



# PORT PHILLIP GOVERNMENT GAZETTE.

Published by Authority.

WEDNESDAY, SEPTEMBER 10, 1845.

Colonial Secretary's Office,  
Sydney, 11th August, 1845.

## APPEALS TO THE QUEEN IN COUNCIL.

WITH reference to the Notice in the *Government Gazette*, of the 24th January last, in which was published so much of the Act of the Imperial Parliament, 7th and 8th Victoria, c. 69, as relates to the admission of appeals to Her Majesty in Council, from the judgment of any Court of Justice in any British Colony or Possession, His Excellency the Governor has been pleased to direct the publication for general information of the following Order made by the Judicial Committee of Her Majesty's Privy Council in pursuance of the provisions of the said Act.

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

AT THE COUNCIL CHAMBER, WHITE-  
HALL, 12th FEBRUARY, 1845.

By the Judicial Committee of the Privy Council.

WHEREAS by an Act passed in the eighth year of her Majesty's reign, intituled "An Act for amending an Act passed in the fourth year of the reign of his late Majesty, intituled an Act for the better administration of Justice in his Majesty's Privy Council, and to extend its jurisdiction and powers," it was enacted "that it should be lawful for the Judicial Committee of the Privy Council, to make any general rule or regulations to be binding upon all Courts in the colonies and other Foreign Settlements of the Crown requiring the Judges' notes of the evidence taken before such Court on any cause appealed, and of the reasons given by the Judges of such Court, or by any of them, for or against the judgment pronounced by such Court, which notes of evidence and reasons should by such Court be transmitted to the Clerk of the Privy Council within one calendar month next after the leave given by such Court to prosecute any appeal to her Majesty in Council, and such order of the said Committee should be binding upon all Judges of such Courts in the colonies or Foreign Settlements of the Crown." Now, therefore, the Lords of the said Judicial Committee of the Privy Council are pleased to order, as it is hereby ordered, that when any appeal shall be prosecuted from any judgment of any Court in the colonies or Foreign Settlements of the Crown,

the reasons given by the Judges of such Court, or by any of such Judges, for or against such judgment, shall be by the Judge or Judges of such Court communicated in writing to the Registrar of such Court, or other officer whose duty it is to prepare and certify the transcript record of the proceedings in the cause, and that the same be by him transmitted in the original to the Clerk of her Majesty's Privy Council at the same time when the documents and proceedings proper to be laid before her Majesty in Council upon the hearing of the appeal are transmitted.

Whereof the Judges of all such Courts in the colonies, or Foreign Settlements of the Crown, are to take notice and govern themselves accordingly.

(Signed).  
C. G. GREVILLE.

Colonial Secretary's Office,  
Sydney, 15th August, 1845.

## LEGISLATIVE COUNCIL.

THE GOVERNOR directs it to be notified, for general information, that a Writ has been returned to His Excellency, certifying the return of

MAURICE CHARLES O'CONNELL, Esquire, to serve as a Member of the Legislative Council for the Electoral District of Port Phillip, in the room of Thomas Walker, Esquire, resigned, and during the remainder of the term of the continuance of the present Council.

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

Colonial Secretary's Office,  
Sydney, 15th August, 1845.

## LEGISLATIVE COUNCIL.

THE GOVERNOR directs it to be notified, for general information that a Writ has been returned to His Excellency certifying the return of

THOMAS ELDER BOYD, Esquire, to serve as a member of the Legislative Council, for the Electoral District of Port Phillip, in the room of Adolphus William Young, Esquire, resigned, and during the remainder of the term of the continuance of the present Council.

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

Colonial Secretary's Office,  
Sydney, 12th August, 1845.

#### TORRES' STRAITS.

**HIS** Excellency the Governor has been pleased to direct the publication of the following amended Sailing Directions, for the passage through Endeavour Strait, prepared by Lieutenant C. B. Yule, R. N., Commanding H. M. S. *Bramble*.

It is intended that the present shall be substituted for the temporary Sailing Directions for the same passage, published in the *Government Gazette*, of the 30th May last, which were prepared before Lieutenant Yule's Survey was in a complete state.

His Excellency further directs it to be notified, that a Chart of this passage on a much larger scale than that already published by the Government has been lithographed, and will in like manner be substituted for the Sketch referred to in the Notice of the 30th May last.

Complete sets of the Charts, &c., relating to Torres Straits, which have been published by the Government, may be obtained from the Port Master, Sydney, and the Harbour Master, Melbourne, at a charge of five shillings per set, each set including the following:

- 1.—A Chart of the passage from Raine's Island to Cape York, with corresponding Sailing Directions.
- 2.—A Chart of the passage through Endeavour Strait, with corresponding Sailing Directions.
- 3.—A lithographed sketch of the Beacon on Raine's Island.

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

#### SAILING DIRECTIONS FOR ENDEAVOUR STRAIT.

**V**ESSELS coming from the southward and eastward, drawing above fifteen feet water, should, after having passed the Brothers and Albany Isles, keep a good look out for a rock situated nearly midway between Cape York and Mount Adolphus; this rock is laid down in the Admiralty Chart by Captain King, it has since been examined by an Officer of H. M. S. *Fly*, who found only four fathoms on it, which being reduced to the low water level would be barely three fathoms; there is deep water round it. From this rock the S. W. extremity of the table of Mount Adolphus bears N. 53 E.  $\frac{1}{2}$  43 miles, Cape York S. 67 W. 4 miles; rock a. N. 52 W. 6 and Albany Rock which has a conspicuous white summit, S. 42 E.  $\frac{3}{4}$  miles. Having passed this shoal, a direct course to the westward may be shaped, passing about one mile northward of York Island; from this position, the course will be W.  $\frac{1}{2}$  S. 10  $\frac{1}{2}$  miles, (always allowing for tide) which will lead to abreast of the Western Passage into Endeavour Strait; it may be entered by two others between the Possession Isles, which are both perfectly safe, but as the former is twice as broad as either of the others, with deeper water and less tide, I consider it the best of the three. When abreast of this opening steer S.W.  $\frac{1}{2}$  W., or nearly midway between Entrance Island, which is high and rocky, and the two westernmost of the Possession Isles, which are close together and thickly covered with wood. Having passed through this opening, continue the same course S.S.W.  $\frac{1}{2}$  W., until Barn Islet, which is small but high and rugged, bears S. 42 E.  $\frac{3}{4}$  miles; and the two woody islets are in one, bearing N. 35 E.; the next course will be W.  $\frac{1}{2}$  S. 15 miles, or, as the Wallis Isles will now be visible from the mast-head, steer such a course as will lead two miles to the northward of the northern or Red Wallis Island; when it bears south, distant two miles, the given course (W.  $\frac{1}{2}$  S.) is still to be con-

tinued nine miles, or until Booby Island, which may be seen from the mast-head, bear N. 50 E. Care must be taken not to keep to the southward of the course, (W.  $\frac{1}{2}$  S.) as a very narrow sand bank extends from Red Wallis Island west six miles, having only two fathoms on its western extremity. The passage here is the narrowest part, and is two miles broad, the least depth being sufficient for the largest ships with the exception of a small sandy knoll, on which I got three fathoms. A vessel having proceeded so far west as to bring Booby Island to bear N. 50 E. I consider she will then have passed through the strait, and may shape a course northward and westward according to her destination. That portion of the strait between the Possession Group and Wallis' Islands, is quite clear of shoal water, having a uniform depth of seven fathoms and upwards, the nature of the bottom being generally coral sand.

The spring tides between the Possession Isles sometimes run five knots per hour; the ebb N.N.E. five hours; and the flood seven hours S.S.W.; the range is nine feet six inches. At the Wallis Islands I found the tides too irregular to enable me to give any definite information with regard to the time of high and low water, or at what time the set of the tide east or west changes. The range is seven feet and the greatest velocity is two knots per hour. The ebb runs east and the flood west.

I generally found that the direction of the tides in all parts of the strait accorded with the trend of the channels.

\* All the bearings and courses are Magnetic, and the soundings are reduced to the lowest spring tide levels.

Colonial Secretary's Office,  
Sydney, 25th July, 1845.

#### VACCINATION.

**I**T having been reported to the Government that Small Pox was prevailing to a considerable extent at Manila, up to the latest date at which accounts have been received from thence, and that many persons had died of that complaint, His Excellency the Governor has directed the re-publication of the Notice of the 29th July 1839, with a view of again drawing the attention of parents and guardians to the importance of Vaccination.

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

Colonial Secretary's Office,  
Sydney, 29th July, 1839.

#### VACCINATION.

**I**N order to avert the calamities which must necessarily follow if the Small Pox be introduced into the Colony, and to keep up a constant supply of Vaccine Lymph, His Excellency the Governor directs it to be notified, that children will receive Vaccination gratis, if taken to any of the Public Hospitals or Colonial Surgeons throughout the Colony, every Tuesday, at Eleven o'clock in the forenoon. But as the operation itself, without any proof of its having taken effect, would be insufficient security to the public mind, His Excellency has been pleased to direct, that a charge of one shilling shall be deposited for every child vaccinated, which sum shall be returned on the presentation of the child on the next Vaccination day.

His Excellency strongly recommends to parent and guardians to avail themselves, as early as possible, of the means thus afforded to them as taking this necessary and proper precaution, with respect to all children not already vaccinated.

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

Colonial Secretary's Office,  
Sydney, 26th August, 1845.

# WRIT OF ELECTION.

**H**IS Excellency the Governor directs it to be notified for general information, that Benjamin Boyd, Esquire, having, in due form, resigned his seat in the Legislative Council, for the Electoral District of Port Phillip, a Writ has been issued for the Election of a Member to serve in the Legislative Council for the said District, during the continuance of the present Council, and that the following arrangements have been made for the said election, viz.:

Chief Polling Place or place of Nomination ..... Melbourne.  
Other Polling Places—Geelong and Portland.  
Day of Nomination—Friday, 19th September, 1845.  
Polling Day—Friday, 26th September, 1845.  
Return of Writ—Tuesday, 14th October, 1845.  
By His Excellency's Command,  
E. DEAS THOMSON.

## Public Notice.

**I**N pursuance of a Writ of Election for the Electoral District of Port Phillip, received by me from his Excellency Sir George Gipps, to return a member to serve in the Legislative Council in the room of Benjamin Boyd, Esq., resigned, the day of nomination fixed by his Excellency, being the 19th instant. I do hereby give notice, that I shall preside at a meeting to be holden for that purpose, at Twelve o'clock, on the 19th instant, opposite the Court House, Melbourne, when the Electors of the District are invited to attend.

WM. VERNER,  
Returning Officer.

Melbourne,  
September 2, 1845.

**I**T is ordered that a Criminal Session and General Gaol Delivery of the Supreme Court for the district of Port Phillip, be holden at the Court-house, Latrobe-street, in the town of Melbourne, on Monday, the fifteenth day of September next, at which all parties concerned are requested to give their attendance.

Dated the twenty-fifth day of August, A.D. one thousand eight hundred and forty-five.  
R. THERY,  
Resident Judge.

**N**OTICE is hereby given, that a Court of General Quarter Sessions of the Peace for the District of Port Phillip, in the colony of New South Wales, will be holden at the Court House, La Trobe-street, Melbourne, on Monday, the sixth day of October next, where all persons who have appeals or other business to transact, are desired to give their attendance at ten o'clock in the forenoon. Dated this 30th day of August, A.D. 1845.

HENRY F. GURNER,  
Clerk of the Peace.

Chief Protector's Office,  
Melbourne, 23rd August, 1845.

## DIALECTS OF THE ABORIGINAL NATIVES OF EMU CREEK AND SOUTH GLENELG.

**T**HE Government are desirous to obtain the services of a person competent to interpret in a Court of Justice, the dialect of the Aboriginal Natives of Emu Creek.

Application to be made to this office.

G. A. ROBINSON,  
Chief Protector Aborigines.

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

## Ecclesiastical Jurisdiction.

In the Goods of John Britten, a laborer,  
late of Lal Lal.

**P**URSUANT to a Rule of this Honorable Court, all parties having claims on the estate of the above named Intestate are requested to prove them before James Denham Pinnock, Esq., Registrar of the Supreme Court, at his office, on or before the twenty-first day of September instant, or in default thereof they will be excluded from all benefit arising from the said estate.

Dated at the Registry Office, Supreme Court, Melbourne, this 6th day of September, 1845.

J. D. PINNOCK,  
Curator of Intestate Estates.

## NOTICE.

**A** Special Meeting of the Justices of Peace, will be holden at the Police Office, Melbourne, for the County of Bourke, on Saturday, the 27th day of September, instant, for the purpose of reconsidering the present rate of charges for sustenance of Cattle, whilst impounded at the following public pounds, viz.:

Kalkallo,  
Mount Macedon,  
Morang,  
Penridge,  
Bullen,  
Deep Creek,  
South Yarra.

N.B.—Poundkeepers at the above places, will please to give their attendance.

By order of the Bench,  
W. R. BELCHER,  
Clerk Petty Sessions.

Melbourne, Police Office,  
8th Sept., 1845.

Colonial Secretary's Office,  
Sydney, 7th August, 1845.

**H**IS Excellency the Governor has been pleased to appoint the undermentioned gentleman to be a Magistrate of the town of Melbourne, viz.: JAMES SMITH, Esquire, of the Merri Creek.

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

## Court of Requests.

FOR THE COUNTY OF BOURKE.

**N**OTICE 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 6th, and the following days of October, 1845, 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 September, instant.

Defences, or set-off, must be filed on or before Thursday, 2nd day of October next.

Every plaint, defence, or set-off, must have the name and residence of plaintiff and defendant written thereon.

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

(By order of the Commissioner.)

S. S. GRIFFIN,  
Registrar.

Melbourne, Sept. 6th, 1845.

**I** MPOUNDED at Pentridge, 4th September, 1845, trespass 6d.

A yellow steer, white tail, star forehead S (with a line down the centre) off rump, C HF (HF conjoined) shoulder.

A dark yellow sided heifer, no visible brand.

A yellow cow, white flanks, C near rump.

A black sided cow, male calf by side, off horn broken, supposed J D near shoulder, 2 near ribs, off ribs, illegible off shoulder.

A dark brown cow, cocked horns, DT off thigh, illegible ribs.

A brindle sided cow, SPH near and off rump, illegible ribs.

If not released, will be sold at the Pound yard, 28th September, at noon, in accordance with Act of Council.

G. P. ANDERSON,  
Poundkeeper.

4s. 6d.]

**I** MPOUNDED at Bulleen, Upper Yarra—  
One light bay horse, branded JF (conjoined) near side, W off shoulder, y under the mane off side.

If not claimed on or before the 27th of September, he will be sold at the Pound, agreeably to the Act.

JOHN JAMES,  
Poundkeeper.

3rd September, 1845.  
3s. 3d.]

**I** MPOUNDED at the Deep Creek Pound on the 1st September, 1845.

One white boar pig, one tusk on the near jaw. If not claimed on or before the 23rd September instant, he will be sold according to Act of Council.

W. WRIGHT,  
Poundkeeper.

3s]

MELBOURNE—Printed by SAMUEL GOODE, Government Printer, at the Melbourne Courier Office, Collins-street.