



WESTERN AUSTRALIA.

ANNO DECIMO

VICTORIÆ REGINÆ.

No. XV.

An Ordinance to diminish the Dangers resulting from Bush Fires.

WHEREAS it is expedient so far as may be possible to prevent the evils which result from what are commonly called "Bush Fires"—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 any person who shall

Penalty for setting fire to bush between 1st September and 1st of April not exceeding £50.

be convicted of either wilfully or through carelessness setting fire to any Grass, Stubble, shrub, or other natural vegetation whatsoever, at any time between the first day of September in any year, and the first day of April in the year next thereafter following, shall forfeit and pay for every such offence a sum not exceeding fifty pounds.

Occupiers may cause fires not extending beyond 10 yards, nor limits of his land.

II. PROVIDED always and be it enacted, that it shall be lawful for any lawful occupier of land to cause such fires to be made at any time upon the said land for any purpose whatsoever as shall not extend beyond the distance of ten yards from the place where the same shall first have been made, nor beyond the limits of such lands so held by him as aforesaid.

Occupiers may cause fires between 1st February and 1st of April, not extending beyond limits of his land.

III. AND be it enacted, that it shall be lawful for any such occupier of land as aforesaid to cause any such fires to be made at any time between the first day February and the first day of April in each year as shall not extend beyond the limits of the land so occupied by him as aforesaid.

Native, or lad under 16 years, may be flogged in lieu of other punishment.

IV. AND be it enacted, that where the person unlawfully causing any such fire as aforesaid shall be an Aboriginal Native of this colony, or a boy under the age of sixteen years, it shall be lawful for the convicting Justices at their discretion, in lieu of other punishment, to order he be publicly flogged, receiving any number of lashes not exceeding fifty

Penalty or punishment no bar to action, &c.

V. PROVIDED always and be it enacted, that no conviction, payment of pealty, or endurance of punishment, under this Ordinance shall be a bar to any civil proceeding by action or otherwise, on the part of any person sustaining damage by any such fire, as aforesaid, for recovery of compensation for such damage.

Limitation of prosecutions 3 months.

VI. 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, and shall be heard and determined, and the forfeitures and penalties in respect of the same shall be awarded and enforced in a summary manner before any two Justices of the Peace, according to the provisions of an Act passed in the seventh year of the reign of Her present Majesty, entitled "an Act to regulate summary proceedings before Justices of the Peace."

Jurisdiction 7 v. 12.

1847.

10th Vict. No. 15.

VII. AND be it enacted, that if any person shall think himself aggrieved by any Conviction under this Ordinance awarding a pecuniary penalty exceeding ten pounds, he may appeal therefrom to the next Court of Quarter Sessions.

FREDERICK CHIDLEY IRWIN,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Council }
2nd Sept., 1847. }*

WALKINSHAW COWAN,
Clerk of the Councils.