

WESTERN AUSTRALIA

ANNO QUARTO ET QUINTO

VICTORIÆ REGINÆ

No. 21

An Act to constitute the Island of Rottnest a Legal
Prison. [Assented to 26th November, 1841.]

WHEREAS it has been deemed expedient to provide some place Preamble
within the limits of the Colony of Western Australia, in
which such of the aboriginal race as are sentenced to transportation
or imprisonment, or committed for trial, or in any other manner
committed to custody, may be conveniently kept, in order that they
may be instructed in useful knowledge, and gradually trained in the
habits of civilised life; and whereas a continued close confinement is
prejudicial to their health, as being so uncongenial with their ordinary

Aborigines

The Island of Rottnest constituted a prison for the purposes of this Act

habits; and whereas the Island of Rottnest appears peculiarly suitable to their detention, inasmuch as a greater degree of personal liberty may be allowed consistently with their safe custody, on account of the isolated situation of that place, and the consequent difficulty of escape therefrom: Be it therefore enacted by His Excellency the Governor of Western Australia, by and with the advice of the Legislative Council thereof, that the Island of Rottnest shall be constituted and is hereby declared to be a gaol or legal place of imprisonment for the purposes and under the provisions of this Act, to which any person so committed, as aforesaid, may be sent; provided always that no person shall be sent to the said Island except by the order or direction of the Governor or other officer administering the Government of this Colony.

The Governor to establish by proclamation the bounds of the prison, and to make rules and regulations for the landing of boats, so as to prevent the escape of prisoners

2. And be it enacted that it shall be lawful for the Governor, with the advice of the Executive Council, to appoint the gaoler and other requisite officers, and from time to time to alter and establish by proclamation the bounds and extent of the said prison, so as to limit it to any portion of the said Island, if at any time it should be deemed expedient so to do, and also to make all necessary rules and regulations touching the landing of boats at the said Island, and for the due custody, discipline, health, and comfort of the prisoners.

3. And be it enacted that all such proclamations, rules, and regulations, as aforesaid, shall with all convenient speed be laid by the Governor before the Legislative Council.

Penalty for contravening regulations not less than £2 nor exceeding £10 or imprisonment not less than 7 days nor exceeding 3 months

4. And be it enacted that any person who shall be convicted before any two Justices of the Peace of having wilfully contravened any such proclamation, rule or regulation, as aforesaid, shall forfeit and pay a sum not less than forty shillings, nor exceeding ten pounds, or in default thereof shall be committed to prison for a period not less than seven days nor more than three calendar months.

The Governor may remove any white or black prisoners to the Island if advisable

5. And be it enacted that it shall be lawful for the Governor, with the advice of the Executive Council, to direct, that any persons in prison within this Colony, whether of the aboriginal race, or otherwise under sentence of any court, or of any competent authority, for any offence committed by them, shall be removed from the prison in which they are confined to the Island of Rottnest aforesaid, there to be imprisoned for and during the whole or any portion of their respective terms of imprisonment, according to their respective sentences, if under special circumstances, or for any special reasons, it shall be deemed advisable so to do.

Limitations of prosecutions

6. And be it enacted that all prosecutions for offences against the provisions of this Act shall be commenced within six calendar months after the commission of the offence, and not otherwise.

Appropriation of fines

7. And be it enacted that all fines and forfeitures recovered under this Act shall be divided and applied as follows,—that is to say, after deducting charges of prosecution and sale from the produce thereof, one moiety shall be paid to the Colonial Treasurer, to be applied towards the Government of this Colony in such manner as the Governor, acting with the advice and consent of the Legislative Council, shall by law appoint, and the other moiety to the party or parties informing.

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8. And be it enacted that this Act may be amended or repealed by an Act to be passed during the present Session. Act may be amended

JOHN HUTT,
GOVERNOR.
