



## WESTERN AUSTRALIA.

ANNO TRICESIMO OCTAVO

## VICTORIÆ REGINÆ.

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No. VIII.

AN ACT to amend “An Ordinance to provide for the summary trial and punishment of Aboriginal Native Offenders in certain cases.”

[Assented to, 17th July, 1874.]

**W**HEREAS it is expedient, with a view to diminish the expenses attendant on the administration of justice, and for other purposes, further to regulate the powers of Justices of the Peace in regard to the summary punishment of Aboriginal Natives; 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** FROM and after the passing of this Act, it shall be lawful for any two or more Justices of the Peace not interested in the subject matter of the complaint to inquire into and try in a summary manner any felony or misdemeanor (except as is provided

Preamble.

Two Justices to try summarily.

## 38° VICTORIÆ, No. 8.

### *Aboriginal Native Offenders—Amendment.*

Punishment. for by the Ordinance 12th Victoria, No. 18, of 1849,) which before the passing of this Act was exclusively triable by a jury or in a summary manner under the provisions of the said Ordinance, and with which any of the aboriginal race shall be charged before them. And if the person or persons so charged shall be proved to the satisfaction of such Justices to have committed such offence, or shall voluntarily confess the same, to sentence such person or persons to be imprisoned with or without hard labor in any common gaol or other place lawfully appointed for the confinement of such offenders, for any term not exceeding six calendar months.

Act to apply to natives and half-castes. **2** THE provisions of this Act and of the Ordinance 12th Victoria, No. 18, of 1849, shall apply to persons of the whole or half-blood of the aboriginal native race.

Proof of race to be on accused. **3** IN case any person or persons shall be charged with the commission of any felony or misdemeanor under this Act, or the said last mentioned Ordinance, the burden of proof that such person or persons is not of the whole or half-blood of the aboriginal native race shall be on the person or persons so charged, unless it shall be deemed by the Justices by whom such charge shall be decided that such person or persons is less than of the half-blood of the aboriginal native race.

**4** THIS Act shall form part of and be incorporated with the said Ordinance 12th Victoria, No. 18, of 1849.

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

FRED. A. WELD, Governor.