



PORT PHILLIP
GOVERNMENT GAZETTE,

Published by Authority.

TUESDAY, JULY 30, 1844.

PROCLAMATION.

By His Excellency Sir George Gipps, Knight, Captain-General and Governor-in-Chief of the Territory of New South Wales, and its Dependencies, and Vice-Admiral of the same, &c., &c.

WHEREAS by an Act or Ordinance of the Governor and Legislative Council, passed in the second year of the Reign of Her Majesty Queen Victoria, intituled "An Act for consolidating and amending the Laws relating to the Licensing of Public Houses, and for further regulating the sale and consumption of Fermented and Spirituous Liquors in New South Wales," it is amongst other things enacted, that it shall not be lawful for any Publican within the Town of Sydney to dispose of any Spirituous Liquors in that part of a Public House, or adjoining to a Public House, called a Tap, and any person who shall sell or dispose of Spirituous Liquors in such Tap, shall be subject and liable to all the Fines and Penalties imposed by the said Act, upon persons so selling or disposing thereof, without a License; and that if the Governor of the said Colony, for the time being, shall cause a Proclamation to be published in the *Government Gazette*, declaring the 44th section of the said Act, to be applicable to any other Town or Towns, in New South Wales, or if the Police Magistrate of any Town in the said Colony; shall cause a Notice under his hand to be delivered to the person licensed in respect of any Public House, situate within the limits of any such Town respectively, that the said 44th section of the said Act, shall be applicable to the said Public House, then and in such cases respectively, the Town or Towns, to be from time to time mentioned in any such Proclamation, or the Public House, or Houses, to be from time to time particularised in any such Notice, shall, from the expiration of one calendar month from the date of such Proclamation or Notice, respectively, be subject to the restriction and penalty therein made applicable to Public Houses within the Town of Sydney, as fully as if the same had been also expressly included in the said section of the said Act:—

Now, therefore, I, Sir George Gipps, Governor of the said Colony for the time being, do, in pursuance of the authority vested in me by the said recited Law or Ordinance, by this my Proclamation, hereby declare, that the provisions of the said 44th section of the said re-

ceded Law or Ordinance shall be extended, to and made applicable to the Town of Melbourne, in the District of Port Phillip, and that at the expiration of one calendar month from the day of the date hereof, the said 44th section of the said recited Act, will become applicable to the town of Melbourne accordingly.

Given under my Hand and Seal at Government House, Sydney, this Ninth day of July, in the year of Our Lord one thousand eight hundred and forty-four.

(L.S.) GEORGE GIPPS.

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

GOD SAVE THE QUEEN.

Colonial Secretary's Office,
 Sydney, 13th July, 1844.

SUPREME COURT.—PORT PHILLIP.

HIS Excellency the Governor directs it to be notified, that in pursuance of the provisions of the Act of the Colonial Legislature, 4 Victoria, No. 22, intituled "An Act for the more effectual administration of Justice in New South Wales and its Dependencies," the following General Rules of the Supreme Court at Port Phillip, have been transmitted to His Excellency from 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.

EQUITABLE JURISDICTION.

Saturday, the 22nd day of June, in the year of Our Lord one thousand eight hundred and forty-four.

It is ordered that the following Rules shall severally take effect from and after the date hereof:—

1. That all duties discharged in the High Court of Chancery in England in respect of Process issued out of the said Court or otherwise, by a Serjeant at Arms, shall be discharged within the District of Port Phillip by the Deputy Sheriff; and all Process which in England

- would be directed to a Sergeant at Arms, shall accordingly in this Court in its Equitable Jurisdiction, be directed to, and executed by such Deputy Sheriff, and the Deputy Sheriff shall be entitled to and may lawfully demand and receive for and in respect of such duties, and for and upon the execution of such Process, the Fees set forth in the Schedule hereto annexed.
2. That the Deputy Sheriff shall bring to the Bar of the Court every person arrested upon any Writ of Attachment issuing out of this Court in its Equitable Jurisdiction, on the first day on which the Court shall sit in Equity next after such arrest, or as soon afterwards as possible: And every such person and his property shall be dealt with by Imprisonment and Sequestration, in like manner as persons and their property are dealt with when brought to the Bar of the High Court of Chancery in England, by a Serjeant at Arms for like cause; but this order is not to prevent the Deputy Sheriff from taking bail for the appearance of the person arrested.
 3. That no Writ of Attachment with Proclamations, nor any Writ of Rebellion, be hereafter issued for the purpose of compelling obedience to any Process, Order, or Decree of the Court.
 4. That upon the Deputy Sheriff's return *non est inventus* to an Attachment, the party suing out the same, upon affidavit made that due diligence was used in endeavouring to apprehend the person, and stating the facts of such endeavour, shall be entitled to a Writ of Sequestration, in the same manner, as a party in the High Court of Chancery in England, was entitled to such Writ upon the like return made by a Serjeant at Arms in a like case immediately prior to the year 1841.
 5. That every Order or Decree, requiring any party to do an act, thereby ordered, shall state the time (after service of such Decree or Order) within which the act is to be done; and a copy of the Order or Decree shall be served upon the party required to obey the same upon which shall be endorsed an intimation of the consequences of non-obedience thereto.
 6. That no Writ of Execution shall hereafter be issued for the purpose of compelling obedience to any Order or Decree of the Court in its Equitable Jurisdiction; but that the party required by such Order or Decree to do any act, shall upon being duly served with a copy of such Order or Decree, be held bound to do such act.
 7. That no service of a copy of any Order obtained *ex parte*, shall be required otherwise than as heretofore.
 8. If any party directed by an Order or Decree to pay money, (whether money only, or costs only, or money with costs) shall after due service of such Order or Decree, neglect to pay the same, as thereby directed, the party prosecuting such Order or Decree, shall, at the expiration of the time limited for the performance thereof, be entitled to proceed for the recovery of the money thereby payable in the manner directed by the Act of 5 Victoria, No. 9, section 43.
 9. Provided that in respect to the payment of costs, the Decree or Order shall have been drawn up, specifying by, and to whom the same shall be paid; and provided also, that the amount of such costs shall have been duly taxed, and payment thereof demanded, from the party by whom payable, or his Solicitor; and that before Execution for the same shall be issued under the said Act, an affidavit shall be made of those facts.
 10. When any party who by any Order or Decree is ordered to deliver possession of any lands, tenements, or hereditaments, within a

limited time, shall, after due service of such Decree or Order, refuse or neglect to obey the same, the party prosecuting such Order or Decree, shall (on proof made of demand and refusal to obey the same) be entitled to a Writ of Assistance.

11. Where any party who by an Order or Decree is ordered within a limited time to do some act, other than to pay money, or to deliver possession of lands, tenements, and hereditaments, shall after due service of such Order or Decree, refuse or neglect to obey the same, according to the exigency thereof, the party prosecuting such Order or Decree, shall at the expiration of the time so limited be entitled to an Attachment.
12. Every person, not being a party in any cause, who shall have obtained an Order, or in whose favor an Order shall have been made, shall be entitled to force obedience to such Order by the same Process, as if he were a party to the cause, and every person not being a party to any cause, against whom obedience to any Order may be enforced, shall be liable to the same Process for disobedience of such Order, as if he were a party to the cause.
13. That all Writs issued by the Court in its Equitable Jurisdiction, shall be sealed with the Official Seal of the Supreme Court Office for this District, and be signed by the Deputy Registrar and tested in the name of the Resident Judge of the Supreme Court of New South Wales for the District of Port Phillip.
14. That no Writ of Attachment, Sequestration, or Assistance, shall be issued without the Special Order of the Court in its Equitable Jurisdiction, to be obtained on Motion or Petition, with affidavit of the circumstances of the case; but it shall not be necessary to serve the person against whom such Writ is sought to be issued; with notice of the Motion, or with a copy of such Petition.
15. That the costs of all Writs issued by the Court in its Equitable Jurisdiction, (when the same are issued for the recovery of money) shall be, the same as on the issue of the like Writs at Common Law, and the costs of all other Writs shall be the same as on the issue of the like Writs in the High Court of Chancery in England.

SCHEDULE.

	£	s.	d.
Arrest upon any Warrant or Attachment	0	10	6
And to the Bailiff	0	5	0
Executing a Writ of Assistance	1	1	0
Taking Bail	0	10	6
Producing a person at the Bar of the Court	0	5	0
And to the Bailiff	0	2	6
Travelling expenses of Bailiff per mile (out only)	0	0	9

W. JEFFCOTT.

Resident Judge.

Saturday, 22nd June, 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 nineteenth day of August next, at which all parties concerned are requested to give their attendance.

Dated this 26th day of July, A.D., one thousand eight hundred and forty-four.

W. JEFFCOTT, Resident Judge.

Colonial Secretary's Office,
Sydney, 11th July, 1844.

HIS Excellency the Governor directs it to be notified, with reference to the 40th section of the Act of the Governor and Council, 3 Victoria, No. 9, which enacts "That all claims for Spirits or other Property seized as forfeited under that Act, shall be lodged within one month after the seizure shall be made, with the Colonial Treasurer, or such other Officer as shall be appointed by the Governor for that purpose, and whose appointment shall be notified in the *Government Gazette*"—that he has been pleased to appoint

WILLIAM LONSDALE, Esquire, Sub-Treasurer, Melbourne,
to be the Officer with whom such claims shall be lodged in the District of Port Phillip.

By His Excellency's Command,

E. DEAS THOMSON.

PROCLAMATION.

By His Excellency Sir George Gipps, Knight, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c.

IN pursuance of the authority in me vested by a certain Act of the Imperial Parliament of Great Britain and Ireland, passed in the 5th and 6th year of Her Majesty's Reign, intituled "An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies;" I do hereby notify and proclaim, that at 11 o'clock of Wednesday, the 21st day of August next, the following Town Allotments of Land will be offered for sale by public Auction, at the Survey Office, in Melbourne, Port Phillip, at the upset price affixed to the same, on the terms and conditions, and under the provisions of the above recited Act. (Deposit 10 per cent.)

TOWN LOT.

1. MELBOURNE, 1r. 36p., One rood and thirty-six perches, allotment No. 17 of section 5. Upset price £300 per acre.

Given under my Hand and the Seal of the Colony, at Government House, Sydney, this Eleventh day of July, in the year of Our Lord One thousand eight hundred and forty-four, and in the eighth year of Her Majesty's Reign.

(L.S.) GEORGE GIPPS.

By His Excellency's Command,

E. DEAS THOMSON.

GOD SAVE THE QUEEN!

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COUNTRY LOT.

1. BOURKE, 640, Six hundred and forty acres, parish of Yerring, section No. 31;

bounded on the north by a line bearing east 80 chains, commencing at the north-east corner of section No. 32; on the east by a line bearing south 80 chains; on the south by a line bearing west 80 chains; and on the west by a line bearing north 80 chains to the north-east corner of section No. 32 aforesaid. Upset price £1 per acre.

Given under my Hand and the Seal of the Colony, at Government House, Sydney, this Eleventh day of July, in the year of Our Lord One thousand eight hundred and forty-four, and in the eighth year of Her Majesty's Reign.

(L.S.) GEORGE GIPPS.

By His Excellency's Command

E. DEAS THOMSON

GOD SAVE THE QUEEN!

Superintendent's Office,
Melbourne, 20th July, 1844.

SALE OF OCCUPATION LICENSES.

ON Wednesday, the 21st day of August next, will be put up to Auction, at the Survey Office, Melbourne, immediately after the Sale of Land, the Licenses to occupy under the Regulations of the 21st August, 1841 and 21st March, 1843, the following Portions of Land, for one year, from the 1st day of October, 1844.

Further information, respecting the Land may be obtained from the Survey Office, and respecting the Conditions from the Sub-Treasurer.

The upset price of each Lot is £5 per section of 640 acres.

1. BOURKE, 640, Six hundred and forty acres, parish of Will-Will-Rook, section No. 2; bounded on the north by section No. 5, containing 640 acres; on the east by Thomas Walker's purchase of 930 acres; on the south by the parish boundary line; and on the west by Hughes and Hosking's purchase of 1174 acres.

2. BOURKE, 640, Six hundred and forty acres, parish of Will-Will-Rook, section No. 5; bounded on the north by part of Neil Campbell's purchase of 1180 acres; on the east by Robert Campbell's purchase of 855 acres; on the south by section No. 2; and on the west by Hughes and Hosking's purchase of 1143 acres.

3. BOURKE, 640, Six hundred and forty acres, parish of Will-Will-Rook, section No. 11; bounded on the north by section No. 15, containing 640 acres; on the east by Neil Campbell's purchase of 1180 acres; on the south by part of Hughes and Hosking's purchase of 1143 acres; and on the west by C. J. Gerrard's purchase of 959 acres.

C. J. LA TROBE,
Superintendent.

Overland Mail to Port Fairy.

A CONTRACT having been arranged for conveyance of a Mail to and from Port Fairy, branching from the Portland line of road at Mr. Wyselaski's station, on the Hopkin's River; notice is hereby given, that the Mail for Port Fairy will in future be despatched from Melbourne every Saturday Evening with the Portland Mail, and a return Mail will arrive at Melbourne every Friday afternoon.

The Mail will reach Port Fairy every Thursday at noon, and one is to be despatched thence every Monday, at noon.

HENRY D. KEMP,
Postmaster.

Post Office, Melbourne,
22nd July, 1844.

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

ECCLESIASTICAL JURISDICTION.

In the Goods of Alexander Castle, late of Pascoeville, in the District of Port Phillip, Farmer, deceased.

NOTICE is hereby given, that an application will be made to the honorable William Jeffcott, Resident Judge of the said court, on the fifteenth day of August next ensuing, that administration of all and singular the goods, chattels, and credits which were of the above-named Alexander Castle at the time of his decease, be granted to Mary Castle, of Pascoe-ville aforesaid, the widow and relict of the said Alexander Castle.

Dated this 29th day of July, 1844.

GEORGE BARBER.

Proctor for the said Mary Castle.

IMPOUNDED at Pentridge, 23rd July, 1844—

- A red bullock, W near rump, supposed F D ribs
- One ditto ditto, W ditto ditto ditto
- One yellow cow, H K off thigh, unintelligible brand shoulder, F and an illegible letter and S off ribs.

If not released they will be sold at the pound yard, at noon, 15th August, in accordance with Act of Council.

5s. 4d.

G. P. ANDERSON,
Poundkeeper.

IMPOUNDED at Pentridge, on the 27th July, 1844:—

- A black cow, white face and belly, illegible brand, supposed VF off rump, MVL (conjoined) under
- A red heifer, white on top of shoulder and rump, supposed W F near rump, like W L thigh
- A yellow sided cow, cocked horns, I B off thigh, illegible brand rump
- A young brindle bull, no visible brand, supposed progeny of above
- A red spotted bull, supposed W ribs
- A redish brown steer, white face and flanks, brown round the eyes, no visible brand.

If not released, they will be sold at the pound yard on 20th August, in accordance with Act of Council.

6s. 3d.

G. P. ANDERSON,
Poundkeeper.

IMPOUNDED at Melbourne, on July 25th, 1844—

- One brindle cow, off shoulder C H E conjoined, off ribs W, off rump 40

CD

Impounded on July 27.

- One dark brown mare, a small star on the forehead, white hind fetlocks, a white ring round the off fore coronet, stands about 16 hands high, a switch tail, near side on the neck J H, off side on the neck X
- One mouse coloured mare foal at her foot, off side on the neck J H

If not claimed and expenses paid on or before the 19th day of August, to be sold at the pound yard according to the act of council.

6s.

G. SCARBOROUGH,
Poundkeeper.

IMPOUNDED at Melbourne, on July 3rd, 1844—

- One dark brown bullock, cock horn'd, white belly, near shoulder a horse shoe, near ribs H P the tail of the H forming a letter L off thigh supposed IW, off rump RS, near thigh a square, blind of the left eye.

On July 12th,

- One jet black cow, tip off the right horn, near thigh illegible brand.

If not claimed and expenses paid on or before the 5th day of August, to be sold at the pound yard, according to the Act of Council.

5s. 3d.

G. SCARBOROUGH,
Poundkeeper.

IMPOUNDED at Melbourne, on July 17th, 1844:—

- One cream-coloured cow, off rump R O, off shoulder M, near rump J-1, off thigh J K.
- One yellow yearling bull, white belly and head, no perceivable brand.

If not claimed and expenses paid on or before the 10th day of August, to be sold at the pound yard, according to the Act of Council.

4s. 6d.

G. SCARBOROUGH,
Poundkeeper.

IMPOUNDED at the South Yarra Pound, on the 12th July, 1844, and if not released on or before the 5th August, will be sold at the pound yard—

- One black cow, B off shoulder, RC or RO near rump, H near hip, white belly, slit in off ear, and strawberry bull calf also unbranded, black heifer belonging to the above.

- One black cow, white on rump, tail and belly, MO off rump, H off hip, blotch brand off thigh, supposed HC off ribs, and illegible brand above and below, J-P, conjoined, near rump, illegible brand near ribs.

- One yellow sided poley cow, white back, belly, tail, and strawberry head, piece out behind near ear, HM off rump, DS off thigh, and large red bull calf, about fifteen months old.

- One brindle cow, white back, belly and tail, grey face, supposed J W and stroke below the W near rump, like 3 near thigh, and light brindle steer calf, white flanks and hind legs.

- One very dark brown poley cow, white along back, belly and tail, HPC off thigh, C H E (the H E conjoined) near shoulder, CD near ribs, supposed SY near thigh, illegible brand near rump, and slate coloured calf, short tail.

- One yellow sided cow, white back, belly, tail and hind hips and legs, white forehead, illegible brand near rump.

- One red steer, white on rump, flanks and belly, also two spots on ribs, C with cross off rump.
- One red steer, little white along back and belly, W off ribs, R and D conjoined, reversed, off side neck, slit in off ear.

- One white steer, red ears and muzzle, slit in off ear, illegible brand near rump, but supposed an ♂

12s.)

W. M. ATKINSON,
Poundkeeper.

Printed at the PORT PHILLIP HERALD Office, Little Collins-street, Melbourne, by WILLIAM CLARKE, Government Printer