



PORT PHILLIP
GOVERNMENT GAZETTE,

Published by Authority.

TUESDAY, JULY 9, 1844.

IT is ordered that a Criminal Sessions and General Gaol Delivery of the Supreme Court, for the district of Port Phillip, be holden at the court house, La Trobe-street, in the town of Melbourne, on Monday, the fifteenth day of July next, at which all parties concerned are requested to give their attendance.

Dated the 20th day of June, A.D., one thousand eight hundred and forty-four.

W. JEFFCOTT, Resident Judge.

Special Petty Sessions.

NOTICE is hereby given, that a Court of Special Petty Sessions for the County of Bourke, will be holden at the Police Office, Melbourne, on Tuesday, the 16th day of July instant, at the hour of twelve o'clock, for the purpose of taking into consideration certain applications for Licenses, and despatch of public business.

By order of the Bench of Magistrates,
W. R. BELCHER,
Clerk of Petty Sessions.
Police Office, 6th July, 1844.

*Colonial Secretary's office,
Sydney, June 13, 1844.*

PETTY SESSIONS.—PORT PHILLIP.

HIS Excellency the Governor directs it to be notified with reference to the 17th section of the Act of the Colonial Legislature, 3 William 4, No. 3, that a Court of Petty Sessions has been established at Belfast, Port Fairy, in the district of Port Phillip.

By His Excellency's command,
E. DEAS THOMSON.

MONTHLY list of persons who have taken out licenses to depasture stock, to strip bark, and to cut timber, on Crown Lands, in the District of Port Phillip, from the 1st to the 30th June, 1844, inclusive.

LICENSES TO DEPASTURE STOCK.

PORTLAND BAY DISTRICT.
Claridge, George; Hiscock, Thomas.

LICENSES TO CUT TIMBER.

PORTLAND BAY DISTRICT.
Keeble, Robert.

W. LONSDALE,
Sub-Treasurer.

Treasury, Melbourne,
3rd July, 1844.

Court of Requests.

FOR THE COUNTY OF BOURKE.

NOTICE is hereby given, that the Court of Requests for this county, will be holden in Melbourne, at the Court-house, King-street, on Monday, the fifth and following days of August, 1844, at the hour of nine o'clock in the forenoon.

Plaints must be delivered at the office of the Registrar, on or before Thursday, the 18th day of July, instant.

Defences or set-off must be filed on or before Thursday, the first day of August.

No plaint, defence, or set-off, shall be received or filed without having the name and residence of plaintiff and defendant written thereupon.

In defended cases, the plea of defence and notice of set-off must be in accordance with the forms prescribed by the late Rules of Court.

By order of the Commissioner,
J. S. GRIFFIN, Registrar.
July 8th, 1844.

Conveyance of Mail to Port Fairy.

PARTIES willing to undertake the Conveyance of a Mail between Port Fairy and the Portland line of road, where it crosses the Hopkins River near Mr. Wyeslaskie's station, for the remainder of the current year, are invited to transmit their offers, in writing, to this office, by two o'clock p. m., of Friday, the 19th day of July proximo, endorsed "Tender for Conveyance of Port Fairy Mail."

The mail man is to be in readiness near Mr. Wyeslaskie's to receive the Mail from the Portland Conveyance on its way from Melbourne, every Wednesday morning, and is to deliver the same at the Port Fairy office by noon of Thursday. The return Mail is to leave Port Fairy at noon of Monday, to meet the Portland Conveyance on its return route on Tuesday afternoon.

The Contractor is to keep the Mail safe and dry, and is to collect and deliver letters on the line of road as may be required.

Further particulars may be obtained upon application to the Post-master at Melbourne, where forms of Tender may be also procured.

C. J. LA TROBE.

Superintendent's Office,
Melbourne, 24th June, 1844.

New Post Offices.

NOTICE is hereby given that, under sanction of His Excellency the Governor, Post-Offices have been established at the following places, viz:—

On the Sydney Road.

AT SEYMOUR, on the Goulburn River; Gilbert Nicol to be Postmaster.

On the Portland Road.

AT BALLAN, on the Weirbee River; R. W. Steiglitz, to be Postmaster.

AT THE GRANGE; William Russell, to be Postmaster.

The Melbourne Mail from and to Seymour will be received and despatched every Saturday with the Sydney Mail.

Mails from Portland; and that line of Road, will be received at Melbourne every Friday by two o'clock, p. m.; and Mails from Melbourne, for the Portland line, will be closed every Saturday at half-past five o'clock p. m.

Parties wishing to receive their Letters and Newspapers through either one of the above Post-offices, should particularly caution their correspondents to address communications to the office desired, *distinctly by its name*, because private localities, in their relative position to the different Post-offices, cannot be sufficiently known at distant Stations, to give to the Post-office Department a sufficient guide for ensuring direct transmission.

HENRY D. KEMP,

Postmaster.

Post-office, Melbourne,
July 8, 1844.

NOTE.—His Excellency has also been pleased to authorise the establishment of Post-offices at Mount Emu, and at the Hopkins River, on the Portland Road, which only await the selection of Postmasters to be put into operation.

H. D. K.

Unpaid Letter-Boxes.

THE Public are hereby informed that Two Unpaid Receiving Boxes for Letters, have been established in the town—one at the Police-office in the Market-square, and one at the Watch-house in Stevens-street.

These Boxes will be visited and emptied, by Messengers from the Post-office, daily—Sundays excepted,

At 8 o'clock in the morning, and

At 1 o'clock in the afternoon,

or immediately before each town delivery.

Letters deposited here will accordingly reach their destination equally as quick as if sent to the Post-office, provided only that they be left here to meet the hours given.

Letters upon which the postage is to be paid, must, however, still be sent to the Post-office.

HENRY D. KEMP,

Postmaster.

Post-office, Melbourne,
July 8th, 1844.

Notice.

A SPECIAL MEETING of Justices of Peace for the Town of Melbourne and County of Bourke, in the District of Port Phillip, will take place at the Police-office, Melbourne, on Tuesday, the 16th day of July instant, at the hour of eleven o'clock, for the purpose of replying to the following Queries submitted to this Bench from the Clerk of the Legislative Council, Sydney, to which all Magistrates are invited to give their attendance.

1. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?

2. In the event of your being favorable to the extension of the franchise to this class, what term of lease would you recommend as a minimum?
3. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that householders occupying houses worth £20 a-year are entitled to vote?
4. Is it your opinion that the registration of such leases for a certain time previous to an election should be indispensably necessary to entitle the leaseholder to the franchise?
5. Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise?
6. Is it your opinion that the elective franchise should be extended to Squatters?
7. In the event of your being favourable to the extension of the franchise to this class, on what would you recommend that it should be based—the payment of a license to depasture Stock, or the possession of a certain quantity of Stock, or the possession of a certain quantity of Stock subject to assessment.

By order,

W. R. BELCHER,

Clerk to the Bench.

Melbourne Police Office,
July 6, 1844.

Colonial Secretary's Office,

Sydney, 11th July, 1844.

SUPREME COURT, PORT PHILLIP.

IT IS His Excellency the GOVERNOR directs it to be notified, that in pursuance of the provisions of the Act of the Colonial Legislature, 4th Victoria, No. 22, intituled "An Act for the more effectual administration of Justice in New South Wales and its Dependencies," the following orders of the Supreme Court of Port Phillip, have been transmitted to His Excellency, by His Honor the Resident Judge, and will be forwarded, as soon as conveniently may be, to the Right Honorable the Secretary of State for the Colonies, for Her Majesty's approval or disallowance thereof.

By His Excellency's Command,

E. DEAS THOMSON.

In the Supreme Court of New South Wales, for the District of Port Phillip.

Saturday, the 1st day of June, in the year of Our Lord, One thousand eight hundred and forty-four.

(PROCEEDINGS BY FOREIGN ATTACHMENT.)

1. It is this day ordered that the 104th General Rule of this Court be, and the same is hereby repealed.

(To be issued in same manner as other Process.)

2. That every Writ of Foreign Attachment shall be issued out of the Office of this Court in like manner as all other Process is required to be issued by the Rules, and that the said Writ shall be in the form prescribed in the Appendix hereunto annexed.

(That a Notice shall be annexed.)

3. That every such Writ shall have written under or annexed thereto a Notice in the form prescribed in said Appendix.

(Mode of Service.)

4. That at the time of the service of every such Writ a Copy of said Notice shall be left, together with a copy of said Writ with the party or parties to be served therewith or at his or their, then, or last usual place of abode, as the case may be.

5. That the several other forms set forth in said Appendix shall be used when required in proceedings, under the Act intituled, "An Act to consolidate and amend the Laws, relating to actions against persons absent from the Colony, and against persons sued as Joint Contractors."

W. JEFFCOTT,
Resident Judge.

APPENDIX.

WRIT OF FOREIGN ATTACHMENT.

(See Act, Sections 2 and 3.)

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To the Deputy Sheriff for the District of Port Phillip, in the Colony of New South Wales, Greeting:—

Whereas, A. B. hath lately in the Supreme Court of New South Wales for the District of Port Phillip, commenced an Action at Law against C. D.; [or against C. D. and E. F.] and the Writ of Summons [or *Capias*] in the said Action has been returned [or has as to the said C. D. been returned] "*non est inventus*," and the said A. B. hath caused to be filed in the said Court the Affidavit required by the Act, intituled, "*An Act to consolidate and amend the Laws relating to Actions against persons absent from the Colony, and against persons sued as Joint Contractors*." Now we command you, that you attach in the hands of G. H., [or G. H., R. M., and J. K. respectively] all and singular the lands, hereditaments, monies, securities for money, chattels, and other property which the said C. D. is possessed of, or entitled to, or otherwise beneficially interested in, and which are or is in the custody, or under the control of the said G. H. [or G. H., R. M., and J. K. respectively] at the time of your serving him or them with this Writ, and also all and every the sums and sum of money in which the said G. H. is [or the said G. H., R. M., and J. K. or either of them are or is] indebted to the said C. D. at the time of such service: And we further command you, that you summon the said G. H. [or the said G. H., R. M., and J. K., and each of them] that he [or they] be and appear before the said Court, at Melbourne, on the _____ day of _____, then and there to be examined, touching the premises, and further to do and receive what the said Court shall then consider in this behalf, and have you then and there this Writ.

Witness,—The Honorable William Jeffcott, our Resident Judge of the said Court, at Melbourne aforesaid, this _____ day of _____ in _____ year of our Reign.

[Official seal.]

[Notice to be written under, or annexed to the preceding.]

(See Act, section 5.)

Take notice, that from the time of your being served with this Writ, all and singular the lands and hereditaments, monies and chattels, bills, bonds and other property [of whatsoever nature] in your custody, or under your control, belonging to the above-named C. D., or to or in which he is legally or equitably entitled, or otherwise beneficially interested, and whether solely, or jointly with any other person or persons; and all debts of every kind due by you to the said C. D., although the same, or part thereof, may be payable only at a future day, are [to the extent of the right, title and interest of the said C. D. therein] attached in your hands, and [subject to any *bona fide* prior claims or liens thereon] are liable to the satisfaction of debt due to the above-named A. B. in the above-

mentioned Action; And if you shall, before this attachment be dissolved, sell, or otherwise knowingly dispose of, or part with any such property, or pay over any such debt, or any part thereof, without leave of the Court, you will be liable to pay such damages to the said A. B. as the said Court shall in that behalf think fit to order.

A. B.

or L. M., Plaintiff's Attorney.

To Mr. G. H.,

or G. H., R. M., and J. K. respectively.

NOTICE OF WRIT.

(See the Act, section 4; see also, 5 Victoria, No. 9, s. 9.)

In the Supreme Court of New South Wales for the District of Port Phillip.

A. B. Plaintiff,

Between and

C. D. Defendant.

Whereas an Action has been commenced in this Court at the suit of the above-named A. B., against the above-named C. D. [or C. D. and E. F.], to recover [state shortly the cause of Action in substance, and the amount sworn to, if for a sum certain]. And it being alleged that the said C. D. does not reside within the District See 5 Vic. No. of Port Phillip, New South 9, s. 8. Wales, a Writ of Foreign Attachment has been issued, returnable on the _____ day of _____ wherein G. H. of _____ is Garnishee [or G. H. of _____ R. M. of _____ and J. K. of _____ of _____ are Garnishees]; Notice is hereby given thereof, and that if at any time before final judgment in this Action, the said C. D. [or any person on his behalf] will give the security and notice, and file the appearance or plea required by the Act, intituled [insert title], the said Attachment may be dissolved.

Dated this _____ day of _____ 18 _____.

A. B.

or J. M., Plaintiff's Attorney.

FORM OF BOND.

To be given on issue of Foreign Attachment.

(See Act, section 10.)

Know all Men by these presents, that we A. B., of _____ &c., N. O. of _____ &c. and P. Q. of _____ &c., are, and each of us is jointly and severally bound unto C. D., late of _____ &c., in the penal sum of £_____ to be paid to the said C. D., or his certain attorney, Executors, Administrators, or Assigns. For which payment to be made we jointly and severally bind ourselves, and each and every of us, and our respective Heirs, Executors, and Administrators, firmly by these presents.— Sealed with our Seals _____ Dated this _____ day of _____, 184 _____.

Whereas an action at Law hath lately been commenced in the Supreme Court of New South Wales, for the District of Port Phillip, at the suit of the above bounden A. B., against the above-named C. D., [or C. D. and another] and a Writ of Foreign Attachment hath on the application of the said A. B., been issued therein. And whereas the said A. B., being about to proceed in the said Action, it is necessary for him to give the security required by the Act, intituled [insert title]; And the above bounden N. O. and P. Q. have agreed to become his sureties.

Now the condition of this obligation is, that if the said A. B., his Executors or Administrators, shall repay or cause to be repaid to the said C. D., his Executors or Administrators, all and every the sums and sum of money which he the said A. B. shall receive or recover in the said Action, in case the Judgment obtained therein shall be hereafter reversed, vacated or altered; And also shall pay, or cause to be paid,

all and every the sums and sum of money, damages, costs and charges which by the said Court shall at any time hereafter be adjudged, or ordered to be paid by the said A. B., his Executors or Administrators, to the said C. D., his Executors or Administrators, by reason of or in any manner relating to the said Action, and the said Attachment, or either of them, or any proceedings taken, or to be taken, in or under the same respectively, or under any Execution or Executions issued in the same Action; Then this obligation to be void, but otherwise it is to remain in full force.

[Where the Plaintiff is absent, and the Bond is entered into by a third party for him, recite those facts, and alter the above form accordingly, to correspond.]

Notice to absent Co-Partner.
(See Act, section 15 and 16.)

In the Supreme Court of New South Wales for the District of Port Phillip.

A. B., Plaintiff,
and

C. D. and E. F., Defendants.

Whereas an Action has been commenced in this Court at the suit of the above-named A. B., against the above-named C. D. and E. F., as Co-Partners, carrying on business under the style or firm of _____ and no appearance has been entered for the said C. D. in the said Action, and he is alleged to be absent from the Colony.—Notice is hereby given that unless the said C. D. or some person on his behalf, shall enter an appearance for the said C. D. to the said Action, on or before the _____ day of _____, the said A. B. will cause such appearance to be entered for him [in pursuance of the Act of this Colony, passed for regulating Process in Actions against persons absent from the Colony], and will proceed in the said Action as if the said C. D. resided in Melbourne, and had appeared in person to the same.—Dated this _____ day of _____ 1844.

[Signed by Plaintiff or his Attorney.]

In the Supreme Court of New South Wales, for the District of Port Phillip.

ECCLESIASTICAL JURISDICTION.

In the Goods of William Frost, late of Port-land, in the District aforesaid, Intestate.

ALL parties having claims on the above Estate who have not yet proved them, are requested to do so forthwith before James Denham Pinnock, Esq., Registrar of said Court, at his office, at the Court House, Melbourne, before the 1st of August next ensuing, preparatory to a dividend being paid on them.

Dated at Melbourne, this 28th day of June, 1844.

J. D. PINNOCK, Registrar.

Crown Commissioner's Office,
Melbourne, July 1, 1844.

TENDERS required for two suits of clothing, consisting of—

A blue jacket with red facings
Trowsers (strapped) ditto
A cap ditto

To be sent to this office before twelve o'clock on the 10th instant.

F. A. POWLETT:

NOTICE.

A FEW men are required for the Border Police. Those who may wish to join will send their testimonials addressed to the Crown Commissioner, Western Port District, before the 10th instant.

F. A. POWLETT.

Crown Commissioner's Office,
Melbourne, July 1, 1844.

In the Insolvent Estate of John Seller.

NOTICE is hereby given, that a special meeting of the creditors of the above estate will be holden before me at my office at the Supreme Court House, Melbourne, on Wednesday the 10th day of July instant, at twelve o'clock, for proof of debts and examinations.

Dated 8th July, 1844.

WILLIAM VERNER,
Commissioner of Insolvent Estates for the District of Port Phillip.

IMPOUNDED at the Ovens River, on the 26th June, 1844:—

One black bullock, speckled on back and rump, near ear split, hooped horns, no perceptible brand

One dark brown bullock, T R off ribs

One light brown bullock, white face and rump, illegible brand on off side.

ALSO ON THE SAME DAY—

One red poley cow, L L near side side, +B on near shoulder, O on near rump, {+} on off rump, piece off near ear, bull calf by her side

One bull calf, red side, white back, no brand

One dark brown cow, L Z near side, +B on near shoulder, {+} on off rump, piece off near ear

One red heifer, same brands, piece off near ear.

One light cow, with light back, ditto ditto ditto

One dark brindled sided cow, white back, part of off horn off, same brands

One white heifer, ditto ditto

One yellow cow, with bull calf, ditto ditto

One light red cow, white back, ditto ditto

One red heifer, ditto ditto

One red cow, with bull calf by her side, do. do.

If not claimed and expenses paid on or before the 20th day July, they will be sold at these yards, according to the Act of Council.

9s. 6d. THOS. MAHONY, Poundkeeper.

IMPOUNDED at Melbourne, on July 3rd, 1844:—

One dark brown bullock, cock horn'd, white belly, near shoulder a horse shoes, near ribs H P the tail of the H forming a letter L off thigh supposed M

One black bullock, a star on the forehead, white belly and hind legs, a white patch across the rump, near rump H R or H B conjoined

One brindle poley cow, white belly and hind legs, has a white stripe across the rump, near shoulder, Δ near rump, UR off shoulder

off ribs IP heart under, and stroke under heart

One red sided yearling heifer, white back and belly, by her side, off ribs I P

One yellow cow, top off both ears, white belly and tail, off rump g, off ribs f m

One dark red heifer calf, white belly and hind legs, a white patch on the rump, by her side

One dark red bullock, tip off the right horn, near rump, G G or C C, off shoulder A with O under, and stroke within O, off rump z

One red sided bullock, white back and belly, a piece off the back of both ears, and a slit in the right, off rump S F

One black cow, a star on the forehead, white belly, off rump S F or T, off shoulder T

One red heifer calf, top off both ears, by her side

One black sided heifer, a star on the forehead, white belly and legs, off ribs similar to 5 with stroke above.

If not claimed and expenses paid on or before the 27th day of July, to be sold at the pound yard, according to the Act of Council.

10s. 6d. G. SCARBOROUGH, Poundkeeper

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