
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11. Duration of Act.

CHAPTER 88.

An Act to make provision for giving further powers to the Board of Trade for stopping unseaworthy ships.

[13th August, 1875.]

BE it 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, as follows:

Appointment and powers of officers having authority to detain unseaworthy ships.

1. The Board of Trade may forthwith and from time to time by special order appoint a sufficient number of fit and proper persons, from their own

staff or otherwise, to be officers having authority to detain unseaworthy ships, and may from time to time revoke any such appointment.

If any officer so appointed has reason to believe upon inspection or otherwise that any British ship is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, he may order that the ship be detained for the purpose of being surveyed.

Any such order shall have the same effect as if it were an order of the Board of Trade under section twelve of the Merchant Shipping Act, 1873.

For the purpose of ascertaining whether a British ship is fit to proceed to sea, any officer so appointed may go on board the ship and inspect the same, or any part thereof, or any of the machinery, boats, equipments, or other articles on board thereof, not unnecessarily detaining or delaying her from proceeding on her voyage; and any person who wilfully impedes him in the execution of his duty shall be liable to the same penalties, and may be dealt with in the same manner as if the officer were an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854.

When any officer so appointed orders a ship to be detained, he shall forthwith report his proceedings to the Board of Trade.

An officer so appointed shall receive such remuneration for his services under this Act as the Treasury from time to time direct, and such remuneration shall be paid out of moneys to be provided by Parliament.

Ship to be detained on complaint of crew.

2. Whenever a complaint is made to the Board of Trade or to any officer so appointed by one-fourth of the seamen belonging to any British ship, that the ship is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, it shall be the duty of the Board or officer, as the case may be, if the complaint is made within time sufficient for that purpose before the sailing of the ship, without requiring any security for the payment of costs and expenses, to take proper steps for ascertaining whether the ship ought to be detained for the purpose of being surveyed under the Merchant Shipping Act, 1873.

Cargo of grain, &c.

3. From and after the first day of October, one thousand eight hundred and seventy-five, no cargo of which more than one-third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, shall be carried on board any British ship, unless such grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise. This section shall not apply to any grain shipped previous to the first October, one thousand eight hundred and seventy-five.

The master of any British ship who shall knowingly allow any cargo or part of a cargo to be shipped therein for carriage contrary to the provisions of this section shall for every such offence incur a penalty not exceeding two hundred pounds.

Penalties on sending unseaworthy ships to sea.

4. Section eleven of "The Merchant Shipping Act, 1871," shall be repealed, and in lieu thereof it shall be enacted:—

1. Every person who sends a ship to sea in such unseaworthy state that the life of any person would be likely to be thereby endangered, and the managing owner of any British ship so sent to sea from any port in the United Kingdom, shall be guilty of a misdemeanor, unless he prove that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or prove that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; and, for the purpose of giving such proof, such person may give evidence in the same manner as any other witness:

2. Every person who attempts or is a party to any attempt to send to sea any ship in such unseaworthy state that the life of any person

would be likely to be thereby endangered, shall be guilty of a misdemeanor, unless he give such proof as aforesaid, and for the purpose of giving such proof such person may give evidence as aforesaid:

3. Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person would be likely to be thereby endangered shall be guilty of a misdemeanor, unless he prove that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof such person may give evidence as aforesaid:

4. The owner of every British ship shall from time to time register at the Custom house of the port in the United Kingdom at which such ship is registered the name of the managing owner of such ship, and if there be no managing owner, then of the person to whom the management of the ship is entrusted by and on behalf of the owner; and in case the owner fail or neglect to register the name of such managing owner or manager as aforesaid he shall be liable, or if there be more owners than one, each owner shall be liable in proportion to his interest in the ship, to a penalty not exceeding in the whole five hundred pounds each time that the said ship leaves any port in the United Kingdom, after the first day of November one thousand eight hundred and seventy-five, without the name being duly registered as aforesaid:

5. The term "managing owner" in sub-section one shall include every person so registered as managing owner or as having the management of the ship for and on behalf of the owner:

6. No prosecution under this section shall be instituted except by or with the consent of the Board of Trade:

7. No misdemeanor under this section shall be punishable upon summary conviction.

Provided that the repeal enacted by this section shall not affect any punishment incurred or to be incurred in respect of any offence against the enactment hereby repealed, or any legal proceeding in respect of any such punishment, and any such legal proceeding may be carried on as if this Act had not passed.

Marking of deck lines.

5. Every British ship registered on or after the first day of November one thousand eight hundred and seventy-five shall before registry, and every British ship registered before that day shall, on or before that day, be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is practicable, and indicating the position of each deck which is above water.

The upper edge of each of these lines shall be level with the upper side of the deck plank next the waterway at the place of marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

Provided that—

(1.) This section shall not apply to ships employed in the coasting trade or in fishing, nor to pleasure yachts; and

(2.) If a registered British ship is not within a British port of registry at any time before the first day of November one thousand eight hundred and seventy-five, she shall be marked as by this section required within one month after her next return to a British port of registry subsequent to that date.

Statement of load-line.

6. With respect to the marking of a load-line on British ships, the following provisions shall have effect:

(1.) From and after the first day of November one thousand eight hundred and seventy-five the owner of every British ship shall, before entering his ship outwards from any port in the United Kingdom upon any

voyage for which he is required so to enter her, or if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve inches in diameter, with a horizontal line eighteen inches in length, drawn through its centre :

- (2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage :
- (3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of customs, a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre :
- (4.) If default is made in delivering this statement in the case of any ship, any officer of customs may refuse to enter the ship outwards :
- (5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made :
- (6.) The master of the ship shall also enter a copy of this statement in the official log book :
- (7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

Penalty for offences in relation to marks on ships.

7. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

Proceedings may be taken against the Board of Trade by action against the principal secretary.

8. Where a claim of compensation under the Merchant Shipping Act, 1873, is made against the Board of Trade, and liability to pay compensation, or the amount thereof is in dispute, proceedings may be taken against the Board of Trade by action against the principal secretary thereof as nominal defendant.

Liability of shipowner to crew.

9. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the part of the owner of the ship to the master, seaman, or apprentice, that the owner of the ship, his agents and servants, shall use all reasonable efforts to insure the seaworthiness of the ship for the voyage at the commencement thereof, and to keep her in a seaworthy condition during the voyage.

Provided that nothing in this section shall make the owner of a ship liable for the death of or any injury to a master, seaman, or apprentice belonging to any ship when caused by the wrongful act, neglect, or default of a seaman or apprentice belonging to the same ship, in any case where he would not otherwise be so liable.

Short Title.

10. This Act may be cited as the Merchant Shipping Act, 1875, and shall be construed as one with the Merchant Shipping Act, 1854, and the Acts

amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1875.

Duration of Act.

11. This Act shall continue in force until the first day of October one thousand eight hundred and seventy-six.

*Colonial Secretary's Office,
Perth, 19th January, 1876.*

HIS Excellency The Governor has been pleased to place the Public Works Department under the provisional charge of R. R. JEWELL, ESQUIRE, Clerk of Works, vice the Hon. M. Fraser, resigned.

A. O'GRADY LEFROY,
Acting Colonial Secretary.

*Colonial Secretary's Office,
Perth, 25th January, 1876.*

HIS Excellency The Governor has been pleased to appoint GEOFFREY FRANCIS ELIOT, ESQUIRE, to be Inspector of Sheep in the Sussex and Wellington Districts, vice G. DeCourcy Lefroy, Esq., resigned.

A. O'GRADY LEFROY,
Acting Colonial Secretary.

*Colonial Secretary's Office,
Perth, 25th January, 1876.*

HIS Excellency The Governor has been pleased to appoint MR. G. R. TEEDE to the undermentioned offices at Bunbury, vice G. F. Eliot.

Clerk to the Bench of Magistrates for the Wellington District, Clerk of the Local Court, Landing Waiter.

A. O'GRADY LEFROY,
Acting Colonial Secretary.

*Colonial Secretary's Office,
Perth, 15th January, 1876.*

TENDERS (endorsed "Tender for Boots and Shoes,") will be received at this Office until noon of Monday, the 31st day of January, from persons willing to supply Boots and Shoes to Mount Eliza and Perth Poor Houses during the present year.

Mens' strong Ankle Boots	@	£ pair.
Womens' Ankle Boots	"	"
Boys' strong Boots, from 7 to 12 years	"	"
Girls' do.	"	"
Children from 2 to 6 years	"	"
Slippers, men's and women's	"	"

Also such repairs to boots as may be required.

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the Contract.

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

By Command,
A. O'GRADY LEFROY,
Acting Colonial Secretary.

*Public Works' Office,
Perth, 22nd January, 1876.*

TENDERS (endorsed "Tender for Office Presses,") will be received at this Office until noon of Wednesday, the 2nd February, 1876, from persons willing to supply three Office Presses for the Colonial Secretary's Office.

Full particulars may be obtained on application at the Public Works' Office, Perth.

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the Contract.

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

By Command,
RICHD. R. JEWELL,
Officer in charge of Works Department.

*Public Works' Office,
Perth, 24th January, 1876.*

TENDERS (endorsed "Tender for Paddy's Blunder Beacon,") will be received at this Office until noon of Wednesday, the 9th February, 1876, from persons willing to supply and erect a Beacon on what is known as "Paddy's Blunder."

Full particulars can be obtained on application to the Harbor Master, Fremantle.

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the Contract.

Forms of tender may be had on application to the various Resident Magistrates, and at the Public Offices, Perth; and no tender will be entertained unless rendered on the prescribed form.

By Command,
RICHD. R. JEWELL,
Officer in charge of Works Department.

*Public Works' Office,
Perth, 24th January, 1876.*

TENDERS (endorsed "Tender for Repairs to Canning Police Station,") will be received at this Office until noon of Tuesday, the 15th February, 1876, from persons willing to undertake certain alterations and repairs at the Canning Police Station.

Specifications may be seen, and full particulars obtained, on application at the Public Works Office, Perth.

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the Contract.

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

By Command,
RICHD. R. JEWELL,
Officer in charge of Works Department.

*Public Works' Office,
Perth, 22nd January, 1876.*

TENDERS (endorsed "Tender for Jarrah Timber,") will be received at this Office until noon of Wednesday, the 16th February, 1876, from persons willing to supply the following Jarrah Timber, of first-class quality, to be delivered on the Champion Bay Jetty before 1st March, 1876, viz.:—

Main Piles, Round, No. 12, 35' long, 18" mean diameter.

Sheet Piles, Sawn, No. 100, 24' do., 12" x 9"

Walings, Sawn, No. 8, 33' do., 12" x 9"

Kerb Sawn, No. 6, 12' do., 36" x 12"

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the Contract.

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

By Command,
RICHD. R. JEWELL,
Officer in charge Works Department.

*Public Works' Office,
Perth, 3rd January, 1876.*

TENDERS (endorsed "Tender for Timber and Shingles,") will be received at this Office until noon of Wednesday, the 26th January, 1876, from persons willing to supply the Shingles and Timber advertised for in *Government Gazette* of 21st December, for which informal tenders have been received. Tenders must state the price for which the above will be supplied at **ROTTNEST**, where they will be inspected by the Clerk of Works.

The Government do not bind themselves to accept the lowest or any tender, and will require the guarantee of two responsible persons for the due performance of the Contract.

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

By Command,
MALCOLM FRASER,
Commissioner.

*Comptroller General's Office,
Fremantle, 22nd January, 1876.*

HIS Excellency The Governor has been pleased to revoke the Tickets-of-Leave of the undermentioned Convicts:—

Reg. No. 7900 John Williams
" 8725 William Thompson
" 9085 Samuel Bradford
" 9176 Edward Hall
" 9492 Samuel Langford

THE undermentioned man is requested to communicate with this office:—

Reg. No. 8404 John Smith, who received a Certificate of Freedom on the 31st August, 1875.

W. R. FAUNTLEROY,
Acting Comptroller General.

Crown Lands' Office, Perth, 3rd January, 1876.

HIS Excellency The Governor has been pleased, on the recommendation of the Commissioner of Crown Lands, to set apart as a Public Reserve the Land described in the Schedule below, for the purpose therein set forth:—

R E S E R V E .

Recorded Number.	Content. A. R. P.	Description of Boundaries.	Purpose for which made.
189 A.	3 0 0	Bounded on the <i>South</i> and <i>West</i> by lines extending respectively East 1 chain and North 3 chains along a public roadway from a spot on the East side of said roadway situate 80 links East and 3 chains North from the South-east corner of Avon Location 207; the opposite boundaries being parallel and equal.	Church of England Cemetery.

MALCOLM FRASER, Commissioner of Crown Lands.

L A N D S A L E S .

Crown Lands' Office, Perth, 25th January, 1876.

THE undermentioned Allotments of Land will be offered for Sale, at Public Auction, on the dates and at the places specified in the Schedule below, at one o'clock p.m.

S C H E D U L E .

Date of Sale.	Place of Sale.	Description of Lot.	Number of Lot.	Quantity.			Upset Price.
				a.	r.	p.	
1876.							
Feb. 2.	Perth	Perth Town	Y 281, 282, 283, 284, N 82, 83,	}	...	£9 each.	
Do.	York	York Do.	263				
Do.	Geraldton ...	Denison Sub.	2	2	2 0	30s. per acre.	
March 1.	Geraldton ...	Geraldton Town	342	0	2 10	£15.	

MALCOLM FRASER, Commissioner of Crown Lands.

Transfer of Land Act, 1874.

TAKE NOTICE that Alfred Robert Waylen of Perth doctor of medicine has made an application to bring the parcel of land known as Perth Building Lot A 17 under the operation of the above Act.

AND FURTHER TAKE NOTICE that all persons claiming any estate or interest in the above-mentioned land ARE HEREBY REQUIRED to lodge with the Registrar of Titles on or before the third day of February next a *caveat* [whereof forms may be obtained at the Office of Titles or of any of the Resident Magistrates] in order to forbid bringing the said land under the Act.

J. C. H. JAMES,
Commissioner of Land Titles.

January 17th, 1876.

Transfer of Land Act, 1874.

TAKE NOTICE that Thomas Amos Bandy of Gin Gin yeoman has made an application to bring the parcel of land known as "Perth Building Lot Y No. 25" under the operation of the above Act.

AND FURTHER TAKE NOTICE that all persons claiming any estate title or interest in the above-mentioned land ARE HEREBY REQUIRED to lodge on or before the 19th day of February next with the Registrar of Titles a *caveat* [whereof forms may be obtained at the Office of Titles or of the Resident Magistrates] forbidding the bringing of the said land under the Act.

J. C. H. JAMES,
Commissioner of Land Titles.

January 20th, 1876.

MAIL NOTICE.

MAILS for Albany, Bannister, Williams River, Arthur River, Kojonup, and the Albany Road, will be made up and despatched from this Office by the Contractor, on *Wednesday, the 26th January*, at 11 o'clock, a.m.

NOTICE.

Beverley Roads Board.

CART Licenses will be issued at Yangedine for the present year, and all Licenses must be taken out by the 15th of February next.

JOHN TAYLOR,
Chairman.

January 1st, 1876.

NOTICE.

I HEREBY certify that I have applied to the Wandering District Roads Board for permission to erect three swing gates across Minor Road which goes through my enclosure at Wandering.

JOHN BROWN.

Wandering, January 2nd, 1876.

New Edition.

THE "Elementary Education Act, 1871," (as amended by 38th Vict., No. 5,) with Regulations for the Conduct and Management of Elections of District Boards of Education, and By-Laws and Regulations of the Central Board of Education, in a pamphlet form, can be procured at the Government Printing Office, Perth. Price, 1s.

The Government Gazette.

SUBSCRIPTIONS:—*The Subscription will be at the rate of 5s. per annum, payable in advance. Subscriptions are required to terminate at the end of June or December; a less period than six months cannot be subscribed for.*

ADVERTISEMENTS will be charged at the following rates:—

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