

WESTERN AUSTRALIA.

ANNO DECIMO

VICTORIÆ REGINÆ.

NO. XVI.

AN ORDINANCE to provide a summary remedy for Breach of Contracts connected with the Fisheries of the Colony. [2nd September, 1847.]

WHEREAS certain doubts have arisen concerning the decision of disputes between parties concerned in the bay whaling and other fisheries in this Colony; and whereas it is expedient to provide a summary remedy for such disputes;—Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that the provisions of an Act passed in the sixth year of the reign of Her present Majesty, entitled *An Act to provide a summary remedy in certain cases of Breach of Contract*, shall (except as hereinafter modified) apply and extend to all owners or persons fitting out or providing for the whale or other fisheries of or belonging to this Colony, and all whalers and persons employed or engaged in any of the said services subject to the jurisdiction of the Colony;—Provided that all the powers and authority which by the aforesaid Act are given to any two Justices may for the purposes of this Ordinance be exercised by any one Justice;—Provided also that no Justice who is beneficially or as agent for another interested in any particular fishery shall act or adjudicate in any matter concerning the same under this Ordinance.

Preamble.

6th Vict. to be extended to Fishery contracts.

Proviso, jurisdiction in one Justice.

Proviso, Justice interested not to act.

Fisheries.—Contracts.

Articles of agreement to be deposited, &c.

2 AND be it enacted, that articles of agreement between any owner or employer in the fisheries, and the several whalers or persons engaged by him in such service shall be in writing, and signed by the parties to be charged therewith, and all such articles entered into after the passing hereof, shall be signed only in the presence of some Justice of the Peace, being distinctly read over to every party before he shall be required to sign the same, and such owner or employer shall within twenty-one days from the passing hereof, and on or before the twentieth day of April in every year thereafter, or as soon thereafter as may be practicable, deposit the original articles so signed as aforesaid at the office of the Government Resident, who shall on payment of the sum of five shillings receive and retain the same in secure custody, and permit from time to time, on the payment of one shilling for each signature, additional signatures to be made thereto, and allow inspection thereof to any party paying sixpence; and shall, on payment of ten shillings, and on proof to his satisfaction of the signature of the parties sought to be charged, or of the Justice or Justices attesting the same, grant to any person interested therein office copies of such articles, certified as true copies under his hand and seal; which office copies so certified shall be sufficient evidence of the agreement, the same as if the original articles were produced and proved according to law; and whosoever shall wilfully neglect to deposit such articles in manner aforesaid shall on conviction forfeit and pay a sum not exceeding twenty pounds.

Names of parties to be gazetted.

3 AND be it enacted, that every owner or employer as aforesaid desirous to avail himself of the provisions hereof shall within two calendar months from the date of signing any such articles, or from the passing of this Ordinance, insert a notice in the *Government Gazette* setting forth the name of every whaler or other person engaged by him in any fishery as aforesaid, and the capacity in which such person is employed, paying to the Printers of the *Government Gazette* a fee of five shillings for the insertion; and no such whaler or person engaged as aforesaid whose name is not published in manner as aforesaid shall be bound by any such agreement.

Penalty for employing parties aforesaid, not exceeding £50.

4 AND be it enacted, that whosoever shall during the continuance of the term of service contracted for by any such articles knowingly or after two calendar months from the publication of the *Gazette* notice as aforesaid, employ and retain, or assist in employing or retaining, contrary to the true intent and meaning of such articles any whaler or person who shall have so bound himself to any service still unperformed, shall on conviction for every such offence forfeit and pay a penalty not exceeding fifty pounds.

Fisheries.—Contracts.

5 AND be it enacted, that every such whaler or person bound under articles as aforesaid, who shall engage or hire himself in the service of any other owner or employer against the consent of his master, and contrary to the intent and meaning of his articles, shall on conviction for every such offence be adjudged to forfeit to such owner or employer any wages or lays then or thereafter payable or deliverable under the said articles, or any part thereof, and in case any such whaler or person so breaking his agreement shall have received any advance against his lays or wages on faith of such agreement, such whaler or person shall on conviction forfeit and pay a sum equal to double such advance, and out of the monies received the amount of such advance shall be paid to the employer or party who disbursed the same, and the residue thereof shall be paid to the use of Her Majesty, Her Heirs and Successors, for the public uses of the Colony, and the offender may further be committed to prison for a period not exceeding three calendar months, and during that period to be kept to hard labor, as to the convicting Justice may seem reasonable.

Articled Whalers, &c. engaging elsewhere forfeit wages, &c., and to suffer imprisonment &c.

6 PROVIDED always and be it enacted, that nothing herein contained shall prevent any whaler or other person being engaged by his employer to serve as a seaman in accordance with the provisions of an Act of the Imperial Parliament of the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the men engaged in that service.*

Ordinance not to interfere with Merchant Seamen's Act.

7 AND be it enacted, that all sums of money received by any Justice of the Peace under this Ordinance for the reception, inspection, or certified copy of any such articles as aforesaid, shall or may be retained by such Justice for his own use and benefit.

Justice may retain fees &c.

8 AND be it enacted, that all informations and proceedings for offences against this Ordinance shall be commenced within three calendar months after the offences thereby respectively charged shall have been committed.

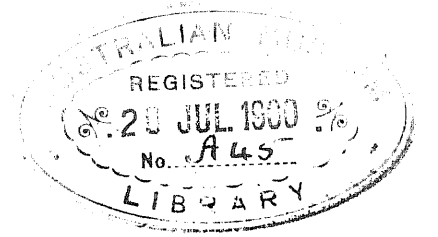
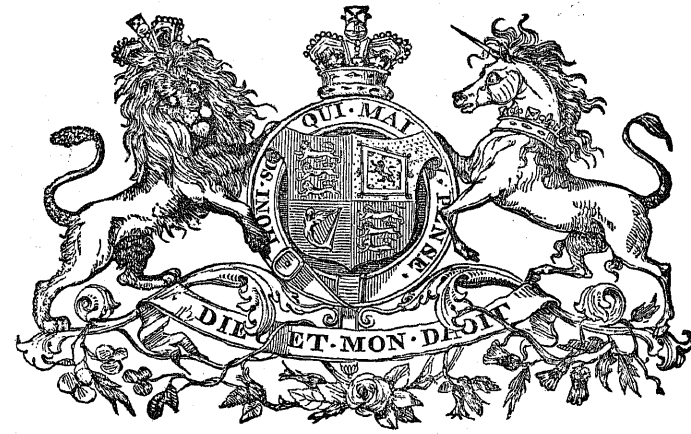
Limitation of prosecutions 3 months.

FREDERICK CHIDLEY IRWIN,

GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Council,
the 2nd day of September, 1847. }*

WALKINSHAW COWAN,
Clerk of the Councils.



WESTERN AUSTRALIA.

ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XI.

AN ACT to repeal an Act intituled "An Act to regulate the hiring and service of Aboriginal Natives employed in the Pearl Shell Fishery; and to prohibit the employment of Women therein," and to make other provisions in lieu thereof.

[Assented to, 24th July, 1873.]

WHEREAS it is expedient to repeal an Act passed in the thirty-fourth year of the reign of Her present Majesty No. 14 intituled "An Act to regulate the hiring and service of aboriginal natives employed in the Pearl Shell Fishery: and to prohibit the employment of women therein," and to make other provisions in lieu thereof; Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies by and with the advice and consent of the Legislative Council thereof as follows:—

Preamble.

1 THIS Act may be cited for all purposes as "The Pearl Shell Fishery Regulation Act, 1873."

Short Title.

Pearl Shell Fishery—Service of Aboriginal Natives in.

Repeal of 34th Vict., No. 14.

2 THE said recited Act passed in the thirty-fourth year of the reign of Her present Majesty intituled "An Act to regulate the hiring and service of aboriginal natives engaged in the Pearl Shell Fishery; and to prohibit the employment of women therein" shall be and the same is hereby repealed.

No person to employ aboriginal native in pearl shell fishing or carry him to sea without certain agreement.

3 FROM and after the passing of this Act no master of any ship or vessel or any other person shall employ any aboriginal native of the said Colony in the pearl shell fishery except he shall have entered into a separate written agreement with him and had the same endorsed as hereinafter mentioned. Any such master or other person who shall employ any such aboriginal native as aforesaid without having entered into such agreement and having the same endorsed as hereinafter mentioned, shall be guilty of an offence; and every such offence shall be cognizable by any two Justices of this Colony who shall on proof thereof inflict upon the offender a fine or penalty not exceeding Ten pounds. Provided always that where any agreement has been made and entered into and witnessed before the passing of this Act pursuant to the provisions of the said recited Act between any master and any aboriginal native such agreement shall be deemed to hold good and to bind the parties thereto until the thirtieth day of June next after the passing of this Act if such agreement is expressed to be made for so long a period; but it shall not be deemed to hold good or bind the parties thereto beyond that day although it may purport to do so; and so long as such agreement does so hold good and bind the parties thereto no master of a vessel or other person shall be deemed guilty of an offence or be punishable under this Section for employing in the pearl shell fishery any aboriginal native party to such agreement without having entered into an agreement and having the same endorsed pursuant to the provisions of this Act; And the engagement of any aboriginal native party to any such agreement made before the passing of this Act shall be deemed to expire on the said day for the purpose of determining any question arising out of the Ninth Section of this Act.

Penalty.

Proviso as to agreement made under 34th Vict., No. 14.

Form of agreement.

4 THE written agreement in the preceding Section mentioned shall be in the Form given in Schedule A to this Act or to the like effect and it shall contain all the terms and particulars in the said Form given.

Conditions under which such agreement shall be endorsed.

5 THE said endorsement shall be made by a Justice of the Peace or police constable or other person or persons duly appointed in

Pearl Shell Fishery—Service of Aboriginal Natives in.

in that behalf by the Governor and shall be signed by the person making it and shall be in the Form given in Schedule B to this Act or to the like effect; But no Justice of the Peace police constable or other person appointed as aforesaid shall under any circumstances make such endorsement unless upon the following conditions:—

1. That he has satisfied himself that the aboriginal native proposing to become party to such agreement is a perfectly free and voluntary agent in the matter and not acting under any sort of fear coercion or constraint.
2. That he has satisfied himself that such aboriginal native thoroughly understands and assents to the terms and the nature of the proposed agreement.
3. That the proposed agreement is in the Form required by this Act or to the like effect and contains all the terms and particulars in the said Form given and is otherwise in accordance with this Act.
4. That the proposed agreement does not stipulate for the service of the aboriginal native party thereto for any period longer than twelve months from the day of the making thereof.
5. That where the aboriginal native proposing to become party to such agreement has been engaged in the pearl shell fishery within twelve months of the date of such agreement such Justice of the Peace police constable or other person appointed as aforesaid has satisfied himself that before the expiration of the engagement of such native the person who last had him in his service conveyed him back to the place or district to which such native belonged or that such native was with the sanction of a Justice of the Peace police constable or other person appointed as aforesaid as hereinafter provided for and at his own request taken and conveyed to some other place.
6. That the aboriginal native proposing to become party to such agreement is a male and in the judgment of the Justice of the Peace police constable or other person appointed as aforesaid physically fit for the work which he is employed to do.

Any endorsement made contrary to these conditions shall be utterly null and void to all intents and purposes. Every Justice of the Peace police

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police constable or other person appointed as aforesaid who endorses any agreement pursuant to the provisions of this Act shall take and keep a copy of the same.

Penalty on Justice of the Peace or police constable endorsing agreement contrary to this Act.

6 ANY Justice of the Peace police constable or other person appointed as aforesaid who endorses any agreement to which any aboriginal native purports to be party contrary to the conditions set forth in the fifth Section of this Act shall forfeit and pay the sum of Twenty pounds together with full costs of suit to any one who may sue for the same in the Supreme Court of this Colony.

Penalty on employment of females in pearl shell fishery or employment of males in employments not stipulated for in the agreement.

7 NO master or owner of any ship boat or other vessel or any other person shall carry or allow to embark on board any ship boat or other vessel any female aboriginal native or shall employ any male aboriginal native in any work or service except that stipulated for in the agreement with him. Any person offending against this provision shall be deemed guilty of an offence which shall be cognizable before two Justices of the Peace and shall subject the offender to a fine or penalty not exceeding Twenty pounds.

Power to convey native back to place other than that agreed upon.

8 WHENEVER it shall happen that any aboriginal native is desirous when the time arrives for his master or employer to convey him back to the place or district to which such native belongs of being taken and conveyed to some other place in lieu thereof and his master or employer is willing to take and convey such native to such substituted place it shall be lawful for any Justice of the Peace police constable or other person appointed as aforesaid on being satisfied by personal examination of such native that he desires and prefers to be taken and conveyed to such substituted place to sanction such substitution; and such Magistrate police constable or other person appointed as aforesaid shall endorse a memorandum of such sanction on the back of the agreement between such master and such native and shall himself keep a written memorandum or record of such sanction.

Penalty on master neglecting to carry native back to place agreed upon.

9 ANY master of a ship or vessel or other person who shall neglect or refuse to carry any aboriginal native who has been party to any agreement with him back before the expiration of such agreement to the place or district to which such native belongs or to the place (if any) that has been substituted for the same with the sanction of a Justice of the Peace police constable or other person appointed as aforesaid as provided for in the next preceding Section shall

Pearl Shell Fishery—Service of Aboriginal Natives in.

shall be guilty of an offence which shall be cognizable before any two Justices of the Peace and subject the offender to a fine or penalty not exceeding Fifty pounds.

10 AND be it enacted that if it be made to appear to any Justice of the Peace that any aboriginal native or natives is or are illegally kept or detained against his or their will on any island or on board any ship hulk or other vessel or in any place on the mainland or that any physical constraint is exercised upon him or them such Justice shall forthwith cause such aboriginal native or natives to be brought before him; And in the order or warrant used for that purpose it shall not be necessary to describe the native or natives therein referred to by their names but he or they may be described in any other way; And if on such native or natives being brought before him it shall appear to such Justice that such native or natives is or are has or have been illegally kept or detained against his or their will or physically constrained as aforesaid such Justice shall order such native or natives to be at once released from such keeping detention or other restraint; And if such native or natives was or were under any engagement to serve any master under any agreement at the time of their being so kept or detained or physically constrained as aforesaid such master in respect of each such native shall be deemed to be guilty of an offence; And such offence shall be cognizable in a summary manner before two Justices of the Peace and on proof thereof such Justices shall impose on the person guilty thereof a fine or penalty not exceeding Ten shillings for every day that it shall appear to such Justices that each such native was kept or detained or physically constrained as aforesaid unless such master shall prove to the satisfaction of such Justices that such native was so kept or detained or physically constrained without his privity or consent; And moreover the person or persons actually so keeping or detaining such aboriginal native or natives or exercising constraint as aforesaid shall be guilty of an offence; And such offence shall be cognizable before two Justices of the Peace who on proof thereof shall impose on the party or parties offending a fine or penalty not exceeding Fifty pounds in respect of each such native kept or detained or physically constrained as aforesaid.

Proceedings to be taken in case of natives being kept under duress.

11 FROM and after the passing of this Act it shall be lawful for any Justice of the Peace or Officer of Customs or for any Superintendent of Police or other member of the Police Force in the Northern District of Western Australia with such assistants as he or they respectively may require at any time of the day or night to enter

Power to certain persons to board ships engaged in the pearl shell fishery.

enter on board and search any ship boat or other vessel along the coast of the Northern District of Western Australia when and so often as he or they shall have reasonable ground for believing that such ship boat or other vessel is engaged or about to be engaged in the pearl shell fishery; And if a master of any ship boat or other vessel or any other person shall resist or wilfully obstruct any of the persons before mentioned while entering or endeavouring to enter on board or while on board such ship boat or other vessel or if any master or other person in charge of any ship boat or other vessel shall not when duly challenged by any boat containing any Justice of the Peace Officer of Customs Superintendent or other member of the Police or which he may reasonably suppose to contain any such persons forthwith bring-to such master or other person shall be guilty of an offence; And such offence shall be cognizable before two Justices of the Peace and shall subject the offender to a fine or penalty not exceeding Five pounds; Provided always that when such offence consists of resisting or wilfully obstructing a Justice of the Peace or neglecting to bring-to on the challenge of a Justice that Justice of the Peace by whom such offender is charged with having resisted or wilfully obstructed or on whose challenge he is charged with having neglected to bring-to shall not take any part in adjudicating on such alleged offence; Provided also that no such Justice of the Peace Collector of Customs or policeman shall stay on board any ship boat or vessel which he or they may have boarded under the powers aforesaid for a longer time than may be necessary for the purpose of observing how the persons employed on or in connection with such ship boat or other vessel are treated and for the purpose of searching the same.

Power to any Justice of the Peace when a ship is engaged in the pearl shell fishery without having proper stores, &c., to stop such ship.

12 POWER is hereby given to any Justice of the Peace in the said Northern District whenever it shall appear to him as the result of his own investigation or on the information of any Officer of Customs or Superintendent or other member of the Police Force that any ship boat or other vessel is engaged or about to be engaged in the pearl shell fishery without having on board what to such Justice shall appear to be a good and sufficient supply of food drink and articles of protection against cold and heat to serve an order on the master or other person in charge of such ship boat or other vessel forbidding him to go to sea or engage directly or indirectly in the pearl shell fishery until such master or other person shall have satisfied such Justice that he has a good and sufficient supply of food drink and articles of protection against cold and heat; Any master or other person in charge of any ship boat or other vessel disobeying any such order shall be guilty of an offence; and such offence

offence shall be cognizable before two Justices of the Peace who on proof thereof shall impose on such master or other person a fine of not less than Twenty and not more than Fifty pounds and such Justice shall (and power is hereby given him to do so) detain or cause to be detained such ship boat or other vessel until such fine be paid.

13 THAT the provisions of this Act shall apply in the case of all aboriginal natives who shall be engaged for employment in any industry other than that of the pearl shell fishery which shall necessitate the removal or conveyance of such aboriginal natives by sea to the scene of such industry.

Act to apply to all natives conveyed by sea to scene of employment.

In the name and on behalf of the Queen I hereby assent to this Act.

FRED. A. WELD, Governor.

SCHEDULES.

SCHEDULES.

Schedule A.

Form of Agreement between the Master or Owner of a Ship or any other person and an Aboriginal Native.

THIS Agreement, made on the _____ day of _____ 18 _____, between A.B. (*name of master*) of _____ and C. (*using the native name of the native*) an aboriginal native of Western Australia, witnesseth:—

1. The said C. agrees to serve the said A.B. as (*here state the capacity in which the native is to serve*).
2. Such service to last until _____.
3. C. is to begin work on the _____ day of _____.
4. A.B. is to give C. during the said service _____ lb. of flour, _____ of tea, &c., per day; and at the commencement of the service is to give him (1 blanket, 1 pair of trousers, &c., &c.)
5. Before or at the termination of such service A.B. is to give C. &c.
6. Before the expiration of the service hereby agreed upon, A.B. will convey C., or cause him to be conveyed, to _____, that being the place or district to which C. belongs.

Schedule B.

Schedule B.

Form of Endorsement.

I, the undersigned, being a (*Justice of the Peace, or police constable, or one of the persons appointed to ensure the carrying out of "The Pearl Shell Fishery Regulation Act, 1873," as the case may be*) do hereby certify as follows:—

1. That the within agreement was this day entered into between A.B. and C., and respectively signed by them in my presence.
2. Before the said C. signed the same, I satisfied myself that the said C. was a perfectly free and voluntary agent in the matter, and was not acting under any sort of fear, coercion, or constraint.
3. That, before the said C. signed the same, I satisfied myself that the said C. thoroughly understood and assented to the terms and nature of the said agreement.
4. That the said C. is in my judgment a male aboriginal native physically fit for the employment agreed upon.
5. (That I satisfied myself that the said C. has not been engaged in the pearl shell fishery within twelve months of the date of this agreement *or* (That the said C. has been engaged in the pearl shell fishery within twelve months of the date of this agreement but I was perfectly satisfied that the said C. was, before the expiration of his said engagement, conveyed back to _____, such being the district or place to which, as I am informed and believe, the said C. belongs, *or*, conveyed back to _____, that being a place substituted for the district to which the said C. belongs, in accordance with the provisions of the ninth section of "The Pearl Shell Fishery Regulation Act, 1873.")

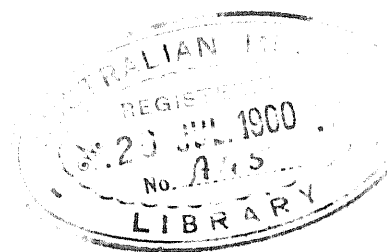
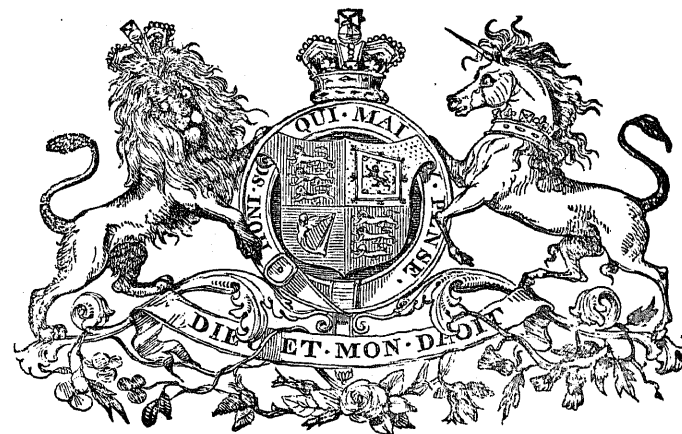
(Signed) A. B.,

Justice of the Peace.

or Police Constable.*or* One of the persons appointed to ensure the carrying out of "The Pearl Shell Fishery Regulation Act, 1873."

Dated this _____ day of _____, 18 _____,
at (*Roebourne*), Western Australia. }

By Authority: RICHARD PETHER, Government Printer, Perth.



WESTERN AUSTRALIA.

ANNO TRICESIMO NONO

VICTORIÆ REGINÆ.

No. XIII.

AN ACT to make further provision for the regulation
of the Pearl Shell Fishery.

[Assented to, 31st December, 1875.]

WHEREAS it is expedient to make further provision for the regulation of the Pearl Shell Fishery, so as to provide for the more effectual protection of the persons engaged therein, and to amend "The Pearl Shell Fishery Regulation Act, 1873": Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1 THIS Act may be cited for all purposes as "The Pearl Shell Fishery Regulation Act, 1875."

Short Title.
2

Pearl Shell Fishery regulation.

Governor to make Regulations.

2 FROM and after the passing of this Act, it shall be lawful for the Governor in Executive Council from time to time to make regulations with regard to the mode in which, the times at which, and the circumstances under which, diving for pearl shells may be or shall not be carried on, and with regard to the persons whom it shall be unlawful to employ therein, and also with regard to the accommodation to be afforded in the ships to be employed in connexion therewith, and the provisioning of the same, and the number of persons to be carried in the same, and the said regulations from time to time to alter, vary, or repeal.

Regulations to be published in *Government Gazette*.

3 ANY such regulations shall, when made, be published in the *Government Gazette*, and shall come into operation from and after the expiration of two calendar months from such publication. Provided always, that a copy of such regulations shall be laid on the table of the Legislative Council within ten days after the meeting of the then next session of the said Council.

Penalty for violating Regulations.

4 ANY person violating any of the said regulations shall be guilty of an offence; and such offence shall be cognizable in a summary manner by any two Justices of the Peace, and shall subject the offender to a fine or penalty not exceeding Twenty pounds.

No person to employ aboriginal native in pearl shell fishing, or carry him to sea, without certain agreement.

5 NO master of any ship or vessel or any other person shall carry to sea or employ any aboriginal native of the said Colony in the Pearl Shell Fishery, except he shall have entered into a separate written agreement with him and had the same endorsed as in the said recited Act mentioned. Any such master or other person who shall carry to sea or employ any such aboriginal native as aforesaid, without having entered into such agreement and having the same endorsed as in the said recited Act mentioned, shall be guilty of an offence, and every such offence shall be cognizable by any two Justices of this Colony, who shall, on proof thereof, inflict upon the offender a fine or penalty not exceeding Ten pounds. Provided always that no person shall be liable to be punished under this section for carrying any aboriginal native to sea without entering into an agreement and having the same endorsed pursuant to the provisions of the said recited Act, if he can show to the satisfaction of the said Justices that he carried such native to sea with the consent of such native, and solely for the purpose of bringing him with all convenient expedition before a Justice of the Peace or police constable or other person duly appointed by the Governor to endorse agreements made under the said recited Act, with a view

Penalty.

Proviso.

Pearl Shell Fishery regulation.

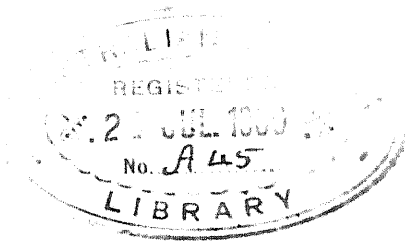
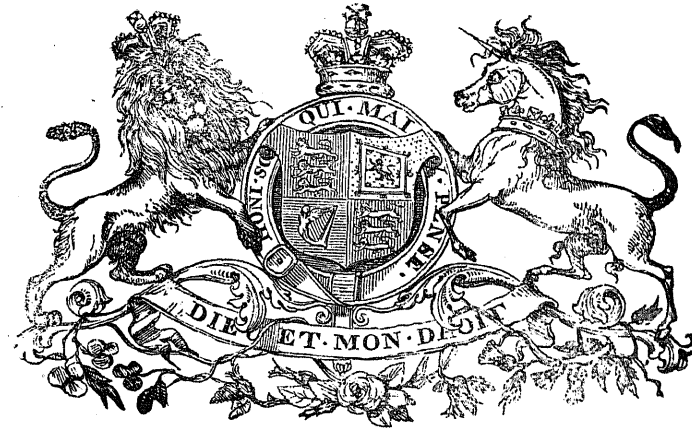
view to entering into an agreement with such native and having it endorsed pursuant to the provisions of the said recited Act.

6 SECTION 3 of "The Pearl Shell Fishery Regulation Act, 1873," shall be and the same is hereby repealed.

Section 3 of "The Pearl Shell Fishery Regulation Act, 1873," repealed.

In the name and on behalf of the Queen I hereby assent to this Act.

WILLIAM C. F. ROBINSON, Governor.



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. IV.

AN ACT for the protection of Oysters and encouragement of Oyster Fisheries.

[Assented to, 16th September, 1881.]

WHEREAS it is necessary to protect the Oysters and Oyster beds in Western Australia and to encourage the formation and improvement of Oyster beds, layings, and fisheries: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

INTERPRETATION.

1 IN the construction of this Act "owner of lands" shall mean any person entitled to the possession or receipt of the rents and profits of lands for an estate for his own life, or for years determinable on his own life, or for any greater estate, exclusive of any person entitled to such lands by virtue of any lease for lives or years at a rack-rent. "Oysters" shall include the brood, ware, half-ware, spat, and spawn of oysters.

Interpretation.
"Owner of lands."

"Oysters."

PRIVATE

Oyster Fisheries.

PRIVATE FISHERIES.

Power to Governor to grant licenses.

2 IT shall be lawful for the Governor to grant a license to the owner of any land bordering on the sea or any estuary, or to any person or persons with the consent of such owner, or, in case of Crown Land, without any such consent, to form or plant any oyster bed or laying, whether above or below low water mark: Provided always that the forming and planting of such oyster beds shall not give any exclusive right or title to the occupancy of the shore, except for the purpose aforesaid.

Form of license. Schedule A.

3 EVERY such license shall be in the form in the Schedule A hereto annexed, or to the like effect, and under the hand of the Governor, and shall, by reference to a map or otherwise as to the Governor seems best, define the position and limits of such oyster bed or laying; and may be made subject to such conditions and limitations, and may specify the seasons during which oysters may be fished, and may be for such period, not exceeding Twenty-one years, as to the Governor seems proper.

Notice of application for license to be given in *Gazette*.

4 PREVIOUSLY to granting any such license as aforesaid, a notice stating the application of such license shall be inserted three times in the *Gazette*.

Like notice to be given when license granted.

5 WHEN any such license is granted, notice thereof shall be given in like manner as aforesaid in respect to the application for any such license; and a true copy of every such license so granted shall be lodged with the Police or Resident Magistrate of the District within which such license shall operate; and a copy of such license, certified under the hand of such Police or Resident Magistrate, shall be admitted in evidence in all courts of justice in the same manner as if the said copy was the original license of which it purports to be a copy.

Copy of license to be received in evidence.

Appeal against the issue of such license may be made to Governor.

6 AT any time within the period of one month after the granting of such license it shall be lawful for any person or persons dissatisfied with the same to apply by way of memorial to the Governor that such license may be vacated; and notice of every such memorial by way of appeal shall be given to the licensee; and the Governor shall adjudicate upon the matter of such memorial, and either confirm or vacate such license as to him appears expedient.

Oyster Fisheries.

7 EVERY such license so granted as aforesaid, if unappealed from as aforesaid, or if confirmed on such appeal, shall be binding and conclusive on all persons whomsoever, including Her Majesty the Queen, and shall operate to vest in the licensee or licensees, and their heirs, executors, administrators, and assigns, such rights and privileges as are thereby given according to the tenor of the same, free from all prior or other rights, titles, estates, or interests whatsoever.

Effect of such license.

8 NOTWITHSTANDING anything in any license or authority hereafter to be granted by the Governor, the same shall be determinable by a Proclamation by the Governor in the *Gazette* (which Proclamation he is hereby empowered to make) declaring that the Governor is not satisfied that the licensee is properly cultivating the oyster ground within the limits and according to the conditions of such license: and on any such Proclamation being made, the right by such license conferred shall by virtue of this Act and of the Proclamation as aforesaid be absolutely determined, and all the provisions of this Act shall cease to operate in relation to such license as an oyster fishery or otherwise; and for the purposes of this provision the Governor may from time to time with respect to such license or oyster fishery make such inquiries and examinations by an inspector or otherwise, and require from such licensee such information as the Governor may think necessary or proper; and the licensee shall afford all facilities for such inquiries and examinations, and give such information accordingly.

Governor may revoke license by proclamation in *Gazette*.

And may order examination of fishery by an inspector.

9 IT shall not be lawful for any person other than the licensee or licensees, or his or their assigns, agents, servants, and workmen within the limits of any oyster bed or laying, described in his or their license in this behalf, knowingly to do any of the following things:—

Offences declared.

To use any implement of fishing except a line and hook, or a net adapted solely for catching floating fish, and so used as not to disturb or injure in any manner any oyster bed or oysters or the oyster fishery.

To dredge for any ballast or other substance, except under a lawful authority for improving the navigation.

To deposit stone, ballast, rubbish, or other substance.

To place any implement, apparatus, or thing prejudicial, or likely to be prejudicial to any oyster bed or oysters, or brood

Oyster Fisheries.

brood or spawn thereof, or to the oyster fishery, except for a lawful purpose of navigation or anchorage.

To disturb or injure in any manner, except as last aforesaid, any oyster bed or oysters, or brood or spawn thereof, or the oyster fishery.

To interfere with or take away any of the oysters from such bed without the consent of the licensees or owners or occupiers of such bed.

Penalty therefor.

And if any person does any act in contravention of this section, he shall, on conviction, be liable to the following penalty, namely: to a penalty not exceeding Two pounds for the first offence, and not exceeding Five pounds for the second offence, and not exceeding Ten pounds for the third and every subsequent offence; and also such further sum of money as appears to the Justices to be a reasonable compensation for the damage sustained, not exceeding the sum of Ten pounds, which last-mentioned sum of money shall be paid to the party aggrieved; and if such sums of money, together with the costs (if ordered), are not paid either immediately after the conviction or within such period as the Justices at the time of the conviction appoint, the justices may commit the offender to any gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the Justices think fit, for any term not exceeding two months, unless such sums and costs are sooner paid.

Power to the Governor to revoke licenses in certain cases.

10 IN any case where any such license is granted by the Governor, if it appears to the Governor that the licensee under such license or his assigns, within the period of three years from the date of such license, has not taken steps proper in his opinion to form the oyster bed or laying in such license mentioned, then and in such case it shall be lawful for the Governor, by an order in writing under his hand, to revoke such license, and thereupon all the rights and privileges created by such license shall cease and determine: Provided always, that previously to the making of such order the Governor shall cause a notice in writing, stating his intention to make such order, to be served upon the person for the time being entitled to such license, or in case such person cannot be found, the Governor shall cause such notice to be inserted twice in the *Gazette*, and no such order shall be made until after the expiration of one month from the service of such notice or from the date of the last of such notices in the *Gazette*.

PUBLIC

Oyster Fisheries.

PUBLIC OYSTER FISHERIES.

11 THE Governor in Council may make regulations for any of the following purposes relating to public oyster fisheries:— Regulations in respect of public oyster fisheries.

1. To determine the seasons during which oysters may be fished, taken, and sold.
2. To regulate the manner of fishing and the size of oysters that may be taken.
3. From time to time to close and open any beds, or supposed beds, for such time as he thinks fit.
4. To restrain persons from fishing and taking oysters who are not licensed, and to prescribe the mode for issuing such licenses, and the fees to be paid for such licenses, not exceeding Ten pounds in any case; and also to make such licenses subject to such limitations and conditions as he thinks fit.
5. Generally to regulate the oyster fisheries of this Colony.

And such regulations shall be forthwith published in the *Gazette*, and shall thereupon have the force of law; and if any person does any act in contravention of any such regulations, he shall, on conviction, be liable to forfeit and pay a penalty not exceeding Ten pounds. Penalty for breach thereof.

12 LICENSES granted under this part of the Act shall be in the form in Schedule B hereto annexed, or to the like effect, and shall in each district be signed by such person as the Governor shall appoint, by the regulations to be made hereunder, to issue licenses for such district. Form of license. Schedule B.

LEGAL PROCEEDINGS AND MISCELLANEOUS PROVISIONS.

13 ALL oysters being within, or which shall have been taken from, the limits of any land comprised in any license, shall be the absolute property of the licensee for all purposes, civil or criminal; and all oysters being within, or which shall have been taken from, the limits of any public fishery, shall be deemed to be the property of the inspector of the district within which such fishery is situate, for the purpose of any penal or criminal proceedings only, which may be instituted under the provisions of this Act, or by way of indictment. Property in oysters.

Oyster Fisheries.

Oysters stolen from one or other of contiguous beds.

14 WHEN two or more oyster beds or fisheries comprised within separate licenses are contiguous to each other, or when the same are contiguous to any public fishery or fisheries, and any proceeding by indictment or otherwise is taken against any person for stealing oysters from the same, it shall be sufficient, in alleging and proving the property and lawful possession of the oysters, and the place from which they were stolen, to allege and prove that they were the property of and in the lawful possession of one or other of the licensees as aforesaid, or of such inspector, as the case may be, and were stolen from one or other of such contiguous beds or fisheries.

Summary jurisdiction.

15 ALL penalties for offences against this Act, or against any regulation made and issued thereunder, may be recovered by summary proceedings before any two or more Justices of the Peace, according to an Act passed in the fourteenth year of Her Majesty, No. 5, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace out of Sessions within the Colony of Western Australia, with respect to summary convictions and orders," and according to any other Act or Acts relating to summary proceedings before Justices of the Peace which may be in force for the time being.

Appeal.

16 IF any party shall feel aggrieved by any determination or adjudication of any Justice or Justices with respect to any penalty under the provisions of this Act, or under any regulation made thereunder, such party may appeal from such determination or adjudication to the Supreme Court. Provided always that notice of such appeal shall be given to the convicting Justice or Justices within three weeks, and that such appeal shall be entered for hearing within two months after such determination or adjudication.

Governor may appoint officers.

17 THE Governor may from time to time appoint and remove inspectors and such other officers as he may deem necessary for the purpose of carrying out the provisions of this Act.

Shortening Ordinance.

18 THE sections in the schedule of "The Shortening Ordinance, 1853," lettered therein respectively A, E, F, G, and H shall be incorporated with and taken to form part of this Act to all intents and purposes and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Oyster Fisheries.

19 THIS Act shall come into force on such day as the Governor by Proclamation in the *Government Gazette* shall notify. Commencement of Act.

20 FROM and after the coming into force of this Act, an Act intituled "An Ordinance for protecting the Oyster Fisheries on the Coasts of this Colony," passed in the twenty-eighth year of Her Majesty, No. 4, and "The Oyster Fishery Amendment Act, 1871," shall be repealed, except so far as regards any penalties which may have been incurred thereunder before the coming into operation of this Act. Repeal.

21 THIS Act may be cited for all purposes as "The Oyster Fisheries Act, 1881." Title.

In the name and on behalf of the Queen I hereby assent to this Act.

WILLIAM C. F. ROBINSON, Governor.

SCHEDULES.

Schedule A.

Section 3. KNOW all men by these presents that A.B. of his
 executors, administrators, and assigns, is, and are hereby licensed, by himself
 and themselves, and his and their servants, agents, and licensees, to form and
 plant an oyster bed or fishery within the limits described in the map or plan
 attached hereto, and to dredge for and take oysters from the same for the
 term of _____ years from the date hereof, he and they paying to
 the Police (or Resident) Magistrate of the _____ district the yearly
 sum of £ _____ on the _____ day of _____ in every year without
 deduction.

Provided always, that if the said annual sum or any part thereof shall
 at any time be in arrear for twenty-one days, or if the said licensee, his
 executors, administrators, or assigns shall, in the management or use of the
 said oyster bed or fishery, commit any breach of the conditions hereinunder
 specified, this license may be determinable in accordance with the provisions
 of "The Oyster Fisheries Act, 1881."

[Conditions under which the oyster bed or fishery above mentioned shall
 be managed or used.]

Issued under "The Oyster Fisheries Act, 1881."

(Signed)

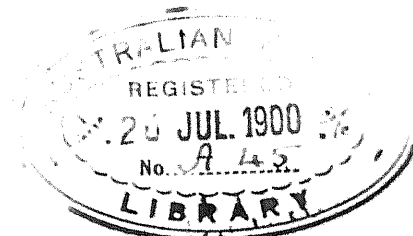
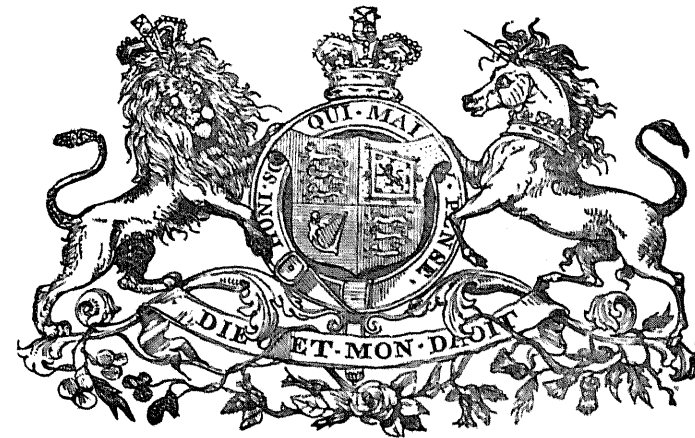
Dated the _____ day of _____ 188 .

Schedule B.

Section 12. WHEREAS (insert the name, place of abode, and calling of licensee)
 has applied to me to grant him a license to fish for oysters, and has paid
 into my hands the sum of _____ for the same: Now therefore I do
 hereby license the said _____ to fish for oysters in the public
 oyster beds situate within (here state the limits) during this present year,
 at all lawful times, and for all lawful purposes, and subject to the Regula-
 tions made under "The Oyster Fisheries Act, 1881."

Dated at _____ the _____ day of _____ 188 .

(Signed)



Western Australia.

ANNO QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XVIII.

AN ACT to further amend "The Pearl Shell
 Fishery Regulation Acts, 1873 and 1875."

[Assented to, 20th August, 1887.]

WHEREAS it is expedient further to amend the said Acts: Preamble.
 Be it enacted by His Excellency the Governor of Western
 Australia and its Dependencies, by and with the advice and consent
 of the Legislative Council thereof, as follows:—

1. THAT this Act may be cited as "The Pearl Shell Fishery
 Regulation Acts Amendment Act, 1887." Short title.

2. THAT notwithstanding the repeal by "The Pearl Shell
 Fishery Regulation Act, 1875," of the third section of "The Pearl
 Shell Fishery Regulation Act, 1873," the following words in the
 said repealed section, namely:—"From and after the passing of
 "this Act no master of any ship or vessel or any other person shall
 "employ any aboriginal native of the said Colony in the pearl
 "shell fishery except he shall have entered into a separate written
 "agreement with him and had the same endorsed as hereinafter
 "mentioned," Partial revival of section three of "The Pearl Shell Fishery Regulation Act, 1873."

The Pearl Shell Fishery Regulation Acts Amendment Act, 1887.

"mentioned," shall be and are hereby revived and re-enacted, and shall be read and construed together with the unrepealed parts of the said Act of 1873, save only that the words "after the passing of this Act," in the said section, shall relate to the passing of this Act.

Officers who may endorse Agreements.

3. THAT the fifth, sixth, eighth, and ninth sections of the said Act of 1873, and the proviso in the fifth section of the said Act of 1875, shall be read and construed as if, in lieu of the persons therein mentioned, there had been named the Inspector of Pearl Fisheries, a Resident Magistrate, a Protector of Aborigines, and a Justice of the Peace; and the Form of Endorsement given in Schedule B of the said Act of 1873 shall be amended by the substitution of

Inspector of Pearl Fisheries,
Resident Magistrate,
Protector of Aborigines,
Justice of the Peace,

in lieu of

Police Constable,
One of the persons appointed to ensure the carrying out of "The Pearl Shell Fishery Regulation Act, 1873."

As to sending Aboriginal back to his own District.

4. THAT the ninth section of the said Act of 1873 shall be amended by the addition thereto of the words following:—

"And any person convicted of such offence may be ordered by the convicting Justices, at his own expense, to convey such native back to the place or district to which such native belongs, by such route as to the said Justices shall seem fit or may be required by the said Justices, in addition to and not in substitution for such fine or penalty, to pay such further sum as to the said Justices shall seem fit for the purpose of paying for such conveyance of such native, and such further sum shall for all purposes be and be deemed to be added to the said fine or penalty, so as to become a part thereof; provided such fine or penalty, together with the said sum, shall not exceed Fifty-five pounds."

Provided always that the payment of such sum shall not be in substitution for, but may be in addition to, any sentence of imprisonment that may be inflicted by any Justice or Justices under the provisions of the twenty-ninth section of "The Aborigines Protection Act, 1886."

Officers who may board Vessels.

5. THAT the powers given to certain persons by the eleventh and twelfth sections of the said Act of 1873 may be exercised not only

The Pearl Shell Fishery Regulation Acts Amendment Act, 1887.

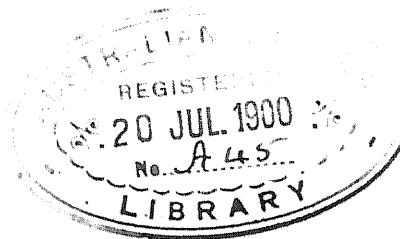
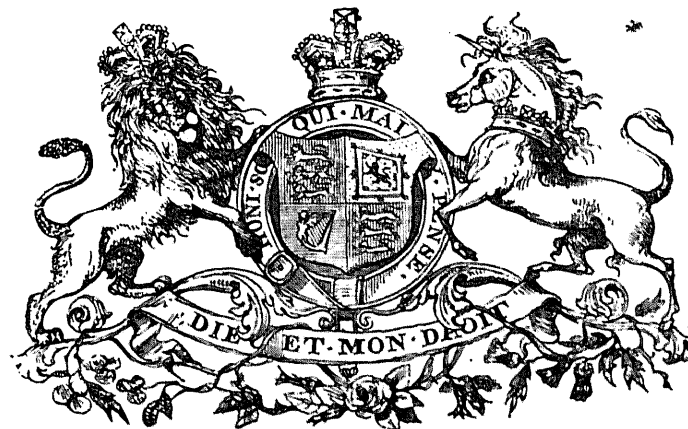
only by such persons but also by the Inspector of Pearl Fisheries, a Resident Magistrate, or a Protector of Aborigines.

6. THAT this Act shall be read and construed, as far as is consistent with the tenor thereof, with "The Pearl Shell Fishery Regulation Acts, 1873, 1875, and 1883;" and shall come into operation on the first day of January next.

This Act to be read with Acts of 1873, 1875, and 1883.

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.



Western Australia.

ANNO QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. X.

AN ACT to amend "The Pearl Shell Fishery Regulation Act, 1875."

[Assented to, 8th September, 1883.]

WHEREAS it is expedient that Regulations should be made with regard to the collecting of Pearl Shells in other ways than by diving: Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. THIS Act may be cited for all purposes as "The Pearl Shell Fishery Regulation Act, 1883."

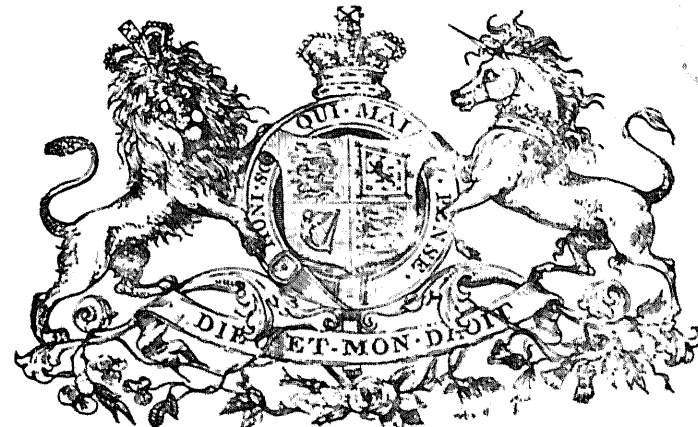
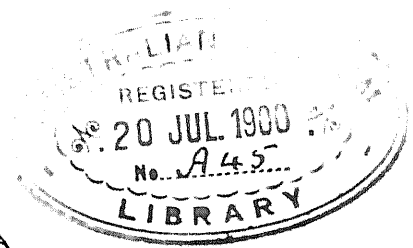
Short Title.

2. FROM and after the passing of this Act, the second section of "The Pearl Shell Fishery Regulation Act, 1875," shall be amended by the addition of the words "or otherwise collecting," next after the words "diving for;" and the said section shall be read and construed as if the words now added were inserted in and formed part of the said section as aforesaid.

Section 2 of 39 Vic., No. 13, amended by addition of words "or otherwise collecting."

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.



Western Australia.

ANNO QUADRAGESIMO NONO

VICTORIÆ REGINÆ.

No. VIII.

AN ACT to amend the Northern District Special Revenue Acts of 1873 and 1878.

[Assented to, 18th September, 1885.]

WHEREAS it is expedient that the Governor in Council should have power to appoint from time to time the persons who shall be the authorities to issue licenses under the said Acts: Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. THE Governor, with the advice of the Executive Council, shall have power to appoint from time to time a person or persons to be the authority at any of the ports of the Colony to issue licenses and to do all other things which may lawfully be done by the Licensing Board under "The Northern District Special Revenue Act, 1873," and "The Northern District Special Revenue Act, 1873, Amendment Act, 1878," and from time to time to remove such persons from their appointments and to appoint other persons in their places.

Governor in Council to appoint licensing authorities.

2. SUCH appointments shall be duly published in the Government Gazette, and a copy of the Gazette containing a notification of any

Government Gazette to be evidence.

Northern District Special Revenue Act—Amendment.

any such appointment as aforesaid, and purporting to be printed by the Government Printer, shall be received as sufficient evidence at all times and in all places that the persons therein named as having been appointed have been duly appointed in that behalf. Provided that the omission to publish any such appointment in the Gazette as aforesaid shall not in any way affect the validity of such appointment.

Interpretation.

3. WHENEVER the words "licensing board" are used in the said Acts, such words shall be held to mean the person or persons respectively appointed as aforesaid; and the words "port of Cossack," as used in the 5th section of the "Northern District Special Revenue Act, 1873, Amendment Act, 1878," shall mean the port of the officer who shall have granted a license as aforesaid; and the words "Principal Officer of Customs" in the said section shall mean the officer who shall have granted the said license; and the words "at the said port" in the said section shall mean at the port of the officer who shall have granted a license as aforesaid.

Saving of rights and liabilities.

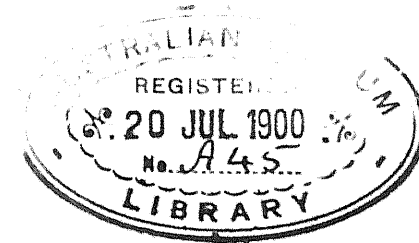
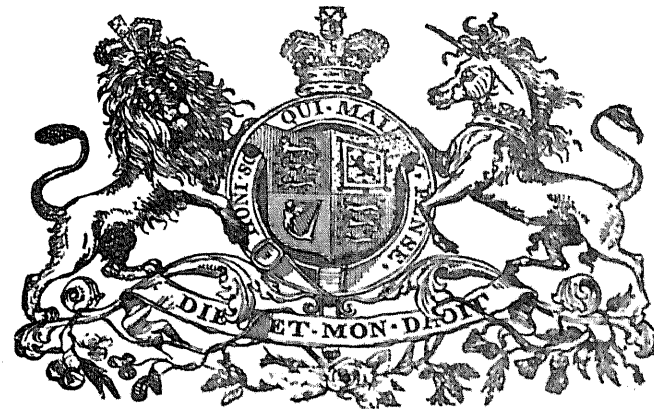
4. NOTHING in this Act shall affect the validity of any license already granted, or any rights accrued, or any liabilities incurred, under the said recited Acts, before this Act shall have come into operation, and all proceedings in respect of such rights or liabilities may be commenced, had, and continued as if this Act had not passed.

Commencement of Act.

5. THIS Act shall come into operation on the first day of October, 1885, but it shall be lawful for the Governor in Council to make any appointments under this Act previously to its coming into operation.

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.



Western Australia.

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. VII.

AN ACT to consolidate and amend the law relating to the Pearl Shell Fishery Special Revenue.

[Assented to, 12th July, 1886.]

WHEREAS it is expedient to consolidate and amend the law relating to the Special Revenue derived from the Pearl Shell Fishery on the Northern Coast of the Colony, and to make better provisions for the collection of Customs duties from vessels engaged in such Fishery: Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. IN the construction of and for the purposes of this Act, the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them (that is to say):

Interpretation.

"Ship" shall mean and include any and every sort of vessel or craft of any sort or size, and whether propelled by oars only or not, and whether decked or not, and whether

Northern District Special Revenue Act—Amendment.

any such appointment as aforesaid, and purporting to be printed by the Government Printer, shall be received as sufficient evidence at all times and in all places that the persons therein named as having been appointed have been duly appointed in that behalf. Provided that the omission to publish any such appointment in the Gazette as aforesaid shall not in any way affect the validity of such appointment.

Interpretation.

3. WHENEVER the words "licensing board" are used in the said Acts, such words shall be held to mean the person or persons respectively appointed as aforesaid; and the words "port of Cossack," as used in the 5th section of the "Northern District Special Revenue Act, 1873, Amendment Act, 1878," shall mean the port of the officer who shall have granted a license as aforesaid; and the words "Principal Officer of Customs" in the said section shall mean the officer who shall have granted the said license; and the words "at the said port" in the said section shall mean at the port of the officer who shall have granted a license as aforesaid.

Saving of rights and liabilities.

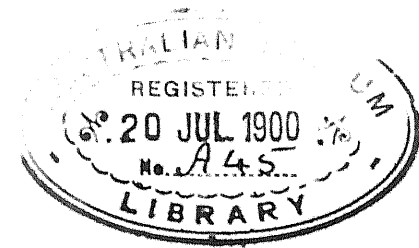
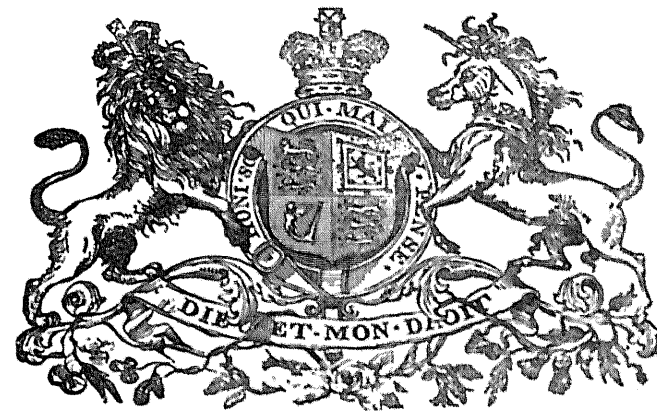
4. NOTHING in this Act shall affect the validity of any license already granted, or any rights accrued, or any liabilities incurred, under the said recited Acts, before this Act shall have come into operation, and all proceedings in respect of such rights or liabilities may be commenced, had, and continued as if this Act had not passed.

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Preamble.

1. IN the construction of and for the purposes of this Act, the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them (that is to say):

Interpretation.

"Ship" shall mean and include any and every sort of vessel or craft of any sort or size, and whether propelled by oars only or not, and whether decked or not, and whether

The Pearl Shell Fishery Act, 1886.

whether having a fixed mast or not, other than boats as defined by this Act.

“ Boat ” shall mean and include only such small craft, not exceeding two tons burthen, as belong to and are ordinarily attached to or carried on board a vessel licensed as a ship under this Act.

“ Uncustomed ” provisions, goods, or merchandise shall mean provisions, goods, and merchandise, the duties payable on the importation or landing whereof by any law of Customs have not been paid in this Colony.

“ Provisions ” shall include every article of food, and shall mean not only all alimentary substances whether solids or liquids, but also all eatables and drinkables whatsoever.

“ Goods ” shall include all goods within the meaning of any law of Customs.

“ Licensing Officer ” shall mean any person appointed by the Governor to be a Licensing Officer under this Act.

“ Papers ” shall mean and include the certificate of registration of any ship, her transire or port clearance from her last port of departure, her manifest, list of passengers and bill of health, all bills of lading relating to her cargo.

A ship shall for the purposes of this Act be deemed to be “ used or employed in the Pearl Shell Fishery ” if she

- (1) Be used as a place of refuge for divers engaged in the Pearl Shell Fishery, or
- (2) Be used as a place for storing pearl shells within one week after they are collected, or
- (3) Be used as a place of refuge for persons engaged in superintending the operations of persons diving for pearl shells, or
- (4) If her boats are used as places from which persons dive for pearl shells, or be used in the immediate collection of pearl shells found or recovered by divers or otherwise.
- (5) Be used as a place for the storing of uncustomed provisions for the victualling of divers or other persons engaged in the Pearl Shell Fishery, or for sale to or use by any such divers or other persons.

(6)

The Pearl Shell Fishery Act, 1886.

- (6) If uncustomed provisions or any uncustomed goods or merchandise whatever be unladen therefrom into any ship used or employed in the Pearl Shell Fishery, within the definition of this section, or her boats, or for the purpose of being put on board of any such ship or her boats.

A boat shall for the purposes of this Act be deemed to be “ used or employed in the Pearl Shell Fishery ” if it belongs to or is ordinarily attached to or carried on board any vessel licensed as a ship under this Act during such time as such ship is used or employed in the Pearl Shell Fishery.

2. FROM and after the passing of this Act it shall not be lawful to use or employ any ship in any pearl shell fishery of the Colony, other than the pearl shell fishery at Sharks Bay, unless the same be duly licensed as hereinafter provided. The owner, master, or other person in charge of any ship offending against the above provisions shall be guilty of an offence; such offence shall be cognisable before any two Justices of the Peace, who, on proof thereof, shall convict the master, owner, or other person in charge of such ship, in a penalty not exceeding One hundred pounds, and shall keep and detain such ship, together with everything on board the same, for the space of three months, unless such penalty be sooner paid, and at the end of such period of three months shall declare such ship, together with everything on board the same, forfeited for the use of Her Majesty, but for the purposes of this Act; and such ship, together with everything on board the same, shall after such declaration be forfeited accordingly, and shall be sold, and the proceeds dealt with as the proceeds of a penalty in the manner provided by this Act. Provided always, that notwithstanding anything in this section contained, the payment of any such penalty, or so much thereof as may not be realised by the sale of any ship or things on board the same as aforesaid, declared to have been forfeited as aforesaid, may be enforced by any means provided by law for the general enforcement of penalties.

No ship to be used or employed in the pearl shell fishery without a license

Penalty.

3. THE Licensing Officer shall, subject to the provisions of section eight, grant a license under this Act to use or employ any ship in the Pearl Shell Fishery, the master of which is not disqualified as hereinafter mentioned, on the owner, master, or other person in charge of the same applying for such license depositing with such Licensing Officer the papers of such ship, and paying a fee of One pound, and the Licensing Officer shall give a receipt for such papers. All papers deposited as aforesaid shall be returned to the owner, master, or other person as aforesaid on his bringing his said ship into the port where the license was obtained, accounting to the satisfaction

Licensing officer to grant licenses for ships.

satisfaction of the Principal Officer of Customs at such port for all pearl shells gotten by the said ship since the granting of the license; and either

- (a) landing any pearl shells which she may have on board at the said port; or
- (b) in case the said ship is about to start for some other port or place within the Colony, entering such pearl shells on the cargo book required to be kept by section fifty-four of "The Customs Ordinance, 1860," in the same way as if the said pearl shells had been taken on board at the said port; or
- (c) paying any export duty payable in respect of the same;

and in any such case as aforesaid surrendering the license and receipt granted and given as aforesaid.

Licensed ship to bear certain characteristic figures.

4. ANY Licensing Officer shall, on granting any license to any person to use or employ any ship in the Pearl Shell Fishery, forthwith determine on some figures not exceeding three, which are during the currency of such license to be deemed the characteristic figures of such ship. And the master, owner, or other person in charge of such ship shall before using or employing her in the Pearl Shell Fishery cause such figures, together with the initial letter of the port where the license is obtained, to be legibly painted on each bow of such ship above the water-line, such figures and letter to be not less than one foot high, and shall so long as the said ship continues to be used or employed in the said fishery maintain such figures in a clear and legible manner. Any master, owner, or other person in charge of any ship violating this provision shall be guilty of an offence which shall be cognisable before two Justices of the Peace, who on proof thereof shall inflict a fine or penalty not exceeding Five pounds.

Duration of license.

5. ALL licenses granted as aforesaid shall run and hold good up to the thirtieth day of June next after the granting of the same; provided that if any such license be surrendered before that day, it shall cease to be of any force or effect from the time of such surrender.

Licenses to be in form of Schedule.

6. A LICENSE under this Act to use or employ any ship in the Pearl Shell Fishery shall be in the form given in the Schedule to this Act.

Licenses granted on forged papers void.

7. ANY license granted on the deposit of forged papers shall be utterly null and void, to all intents and purposes.

8. NO license under this Act shall be granted to any ship until the duty chargeable upon the importation or landing of all goods, stores, and provisions laden on board such ship (excepting only such goods as hereinafter mentioned) shall have been first paid in this Colony, notwithstanding such goods, stores, or provisions shall not be intended to be landed, and the same shall be entered for duty by the master of such ship, and such master shall for all the purposes of "The Customs Ordinance, 1860," or of any law of Customs be deemed and taken to be the importer of such goods, stores, and provisions. Provided always, that no duty shall be leviable upon or in respect of any diving dresses or other diving apparatus or any gear belonging thereto or designed for use in connection with such dresses or apparatus.

No license to be granted until payment of Custom duties.

Exemption from Custom duty as to certain goods.

9. FROM and after the passing of this Act an export duty or charge of Four pounds shall be due and payable upon and in respect of every ton of pearl shells, except the small pearl shells found at Sharks Bay and the shells technically known as "dead shells," exported from any place within to any place without the limits of this Colony; and upon such exportation of "dead shells" there shall be due and payable the export duty or charge of One pound per ton. Any person exporting or attempting to export pearl shells from any place within to any place beyond the limits of this Colony, without having paid the said duty or charge, shall be liable to a penalty, to be recovered in a summary manner before two Justices of the Peace, not exceeding One hundred pounds, in addition to the forfeiture of the pearl shells.

Export duty.

Penalty.

10. ANY and every person or persons who shall intend to load any pearl shells on board any ship, to be exported from the Colony, shall give notice of his or their intention to the collector or other principal officer of customs at the intended port of shipment thereof, or at the port nearest to the place whence such shells are intended to be shipped, and shall also make and sign a declaration as to the quantity and the nature and quality of the said shells; and shall, before any pearl shells as aforesaid are so laden or attempted to be laden on board any ship for export as aforesaid, obtain the certificate of the collector or other principal officer of customs, who is hereby required to grant the same, that all duties payable thereon have been paid, together with a permit to ship the same.

Notice of export of pearl shells to be given to collector.

Certificate to be granted.

And permit.

11. IF any package, barrel, or case contain any pearl shells, other than the dead shells or shells from Sharks Bay aforesaid, the full duty of Four pounds per ton shall be payable in respect of the whole of the shells contained in such package, barrel, or case; and if any package, barrel, or case contain any of the dead shells aforesaid, along with the shells from Sharks Bay aforesaid, the full duty

Presumption as to packages containing mixed shells.

The Pearl Shell Fishery Act, 1886.

duty of One pound per ton shall be payable in respect of all the shells within such package, barrel, or case.

Onus of proof as to nature and quality of shells.

12. ANY pearl shells intended to be laden on board any ship shall for all the purposes of this Act be presumed to be ordinary pearl shells on which the duty of Four pounds per ton is payable, unless the owner, exporter, or person in charge of the same shall satisfy the collector or other principal officer of customs to the contrary.

Mode of seizure and recovery of forfeitures.

13. ALL pearl shells forfeited under the provisions of this Act, other than pearl shells found on board a ship forfeited under the provisions of section two, which shall be disposed of as required by that section, shall and may be seized, secured, retained, claimed, adjudicated upon, determined, and disposed of under such of the provisions of "The Customs Ordinance, 1860," as are applicable to the seizure and recovery of forfeitures under that last-named Ordinance.

Ship to bring-to on signal from Revenue vessel.

14. THAT where any ship shall be found within the limits of any port of the Colony, or within a league from the coast thereof, and shall not bring-to upon signal made by any ship or boat in Her Majesty's service, or in the service of the revenue, hoisting and carrying the proper pendant and ensign or Custom House flag, in order to bring such ship to, the master of every such ship shall be guilty of an offence, and on summary conviction thereof before two or more Justices of the Peace in Petty Sessions shall forfeit and pay a penalty not exceeding One hundred pounds, and shall for ever thereafter be disqualified from obtaining a license under this Act.

Officers of Customs may board and search ship.

15. THAT it shall be lawful for any officer of Customs within the meaning of "The Customs Ordinance, 1860," or any officer in charge of any vessel in the service of the revenue, at any time to board any ship within the limits of any port of the Colony or within a league from the coast thereof, and to search all parts of such ship and freely to stay on board for such purpose; and if such officer shall be satisfied that such ship is being used or employed in the Pearl Shell Fishery, and the master or other person in charge thereof shall not on demand produce to such officer the license of such ship under this Act; or if such officer shall have reason to suspect that any such ship is or has been engaged in the exportation of pearl shells the duty whereon has not been paid, it shall be lawful for such officer to bring such ship into port and to proceed against the owner, master, or other person in charge thereof under any of the provisions of this Act applicable to the case. And any person who shall obstruct any officer as aforesaid in the operation of any of the powers hereby vested in him shall, on summary conviction thereof before

And may bring her into port.

The Pearl Shell Fishery Act, 1886.

before two or more Justices of the Peace in Petty Sessions, pay a penalty not exceeding One hundred pounds.

Onus of proof on defendant.

16. IN all cases of proceedings taken for the recovery of any forfeiture or penalty imposed by this Act, the onus of proof that the requisitions and provisions by this Act made and required have been complied with shall lie on the defendant.

All monies raised under this Act to be paid into Treasury

17. ALL monies paid in respect of licenses, royalties, and otherwise under this Act, together with the proceeds of all penalties that may be inflicted under this Act, shall be paid into the Colonial Treasury.

Act to be deemed a law of Customs

18. THIS Act shall be deemed to be a law of Customs, within the meaning of "The Customs Ordinance, 1860."

Shortening Ordinance.

19. SECTIONS A, D, E, H, and I of "The Shortening Ordinance, 1853," are hereby incorporated with and shall be taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Repeal.

20. "THE Northern District Special Revenue Act, 1873," and "The Northern District Special Revenue Act, 1873, Amendment Act, 1878," are hereby repealed.

Short Title.

21. THIS Act may be cited as "The Pearl Shell Fishery Act, 1886."

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.

SCHEDULE.

50° VICTORIÆ, No. 7.

The Pearl Shell Fishery Act, 1886.

SCHEDULE.

Form of License.

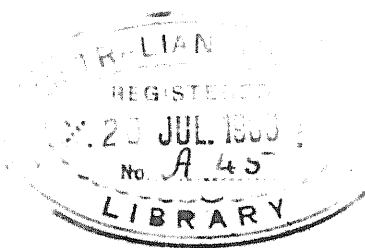
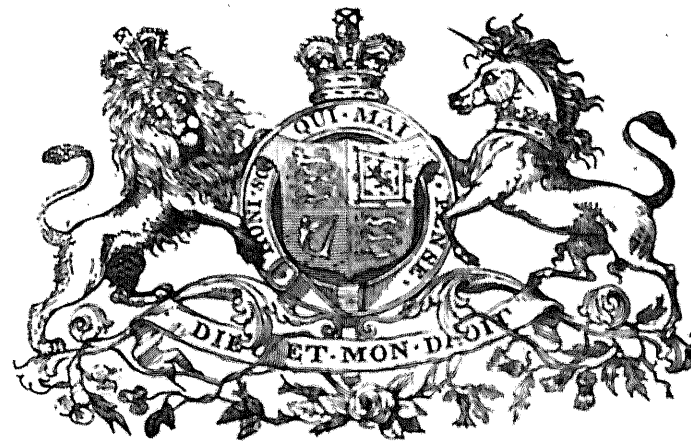
THESE are to certify that, whereas master or owner of the schooner "Marian," has applied to me for a license to use and employ the said ship in the Pearl Shell Fishery, from the date hereof up to the 30th day of June, 188 , and has deposited with me the papers of the said ship enumerated and described on the back hereof, and has paid the sum of One Pound for such license as aforesaid, the said ship is hereby licensed under "The Pearl Shell Fishery Act, 1886," to be used and employed in the Pearl Shell Fishery of the Colony of Western Australia, from the date hereof up to the thirtieth day of June next ensuing.

The characteristic letter and figures of the said ship during the currency of this license are to be , which are to be painted on the said ship in accordance with the provisions of the above-named Act.

As witness my hand, this day of A.D., 18 .

A.B.

Licensing Officer at the Port of



Western Australia.

ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. IX.

AN ACT to reduce the Duty on Pearl Shell, and for other purposes.

[Assented to, 29th November, 1889.]

WHEREAS it is expedient that the Duty on Pearl Shell be reduced: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows: —

1. THIS Act may be cited for all purposes as "The Pearl Shell Duty Reduction Act, 1889." Short title.

2. THIS Act shall come into force on the First day of January. Commencement. One thousand eight hundred and ninety.

3. FROM and after the coming into force of this Act, in lieu of the export duty of Four pounds due and payable under the provisions of "The Pearl Shell Fishery Act, 1886," there shall be due and payable an export duty of Two pounds; and the ninth section of the said Act is hereby amended accordingly. Reduction of Duty on Pearl Shell.

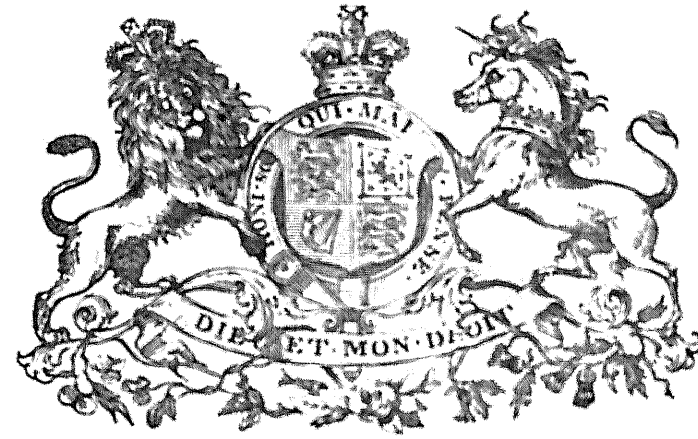
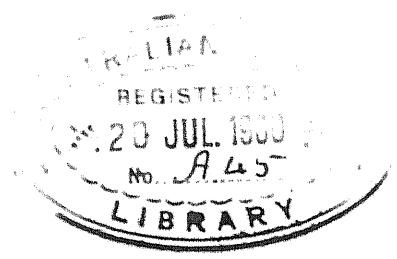
4.

Licenses to pearlers
to be in the dis-
cretion of the Gov.
orator.

4. NO license in respect of any ship to be used or employed in the Pearl Shell Fishery under the provisions of the said Act shall be granted or renewed as of right on the part of the applicant therefor, but it shall be lawful for the Governor to give directions under his hand to any licensing officer appointed to issue such licenses under the provisions of the said Act as to the granting or refusing, renewing or non-renewing, of any such license to any person or class of persons whatsoever.

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.



Western Australia.

ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXIV.

AN ACT to provide for certain matters connected with the Aborigines.

[Reserved, 29th April, 1889.]

[Royal Assent Proclaimed, 28th October, 1890.]

BE it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

- 1. THIS Act may be cited as "The Aborigines Act, 1889." Short Title.
- 2. THIS Act shall be read and construed together with "The Aborigines Protection Act, 1886," and any Act or Acts amending the same. Construction.
- 3. THE word "Governor" in and throughout this Act shall mean the person for the time being lawfully administering the Government of Western Australia, or the lawfully appointed Deputy of Definition of "Governor."

The Aborigines Act, 1889.

of such person, and shall mean such person or Deputy acting alone and without the advice of the Executive Council.

Aborigines Protection Board.

4. THE Aborigines Protection Board established under "The Aborigines Protection Act, 1886," shall consist of persons to be appointed by the Governor from time to time, who shall also have the power to remove any member of the Board, and to appoint Protectors of Aborigines and to remove the same. No appointment of a person to witness contracts under the 19th section of the said Act shall be valid unless and until approved by the Governor, who shall have power to cancel such appointments, and at any time to remove or dismiss any person from the office or position of a person appointed under the said section.

Cancellation of Contract of Service.

5. THE Aborigines Protection Board may cancel, or may direct the cancellation of any contract of service between any aboriginal native and any person whom the Board may consider unfit to be an employer of aboriginal natives, and the Board may direct that no contract with any such person shall be witnessed under "The Aborigines Protection Act, 1886," and no contract with any such person shall be valid under the said Act.

Meaning of "Governor" in 50 Vict., No. 25, and in the 5th section of 37th Vict., No. 11.

6. IN the construction of "The Aborigines Protection Act, 1886," and of the fifth section of "The Pearl Shell Fishery Regulation Act, 1873," the word "Governor" shall mean the Governor as defined by the third section of this Act.

Amendment of the 2nd section of 39th Vict., No. 13.

7. IN the construction of the second section of "The Pearl Shell Fishery Act, 1875," the expression "the Governor in Executive Council" shall, so far as the regulations contemplated by the said section relate to the aboriginal natives of this Colony, mean the Governor as defined by the third section of this Act, and the said second section is hereby amended accordingly.

Native reserves of land.

8. ANY lands, being Crown Lands within the meaning of the Land Regulations proclaimed on the second day of March, One thousand eight hundred and eighty-seven, may be reserved and set apart by the Governor, as he may think fit, for the use and benefit of the aboriginal inhabitants of this Colony, including half-castes. All Native Reserves existing at the date of the passing of this Act are hereby vested in the Aborigines Protection Board, in trust for the benefit of the aboriginal natives; and all Native Reserves which may hereafter be made as aforesaid shall also similarly vest in the said Board on and from the date of reservation.

Aborigines Protection Act amended.

9. "THE Aborigines Protection Act, 1886," is hereby amended, so far as it is repugnant to this Act.

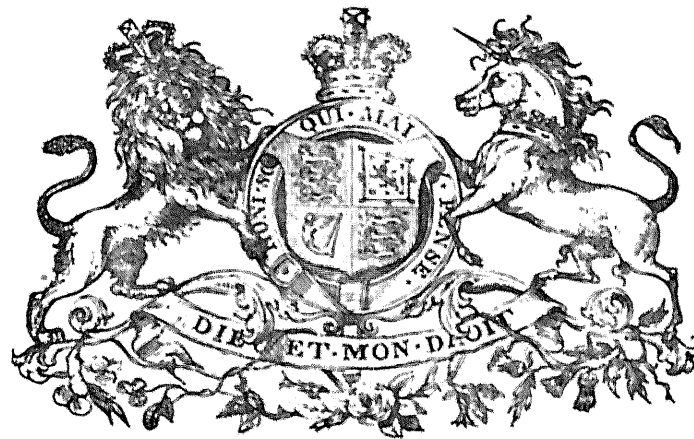
10.

The Aborigines Act, 1889.

10. EVERY Bill amending or repealing this Act or any portion thereof shall be reserved by the Governor for the signification of Her Majesty's pleasure thereon. Amending Bills to be Reserved.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

F. NAPIER BROOME, Governor.



Western Australia.

ANNO QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. IX.

AN ACT to authorise the granting of Licenses for Pearl Shell Fishing within the waters of Sharks Bay.

[Assented to, 18th March, 1892.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:— Preamble.

1. THE Act 50 Vict., No. 14, is hereby repealed. Repeal.

2. IN the interpretation of this Act the following words, within inverted commas, shall, unless the context otherwise indicates, have the meanings set against them respectively — Interpretation.

“Governor”—The officer for the time being administering the Government of the Colony of Western Australia, acting with the advice of the Executive Council:
“Minister”

Sharks Bay Pearl Shell Fishery.

"Minister"—The responsible Minister of the Crown for the time being appointed by the Governor to administer this Act:

"Inspector"—The Inspector of Pearl Shell Fisheries for Sharks Bay, appointed by the Governor:

"Regulations"—The Regulations made under this Act.

Appointment of officers.

3. IT shall be lawful for the Governor to appoint an Inspector, or Inspectors, and such other officers, as may be necessary, to supervise and protect the Pearl Shell Fishery at Sharks Bay, and to carry out the provisions of this Act, and the regulations framed under this Act.

Power to issue licenses.

4. IT shall be lawful for the Minister or any person duly authorised by the Minister, to grant licenses to any person or persons to gather, collect, and remove pearls and pearl shells in and from the waters of Sharks Bay, as hereinafter mentioned.

"Exclusive" and "General" licenses.

5. SUCH licenses shall be of two kinds—an "Exclusive License," which shall give the sole right to gather, collect and remove pearls and pearl shells from a specific area defined in the license and from no other locality; and a "General License" which shall give a general but not exclusive right to gather, collect, and remove pearls and pearl shells from such portions of Sharks Bay as shall not be held under "Exclusive License," or closed for a specific period under this Act, and the right under a "General License" shall immediately cease over any specific area defined in an "Exclusive License" as soon and as often as any such last-mentioned license may be granted: Provided that the area included in any one "Exclusive License" shall not exceed six square miles.

Term and rent of licenses.

6. "EXCLUSIVE" Licenses may be for any period not exceeding fourteen years, and "General" Licenses for any period not exceeding one year, at such annual rent in each case as shall be fixed by the Governor, payable in advance, and subject to this Act and the Regulations and such other conditions as the Minister, with the approval of the Governor, may determine. The forms of licenses given in the Schedules may be used, with such variations as may be necessary. A list of all "Exclusive Licenses" issued shall be published in the *Government Gazette* as soon as practicable after the issue of such licenses.

How Minister may deal with applications.

7. ALL applications for licenses shall be made to the Minister or his duly appointed agent, in such form as he may approve, and in the case of an "Exclusive License" shall be accompanied with an accurate description of the area applied for and an application fee of

Sharks Bay Pearl Shell Fishery.

of Twenty shillings. The said Minister shall not be bound to receive or entertain any such application, and he may invite tenders for any license or licenses, but shall not be bound to accept the highest or any tender.

8. NO license shall be transferred, sublet, or assigned, except with the written permission of the Minister, and on payment of a fee of Ten shillings on application for such permission. Licenses not transferable without permission.

9. LICENSEES may determine their licenses by giving to the Minister three months notice of their intention so to do, but no part of the license fee shall in any case be refunded. Licenses may be surrendered.

10. ON non-payment of rent according to the license, or the breach or non-observance of any term or condition of a license, or of the provisions of this Act or the Regulations, the Governor may declare such license forfeited, and thereupon the same shall be absolutely void, and notice of any such declaration of forfeiture shall be forthwith published in the *Government Gazette*. License may be forfeited.

11. ALL pearls and pearl shells lying or contained within the limits of any area held under an "Exclusive License" shall, during the continuance of the license, be deemed to be the absolute property of the licensee for all purposes civil or criminal; and all and every person or persons who shall gather, collect, or remove any pearl or pearl shells within or from the limits of such licensed area, without the authority of the licensee or his agent, shall be deemed guilty of larceny and shall, on summary conviction of such offence before two or more Justices of the Peace in Petty Sessions, be liable to be imprisoned for any term not exceeding two years, with or without hard labor. Pearl shells, &c., the property of the licensee. Illegal removal—larceny.

12. IT shall be lawful for the Governor by notice, in the *Government Gazette*, to close any portion of the waters of Sharks Bay, and to prohibit the gathering, collection, or removal of any pearls or pearl shells from the portion so closed for a specific period, and any person gathering, collecting, or removing any pearls or pearl shells from such closed portion shall be liable, on summary conviction before any two or more Justices of the Peace in Petty Sessions, to a penalty not exceeding One hundred pounds. Portions may be closed.

13. SHARKS Bay, for the purposes of this Act, shall include all the waters being within the following limits: Bounded by a South-West line from Charles Point, on the mainland, to Cape Ronsard, at the North end of Bernier Island; then by the Western shores of Bernier and Dorré Islands to Cape St. Cricq; then by a straight line to Cape Inscription, at the North end of Dirk Hartog Island, Definition of Sharks Bay.

Sharks Bay Pearl Shell Fishery.

"Minister"—The responsible Minister of the Crown for the time being appointed by the Governor to administer this Act:

"Inspector"—The Inspector of Pearl Shell Fisheries for Sharks Bay, appointed by the Governor:

"Regulations"—The Regulations made under this Act.

Appointment of officers.

3. IT shall be lawful for the Governor to appoint an Inspector, or Inspectors, and such other officers, as may be necessary, to supervise and protect the Pearl Shell Fishery at Sharks Bay, and to carry out the provisions of this Act, and the regulations framed under this Act.

Power to issue licenses.

4. IT shall be lawful for the Minister or any person duly authorised by the Minister, to grant licenses to any person or persons to gather, collect, and remove pearls and pearl shells in and from the waters of Sharks Bay, as hereinafter mentioned.

"Exclusive" and "General" licenses.

5. SUCH licenses shall be of two kinds—an "Exclusive License," which shall give the sole right to gather, collect and remove pearls and pearl shells from a specific area defined in the license and from no other locality; and a "General License" which shall give a general but not exclusive right to gather, collect, and remove pearls and pearl shells from such portions of Sharks Bay as shall not be held under "Exclusive License," or closed for a specific period under this Act, and the right under a "General License" shall immediately cease over any specific area defined in an "Exclusive License" as soon and as often as any such last-mentioned license may be granted: Provided that the area included in any one "Exclusive License" shall not exceed six square miles.

Term and rent of licenses.

6. "EXCLUSIVE" Licenses may be for any period not exceeding fourteen years, and "General" Licenses for any period not exceeding one year, at such annual rent in each case as shall be fixed by the Governor, payable in advance, and subject to this Act and the Regulations and such other conditions as the Minister, with the approval of the Governor, may determine. The forms of licenses given in the Schedules may be used, with such variations as may be necessary. A list of all "Exclusive Licenses" issued shall be published in the *Government Gazette* as soon as practicable after the issue of such licenses.

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Sharks Bay Pearl Shell Fishery.

of Twenty shillings. The said Minister shall not be bound to receive or entertain any such application, and he may invite tenders for any license or licenses, but shall not be bound to accept the highest or any tender.

8. NO license shall be transferred, sublet, or assigned, except with the written permission of the Minister, and on payment of a fee of Ten shillings on application for such permission. Licenses not transferable without permission.

9. LICENSEES may determine their licenses by giving to the Minister three months notice of their intention so to do, but no part of the license fee shall in any case be refunded. Licenses may be surrendered.

10. ON non-payment of rent according to the license, or the breach or non-observance of any term or condition of a license, or of the provisions of this Act or the Regulations, the Governor may declare such license forfeited, and thereupon the same shall be absolutely void, and notice of any such declaration of forfeiture shall be forthwith published in the *Government Gazette*. License may be forfeited.

11. ALL pearls and pearl shells lying or contained within the limits of any area held under an "Exclusive License" shall, during the continuance of the license, be deemed to be the absolute property of the licensee for all purposes civil or criminal; and all and every person or persons who shall gather, collect, or remove any pearl or pearl shells within or from the limits of such licensed area, without the authority of the licensee or his agent, shall be deemed guilty of larceny and shall, on summary conviction of such offence before two or more Justices of the Peace in Petty Sessions, be liable to be imprisoned for any term not exceeding two years, with or without hard labor. Pearl shells, &c., the property of the licensee. Illegal removal—larceny.

12. IT shall be lawful for the Governor by notice, in the *Government Gazette*, to close any portion of the waters of Sharks Bay, and to prohibit the gathering, collection, or removal of any pearls or pearl shells from the portion so closed for a specific period, and any person gathering, collecting, or removing any pearls or pearl shells from such closed portion shall be liable, on summary conviction before any two or more Justices of the Peace in Petty Sessions, to a penalty not exceeding One hundred pounds. Portions may be closed.

13. SHARKS Bay, for the purposes of this Act, shall include all the waters being within the following limits: Bounded by a South-West line from Charles Point, on the mainland, to Cape Ronsard, at the North end of Bernier Island; then by the Western shores of Bernier and Dorré Islands to Cape St. Cricq; then by a straight line to Cape Inscription, at the North end of Dirk Hartog Island, Definition of Sharks Bay.

Sharks Bay Pearl Shell Fishery.

Island, and by its Western shore to Surf Point; thence by a straight line to Steep Point on the mainland, and from thence by the coastline to the starting place at Charles Point; and on the inner part by the outlines of the islands in the Bay.

Penalty for pearling without a license.

14. FROM and after the first day of March, 1892, it shall not be lawful for any person, except he be the holder of an "Exclusive or General License" under this Act or be the agent or servant of or otherwise authorised by a person holding a license under this Act and be pearling within the area held under any such license, to gather, collect, or remove pearls or pearl shells in and from the waters of Sharks Bay, and every person offending against this provision shall be liable, on summary conviction before any two or more Justices of the Peace in Petty Sessions, to a penalty not exceeding One hundred pounds, and upon such conviction the convicting Justices may cause to be seized and detained for a period of three months from such seizure, unless such penalty be sooner paid, any and every ship or boat (together with everything on board the same) used or employed by any such convicted person in the illegal gathering, collection, or removal of any such pearls or pearl shells, and at the expiration of such period of three months shall, together with everything on board the same, to be forfeited to Her Majesty, and such ship or boat, together with everything on board the same, shall thereupon be forfeited accordingly, and shall be sold and the proceeds dealt with as the proceeds of a penalty: Provided always, that notwithstanding anything in this section contained the payment of any such penalty, or so much thereof as shall not be realised by such sale as aforesaid, may be enforced by any means provided by law for the general enforcement of penalties.

By-laws and regulations.

15. IT shall be lawful for the Governor, from time to time, to make such regulations not being contrary to the provisions of this Act as are necessary, for giving effect thereto, and to alter, amend, or repeal such regulations. Such regulations may provide for the prevention of the collection and removal of immature shell and the destruction thereof; for ensuring and preserving order among persons engaged in the Fishery; and for the general supervision and regulation of the Fishery, and for any other matter connected therewith. Such by-laws and regulations when published in the *Government Gazette*, but not sooner or otherwise, shall have the force of law, and shall state some maximum penalty for any neglect or breach thereof respectively: Provided that no such penalty shall exceed the sum of Fifty pounds.

Penalties.

16. ALL penalties for breach of any such by-law or regulation may be recovered by summary proceedings before any one or more Justices

Sharks Bay Pearl Shell Fishery.

Justices of the Peace in Petty Sessions, according to the provisions of the general law regulating summary procedure before Justices.

17. THE production of a copy of the *Government Gazette* containing any by-laws or regulations purporting to be made by virtue of this Act shall be received in all Courts of Justice and elsewhere as evidence of the due making and publication of the same. Evidence of by-laws or regulations.

18. SECTIONS lettered A, F, G, and H in the Schedule of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act. Incorporation.

19. THIS Act may be cited for all purposes as "The Sharks Bay Pearl Shell Fishery Act, 1892." Short Title.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.

SCHEDULE.

55° VICTORIÆ, No. 9.

Sharks Bay Pearl Shell Fishery.

SCHEDULE.

Form of Exclusive License.

KNOW all men by these presents that A.B., of more than one person, alter form accordingly), his executors, administrators, and permitted assigns, is and are hereby licensed, by himself and themselves, and his and their agents and servants, to gather and collect Pearls and Pearl Shells by dredging or otherwise, and to remove the same within and from the waters of Sharks Bay within the area described hereunder, for the term of years from the date hereof, he and they paying to the Colonial Treasurer, or his appointee, the yearly sum of £ in advance, in each year.

[Here insert any special conditions.]

On non-payment of rent or the breach or non-observance of any term or condition of this License, the Governor may declare the same forfeited.

This License is issued under "The Sharks Bay Pearl Shell Fishery Act, 1892," and subject to that Act and the regulations made thereunder.

Dated the day of 189 .

[Description of Area licensed.]

Signed Minister.

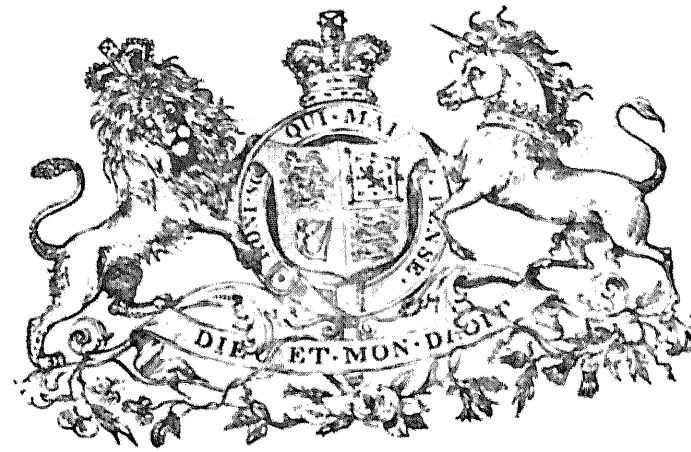
Form of General License.

KNOW all men by these presents that A.B., of more than one person, alter form accordingly), his executors, administrators, and permitted assigns, is and are hereby licensed, by himself and themselves, and his and their agents and servants, to gather and collect Pearls and Pearl Shells by dredging or otherwise, and to remove the same within and from those portions of the waters of Sharks Bay not closed for a specific period or not held under Exclusive License, for the term of (months or) one year from the date hereof, he and they paying to the Colonial Treasurer, or his appointee, the (or monthly) sum of £ in advance.

This license is issued under "The Sharks Bay Pearl Shell Fishery Act, 1892," and subject to that Act and the regulations made thereunder.

Dated the day of 189 .

Signed Inspector of Sharks Bay Pearl Shell Fishery. (By authority of the Minister).



Western Australia.

ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

No. I.

AN ACT to repeal certain Export Duties.

[Assented to, 17th July, 1895.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as "The Export Duties Repeal Act, 1895." Short title.

2. THE Acts specified in the Schedule to this Act are repealed to the extent in the third column of the said Schedule mentioned: Repeal.

Provided that this repeal shall not affect anything duly done or suffered, or any right acquired, or obligation or liability incurred under any enactment hereby repealed; or any penalty or punishment incurred in respect of any offence committed against any enactment Proviso.

59^o VICTORIÆ, No. 1.

The Export Duties Repeal Act, 1895.

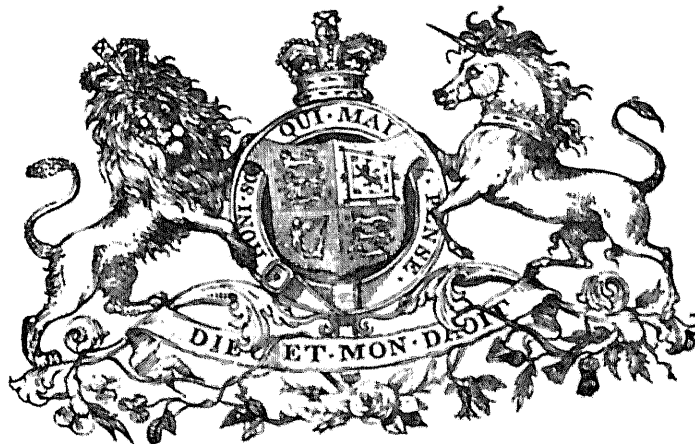
enactment hereby repealed; or any legal proceeding or remedy in respect of such right, obligation, liability, penalty or punishment; and any such proceeding may be carried on and remedy had as if this Act had not been passed.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.

SCHEDULE.

Session and Number.	Title or Short Title.	Extent of Repeal.
24 Vic. No. 6 ...	"The Duty on Sandalwood Ordinance, 1860."	The whole.
50 Vic. No. 7 ...	"The Pearl Shell Fishery Act, 1886."	Sections nine, ten, eleven, twelve, and thirteen.
53 Vic. No. 9 ...	"The Pearl Shell Duty Reduction Act, 1889."	Section three.



Western Australia.

ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XIII.

AN ACT to place certain Restrictions on Immigration. [Assented to, 23rd December, 1897.]

WHEREAS it is desirable to place certain restrictions on Immigration: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Immigration Restriction Act, 1897. Preamble.

2. THIS Act shall not apply to—

(a.) Any person possessed of a certificate in the form set out in the Schedule to this Act, and signed by the Colonial Secretary or the Agent General of Western Australia, or any officer appointed by the Governor for the purposes of this Act, whether in or out of Western Australia; Short title.

(b.) Any person of a class for whose immigration into Western Australia provision has been made by law, or by a scheme approved by the Governor; Exemptions.

(c.)

- (c.) Any person specially exempted from the operation of this Act by a writing under the hand of the Colonial Secretary or any officer appointed in that behalf by the Governor;
- (d.) Her Majesty's land and sea forces;
- (e.) The officers and crew of any ship of war of any Government;
- (f.) Any person duly accredited to the Government of Western Australia by or under the authority of the Imperial or any other Government;
- (g.) Any person landed in Western Australia under the Imported Labour Registry Act for the time being in force, or any Act amending the same.
- (h.) Persons returning to the Colony under certificates granted under former Acts authorising such return.

Prohibited
immigrants.

3. THE immigration into Western Australia by land or sea of any person of any of the classes defined in the following sub-sections of this section, hereinafter called "prohibited immigrant," is prohibited, namely:—

- (a.) Any person who, on being asked to do so by an officer appointed under this Act, shall fail to himself write out, in the presence of such officer, in the characters of any language of Europe, a passage in English of fifty words in length taken by such officer from a British author, and to append his name thereto in his own language;
- (b.) Any person being a pauper or likely to become a public charge;
- (c.) Any idiot or insane person;
- (d.) Any person suffering from a loathsome or dangerous contagious disease;
- (e.) Any person who has within three years been convicted of a felony or infamous crime, or a misdemeanour involving moral turpitude, and not being a mere political offence, and has not received a pardon therefor; and
- (f.) Any prostitute and any person living on the prostitution of others.

4.

4. EVERY prohibited immigrant making his way into or being found within Western Australia, in disregard of this Act, shall be deemed to have contravened this Act, and shall be liable, in addition to any other penalty, to be removed from the Colony, and upon conviction may be sentenced to imprisonment for not more than six months without hard labour: Provided that such imprisonment shall cease for the purpose of the offender being conveyed out of the Colony, or if he shall find two approved sureties each in the sum of Fifty pounds for his leaving the Colony within one month.

Unlawful entry of
prohibited
immigrants.

5. ANY person appearing to be a prohibited immigrant within the meaning of the Third Section of this Act, and not coming within the meaning of sub-sections (c.), (d.), (e.), or (f.) thereof, shall be allowed to be in Western Australia upon the following conditions:—

Entry permitted on
certain conditions.

- (a.) He shall, at landing in or entering the Colony, deposit with an officer appointed under this Act the sum of One hundred pounds;
- (b.) If such person shall, within fourteen days after entering the Colony, obtain from the Colonial Secretary, or person appointed under this Act, a certificate that he does not come within the prohibition of this Act, the deposit of One hundred pounds shall be returned;
- (c.) If such person shall fail to obtain such certificate within fourteen days, the deposit of One hundred pounds may be forfeited, and he may be treated as a prohibited immigrant:

Provided that, in the case of a person entering the Colony under this section, no penalty shall attach to any vessel, or the owners of any vessel, in which he shall have arrived at any port of the Colony.

6. EVERY person who shall satisfy the Colonial Secretary, or an officer appointed under this Act, that he does not come within the meaning of any of the sub-sections (c.), (d.), (e.), or (f.) of the Third Section of this Act, and—

Persons possessed of
property in Western
Australia, or domiciled
or lately domiciled
there.

- (a.) That he is and for the preceding two years has been the registered owner of an estate in fee simple in real estate of the value of Three hundred pounds in Western Australia; or
- (b.) That he is or has formerly been domiciled in Western Australia, and possesses a certificate of the Colonial Secretary or an officer appointed under this Act under which he is then authorised to return to the Colony;

shall not be deemed a prohibited immigrant.

7.

Wives and children of persons not prohibited from entering Western Australia.

7. THE wife and every minor child of any person not being a prohibited immigrant, or forbidden to enter the Colony, shall be free from any prohibition imposed by this Act.

Liability of master and owners of ship for illegal landing of immigrants.

8. THE master and owners of any vessel from which any prohibited immigrant is landed shall be jointly and severally liable to a penalty of not less than One hundred pounds, and not more than Five hundred pounds for each prohibited immigrant so landed.

The vessel may be arrested and sold by order of the Supreme Court in satisfaction of any such penalty, or may be refused a clearance outward until such penalty has been paid and until provision has been made by the master or owners to the satisfaction of an officer appointed under this Act for the conveyance out of the Colony of each prohibited immigrant who has been so landed.

Disabilities of prohibited immigrants who are not allowed to enter.

9. A PROHIBITED immigrant, unless allowed to enter the Colony under the fifth section of this Act, shall not be entitled to a license to carry on any trade or calling, nor be entitled to acquire a lease or any beneficial interest in land, or to vote at any Parliamentary or municipal election or to be inscribed on any roll of the persons so entitled; and any license, lease, beneficial interest, or franchise granted or acquired in contravention of this section shall be void.

Contract for carrying away prohibited immigrants.

10. AN officer thereto authorised by the Governor may make a contract with the master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in Western Australia to a port in or near to such immigrant's country of birth, or in or near to the place from which he set out for Western Australia; and every such immigrant, with his personal effects, may be placed by a police officer on board such vessel, and shall, in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances in life after disembarking from such vessel.

Offence of aiding persons to contravene the Act.

11. EVERY person who in any way wilfully assists any prohibited immigrant to contravene the provisions of this Act shall be deemed to have contravened this Act.

Offence of aiding persons described in s. 3 (f.) to enter the Colony.

12. EVERY person who wilfully assists the entry into Western Australia of any prohibited immigrant of the class described in sub-section (f.) of the Third Section of this Act shall be deemed to have contravened this Act, and shall, upon conviction, be liable to be imprisoned with hard labour for any period not exceeding twelve months; but shall not be charged under this and under the last preceding section with the same offence.

13.

13. EVERY person who shall be wilfully instrumental in bringing into Western Australia any idiot or insane person, not being domiciled or a member of a family domiciled there, without an authority signed by the Colonial Secretary, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person while in the Colony.

Bringing idiots or insane persons into the Colony.

14. EVERY member of the police force, and every person appointed therefor under this Act may, subject to the provisions of the Fifth Section of this Act, prevent any prohibited immigrant from entering Western Australia by land or sea.

Powers of police and others to prevent entry in contravention of the Act.

15. THE Governor may from time to time appoint, and from time to time suspend and remove officers for carrying out the provisions of this Act, and may prescribe the duties of such officers; and such officers shall carry out the instructions from time to time given by the Minister administering this Act.

Appointment of officers for carrying out the Act.

16. THE Governor may from time to time make, repeal, and alter regulations for carrying this Act into effect, and, in relation to persons brought into Western Australia for employment in the pearl shell fishery, regulating—

Regulations.

The registration of such persons;

Their employment;

Their landing and the length of time and the conditions under which they may remain on shore; and generally

For preventing their entering on any portion of the Colony beyond the limits in this Act mentioned in that behalf;

and such regulations shall be published in the *Government Gazette*, and shall be laid before the Parliament within fourteen days after such publication, if the Parliament is then sitting, and if the Parliament is not then sitting, within fourteen days of its next meeting, and when so published shall have the force of law, and shall continue in force unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament.

17. WHERE no higher penalty is expressly imposed, a person convicted of any contravention of this Act shall be subject to a fine not exceeding Fifty pounds, and to be imprisoned, with or without hard labour, until such fine is paid, or in addition to such fine, but not in any case for a period exceeding three months.

Penalties.

18.

Immigration Restriction Act, 1897.

Jurisdiction of Magistrates.

18. TWO Justices of the Peace in petty sessions or a Resident or Police Magistrate may adjudicate on all offences under this Act, except in cases involving pecuniary penalties exceeding One hundred pounds.

Saving of Act 48 Vict., No. 25.

19. NOTHING in this Act contained shall affect the provisions of the Imported Labour Registry Act, 1884, or any future Act regulating the registration of imported labour; or

And the Pearl Fishery.

(Save so far as regulations under this Act extend) any person brought into Western Australia for employment in the pearl shell fishery, and kept employed under contract in such fishery, or in temporary employment on shore and only on that part of the coast of Western Australia situate to the Northward of the twenty-seventh parallel of South latitude and according and subject to the regulations made under this Act.

Repeal of 53 Vict., 3, sec. 5, sub-sec. 5.

20. SUB-SECTION five of Section five of the Chinese Immigration Restriction Act, 1889, is hereby repealed.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.

THE SCHEDULE.

Immigration Restriction Act, 1897.

The Schedule.

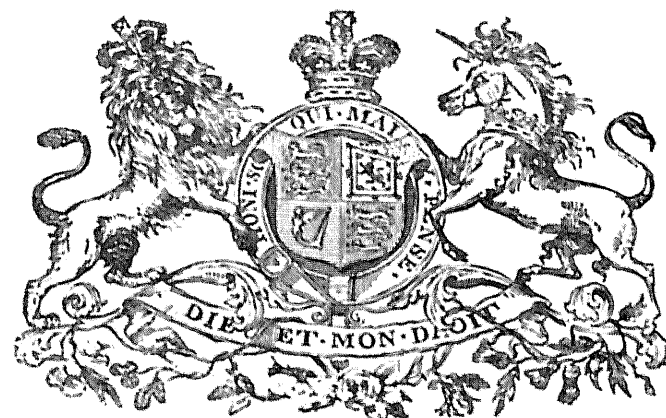
Colony of Western Australia.

THIS is to certify that
of _____ aged _____ years
a [insert trade, calling, or other description] is a fit and proper person to be
received as an immigrant in this Colony.

Dated at _____ this _____ day of _____ 18 .

(Signature.)

By Authority: RICHARD PETHER, Government Printer, Perth.



Western Australia.

ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XIX.

AN ACT to extend the provisions of the Sharks Bay Pearl Shell Fishery Act, 1892, to other places.

[Assented to, 23rd December, 1897.]

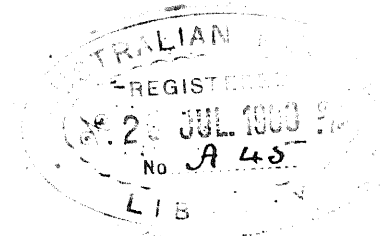
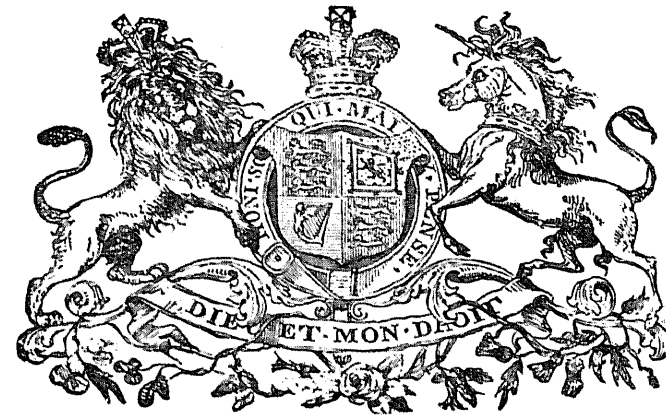
BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THE Governor may, by proclamation published in the *Government Gazette*, extend to any other portions of the coasts of the Colony, or of the adjacent islands, so much of the provisions of the Sharks Bay Pearl Shell Fishery Act, 1892, as he may deem fit; and the provisions of the said Act so extended shall thereupon apply as fully to such portions of the coasts aforesaid named in such proclamation as if the same were included in and defined by such Act.

Provisions of Sharks Bay Pearl Shell Fishery Act, 1892, may be extended by proclamation.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XXXIII.

AN ACT for the Licensing of Dealers in Pearls, and for other purposes.

[Assented to, 16th December, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act shall come into operation on the first day of January, in the year 1900.

Commencement of Act.

2. THE Resident Magistrate at any place where the pearl fishery is carried on may, on application, grant to any person who, in the opinion of such Magistrate, is a person of good character and reputation, a license to deal in pearls, hereinafter called a "Pearl Dealer's License," in the form contained in the First Schedule hereto.

Resident Magistrate may grant Pearl Dealer's License. See Queensland Act, 55 Vict., 29, s. 14. First Schedule.

A fee of Ten pounds shall be paid for a pearl dealer's license, which shall remain in force until the thirty-first day of December next after the date of its issue, and may be annually renewed,

Fee for and duration of license.

Pearl Dealers Licensing.

renewed, on payment of the like fee, without any further application, but may be cancelled by a Resident Magistrate on the licensee being convicted of any offence against this Act, or of any felony or misdemeanour which, in the opinion of such Magistrate, renders such licensee unfit to hold a license.

3. NO person other than a holder of a pearl dealer's license shall buy pearls at any place where the pearl fishery is carried on, except of a person holding such a license; and every person acting in contravention of this section shall be guilty of an offence against this Act, and, on conviction thereof, shall be liable to a fine not exceeding One hundred pounds, or to imprisonment for not more than three months.

Penalty for buying pearls without a license.

See *Ibid.*

4. (1.) IT shall be the duty of the clerk of the Resident Magistrate to transmit a statement of the name and residence of every person to whom a pearl dealer's license is granted or who obtains a renewal thereof, and the date of the issue or renewal thereof, to the Inspector of Fisheries, who shall record the particulars so transmitted in a book to be called the Register of Pearl Dealers.

Statement of licenses issued to be transmitted to the Inspector of Fisheries, who shall record them.

(2.) The register shall be open for inspection by the public at all times during ordinary office hours.

(3.) Every name of a licensee shall be struck off the register unless within six weeks after the thirty-first day of December in any year the Inspector of Fisheries receives notice that a fresh license has been issued to such licensee.

5. EVERY licensee under this Act shall keep at his place of business a book, hereinafter called a "Pearl Purchase Book," and shall, immediately after purchasing or selling any one or more pearls, make an entry in such book in the form and containing the particulars indicated in the Second Schedule hereto, and, on failing to comply with this section, shall be guilty of an offence against this Act.

Licensee to keep Pearl Purchase Book.

Second Schedule.

6. EVERY sergeant of police, and every member of the police force authorised in that behalf in writing under the hand of a Resident Magistrate or the hands of any two Justices of the Peace, may, at any time on a business day, enter the place of business of a person holding a pearl dealer's license, or other the place where his Pearl Purchase Book is, and may inspect and make extracts from such book; and every person resisting or impeding such inspection or extracting shall be guilty of an offence against this Act.

Inspection, etc., of Pearl Purchase Book.

7.

Pearl Dealers Licensing.

7. SAVE where a penalty is specially provided, every person guilty of an offence against this Act shall be liable to a fine of not more than Twenty pounds, and every offence against this Act may be dealt with by a Court of summary jurisdiction.

Penalties for offences. Jurisdiction.

8. THE Governor shall as soon as practicable after the passing of this Act declare, by notice in the *Government Gazette*, any seaport within the Colony to be a place where the pearl fishery is carried on, and no license shall be granted except at some such place. A license under this Act shall authorise the holder to buy pearls only in the place where the license is granted.

Governor to declare place of pearl fishery.

9. (1.) THE Governor may make, alter, and repeal Regulations for carrying out the objects of this Act, and after the publication of any such Regulations in the *Government Gazette* they shall have the force and effect of law.

Regulations.

(2.) Any person who shall infringe any regulation made as aforesaid shall be liable, on conviction, to a penalty not exceeding Ten pounds, and any such penalty may be recovered summarily before any Justice of the Peace.

Penalty for infringement of Regulations.

10. THIS Act may be cited as the Pearl Dealers Licensing Act, 1899.

Short title.

In the name and on behalf of the Queen I hereby assent to this Act.

GERARD SMITH, Governor.

The

Pearl Dealers Licensing.

Section 2.

The First Schedule.

WESTERN AUSTRALIA.

Pearl Dealer's License.

Fee, £10.

A.B., of _____, who carries on business at _____ [and
 at _____, is hereby licensed to deal in Pearls during the year
 ending the 31st day of December, 19____.

Issued at _____ this _____ day of _____ 19____.

C.D.,
Resident Magistrate at _____

Section 5.

The Second Schedule.

Pearl Purchase Book.

Date and Place of Purchase or Sale.	Articles purchased or sold.	Seller's Name and Address.	Buyer's Name and Address.	Seller's Signature.	Buyer's Signature.



AH

Section 2.

The First Schedule.

WESTERN AUSTRALIA.

Pearl Dealer's License. Fee, £10.

A.B., of _____, who carries on business at _____ [and
at _____] is hereby licensed to deal in Pearls during the year
ending the 31st day of December, 19 _____.

Issued at _____ this _____ day of _____ 19 _____.

C.D.,
Resident Magistrate at _____

Section 5.

The Second Schedule.

Pearl Purchase Book.

Date and Place of Purchase or Sale.	Articles purchased or sold.	Seller's Name and Address.	Buyer's Name and Address.	Seller's Signature.	Buyer's Signature.



By Authority: RICHARD PETHER, Government Printer, Perth.

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