



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXX.

AN ACT to amend "The Northern District Special Revenue Act, 1873."

[Assented to, 24th July, 1878.]

WHEREAS it is expedient to amend "The Northern District Special Revenue 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 Northern District Special Revenue Act, 1873, Amendment Act, 1878," and the said Act of 1873 and this Act shall be taken and read together as one Act. Short Title.
Incorporation with 37 Vict.,
No. 10.

2 THE words "Licensing Board," as used in the said Act of 1873, shall mean the principal Officer of Customs at the Port of Cossack. The word "papers," as used in this Act, shall include the certificate of registration of any ship; all articles of agreement with the crew or apprentices of the same; her transire or port clearance from her last port of departure; her manifest, list of passengers and Definition of Terms
"Licensing Board."
"Papers."

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bill of health; all bills of lading relating to her cargo; and any certificate or certificates of competency or service held by any master or mate of such ship.

Repeal of 37 Vict., No. 10,
Sections 3, 4, 5, 6, 7, and 8. **3** SECTIONS three, four, five, six, seven and eight of the said Act of 1873 shall be and the same are hereby repealed.

No ship to be used or employed in the Pearl Shell fishery without a license.

Penalty.

4 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 the said 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 the said Act. Provided always, that notwithstanding anything in this section contained, the payment of any such penalty, or so much thereof as may not be realized 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.

Licensing Board to grant licenses for ships.

5 THE Licensing Board shall grant a license under this Act to use or employ any ship in the pearl shell fishery, on the owner, master, or other person in charge of the same applying for such license, depositing with such Licensing Board all the papers of such ship, and paying a fee of One Pound. 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 of Cossack, accounting to the satisfaction of the Principal Officer of Customs at the said 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

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(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 granted as aforesaid.

6 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.

Duration of license.

7 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 to be in form of Schedule.

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

Licenses granted on forged papers void.

9 FROM and after the Twentieth day of September next, the export duty or charge imposed by section nine of the said Act of 1873 shall, in lieu of Forty shillings per ton, be Four pounds per ton for all pearl shells other than the small pearl shells found at Sharks Bay and the shells technically known as dead shells, and for the last-mentioned dead shells the export duty or charge shall be One pound.

Amendment of 37 Vict., No. 10, Section 9, as to amount of export duty.

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, 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.

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11 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.

Onus of proof on defendant.

12 IF any package, barrel, or case, contain any pearl shells, other than the dead shell 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 of One pound per ton shall be payable in respect of all the shells within such package, barrel, or case.

Presumption as to packages containing mixed shells.

13 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 at the port or place from which it is intended to take the same, to the contrary.

Onus of proof as to nature and quality of shells.

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

Act to be deemed a law of Customs.

15 SECTIONS A, D, F, and I of "The Shortening Ordinance, 1853," are hereby incorporated with this Act.

Shortening Ordinance.

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

H. St. GEORGE ORD, Governor.

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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, 187 , 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 Northern District Special Revenue Act, 1873, amend-
ment Act, 1878," 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 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 Northern District Special
Revenue Act, 1873."

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

A.B.

Principal Officer of Customs at the Port of Cossack.