



ANNO QUARTO.

## GULIELMI IV. REGIS.

No. 1.

*By His Honor Captain RICHARD DANIEL,  
Lieutenant-Governor and Commander-in-  
Chief of the Colony of Western Australia  
and its Dependencies, and Vice-Admiral of  
the same, with the advice of the Legislative  
Council.*

AN ACT to Regulate the Establishment and Management of  
Ferries; and the Collection of Tolls thereat.

[January 7, 1834.]

**W**HEREAS the Establishment of Ferries has become indis- Preamble.  
pensable for the Public Convenience, and it is expedient that  
the expense of establishing and maintaining the same should be  
defrayed by certain Tolls to be levied thereat, and that due provision  
should be made for regulating the management of such Ferries, and  
the Collection of such Tolls;—Be it therefore, enacted, by His Honor  
the Lieutenant Governor of Western Australia and its Dependencies,  
with the advice of the Legislative Council, that from and after the  
passing of this Act, it shall be lawful for the Governor, or other  
Officer, for the time being, administering the Government of the said  
Colony, by any Proclamation under his hand and seal, from time to  
time, to establish any Ferry or Ferries, at any place or places, within

Power to Governor to  
establish Ferries, erect  
buildings, and collect Tolls

the said Colony; and in like manner, to discontinue, or change the situation of such Ferry or Ferries; and to direct and authorize the Collection at any such Ferry or Ferries; of the Tolls hereinafter mentioned; and to cause such Ferry House, and Fences, to be there erected, as shall be necessary to secure the Payment of the said Tolls.

Persons who have received Ferry Tolls previous to this Act, protected.

II. AND be it further enacted, that from and after the passing of this Act, no suit or action, information, indictment, or other proceeding whatsoever, shall be commenced or prosecuted, against any person or persons, who shall have demanded, and levied, any Tolls, or have otherwise acted under the authority of any Proclamation, issued by the then Governor or Lieutenant Governor of the said Colony, and directing certain Tolls to be levied at the Ferries heretofore existing, at Ferry Point Fremantle, Point Preston, Mount Eliza, and Guildford, respectively. And if any suit or action, information, indictment, or other proceeding, shall be commenced or prosecuted, against any person for having so levied, or acted under any such Proclamation as last aforesaid, it shall be lawful for the Defendant, in any such proceeding as aforesaid, to apply to the Court in which the same shall be commenced or prosecuted, and such Court is hereby required to stay such proceedings accordingly.

Amount of Tolls.

III. AND be it further enacted, that from and after the passing of this Act, there shall be demanded and paid at every Ferry established under the Provisions of this Act, such Tolls as the Governor, or other Officer, for the time being, administering the Government of the said Colony, shall order and direct by Proclamation under his hand and seal. Provided always, that such Tolls do not exceed the Tolls hereinafter specified (that is to say), for every Foot Passenger the sum of One Shilling; for every Horse, Mare, Gelding, Ass or Mule, drawing or not drawing, the sum of Two Shillings and Sixpence; for every Sheep, Lamb, Pig, Goat or Dog, the sum of Sixpence; for every Ox, or head of Neat Cattle, drawing or not drawing, the sum of Two Shillings and Sixpence; for every Gig, Dray, Cart or vehicle with two wheels only, the sum of Five Shillings: for every Waggon, Carriage, or other Vehicle with four wheels, the sum of Seven Shillings and Sixpence; and for every such Vehicle as aforesaid, whether with two or four wheels, having therein a greater load than 112 lbs., a sum not exceeding Two Shillings and Sixpence, in addition to the ordinary Toll hereby made chargeable for such Vehicle. Provided that no Toll shall be demandable under this Act, for any luggage or burthen carried on the person of any Passenger. For every Bushel of Grain, Twopence; for all Luggage, for each and every one hundred and twelve pounds, Three pence; for every twelve head of Poultry, the sum of Sixpence.

Double Tolls on Sundays; and on other days,

IV. AND be it further enacted, that it shall be lawful for the Lessee, Contractor, or Collector at any Ferry, established by virtue of this Act, to demand and receive Double the amount of the respective Tolls, for the time being, imposed by the Proclamation of the Governor, or other Officer administering the Government of the said Colony, at

all hours on every Sunday; and on every other day before the hour of Six in the Forenoon, and after the hour of Eight in the Evening, during the months of October, November, December, January, February, and March; and before the hour of Seven in the Forenoon, and after Six in the Evening, during the residue of the year.

V. AND be it further enacted, that no Tolls shall be demanded or levied at any Ferry by virtue of this Act, for any horses or carriages conveying the person of the Governor, or other Officer, for the time being, administering the Government of the said Colony, or any Person in actual attendance upon him,—or for any Horses, Beasts, Carts, Carriages, or other Vehicles belonging to the Government, and employed at the time of passing the Ferry, in the Government Service,—or any Government Stores, or property conveyed by such Horses, Beasts or Vehicle,—or for any Horse, Beast, Carriage or other Vehicle, conveying any Clergyman in the discharge of his duty—or conveying the Post Office Mails.

Exemption from payment of Tolls,

VI. AND be it enacted, that all His Majesty's Officers, and Soldiers on route, and being in proper Staff, or Regimental, or Military Uniform, dress or undress, and their Horses, and all Carriages, and Horses belonging to His Majesty, or employed in His Service, when conveying persons, baggage, arms or ammunition,—or returning therefrom; and all such baggage arms or ammunition, shall be exempted on passing any Ferry, from the payment of any Tolls.

Exemption of Military Men and Horses.

VII. AND be it further enacted, that it shall be lawful for the Governor, or other Officer, for the time being, administering the Government of the said Colony, from time to time to authorize and direct the Tolls demandable at any Ferry by virtue of this Act, to be demised and let to Farm, by Public Auction, for any term, not exceeding three years; and to direct such Public Notice, as he shall deem proper, to be given in the Government Gazette, or other Newspaper, or otherwise, of the time of letting such Tolls, and of the conditions of such Auction; and the highest bidder at such Auction (if his bidding be accepted, and he enter into the Bond with Sureties hereinafter mentioned), shall be declared to be the Lessee of the said Tolls, for the Term specified in the notice and conditions of such Auction; and if the highest bidder at such Auction shall neglect or refuse forthwith to enter into the Bond, with sureties hereinafter mentioned, the said Tolls and Dues, shall be again immediately put up to auction, and shall in like manner be put up again, in case of still further default, until a bidder shall be found, who will enter into the Bond, with the sureties required.

Power to Governor to let Tolls by public Auction.

The highest bidder, if accepted, to be declared the Lessee.

VIII. AND be it further enacted, that in case any loss shall arise in the difference, between the bidding made by any person, who shall make default in entering into the said bond, and any subsequent bidding, such loss, and all expenses occasioned by such default, shall be recoverable from the person making such default; and for that purpose, it shall be lawful for the Collector of Colonial Revenue, (or other person or persons, appointed by the Governor, or other Officer for the time being administering the Government of the said Colony,

Loss occasioned by putting up Tolls a second time.

To be recovered in a summary way before two Justices.

And levied by distress and sale.

to let the said Tolls,) to summon such defaulter or defaulters, before two or more Justices of the Peace, who shall examine into, hear, and determine the matter of such alledged default; and shall assess, and fix the amount of loss, and expenses occasioned thereby, and to levy the amount thereof, (if not paid according to the order of such Justices), by warrant, under their hands and seals, upon the Goods and Chattels of such defaulter.

If not let by auction, private tender may be accepted.

IX. AND be it further enacted, that in case no sufficient bidding shall be made, or from any other cause, the said Tolls shall not be let at such Auction, it shall be lawful for the Governor, or other Officer, for the time being, administering the Government of the said Colony, to authorize the acceptance of a Private tender, or offer for the same, upon such terms and conditions, and in such manner as he may think proper to direct.

Lease of the Tolls at a pepper corn rent.

X. AND be it further enacted, that it shall be lawful for the Governor, or other Officer, for the time being, administering the Government of the said Colony, to authorize and direct the Tolls demandable at any Ferry, by virtue of this Act, to be demised and let to farm, at a pepper-corn rent, and for such length of time, as to him shall seem meet, to any person or persons, who shall contract by Bond, with two sufficient sureties, (to be approved by the Collector of Colonial Revenue, or other person authorized as aforesaid, to let such Tolls), to build and furnish, at the proper costs and charges of such contractor or contractors, a good and sufficient Ferry Boat, of such dimensions, and fittings up, as shall be stipulated in the said Bond: and to keep and maintain the same, at the like costs and charges, at all times during the term of such lease, at the station mentioned in such lease, in a serviceable state; and, at the like costs and charges, to construct convenient landing places, and to furnish all necessary and usual materials, and workmanship, for making a safe and convenient Ferry, and to furnish at all hours of the day and night, proper and sufficient ferrymen, or attendants, to work the said Ferry. And to do perform and observe all other conditions, matters and things, in consideration whereof, any such lease as last aforesaid, shall be granted.

Power to lease to prior Contractor.

XI. AND whereas, previous to the passing of this Act, Agreements had been entered into, by direction of the then Lieutenant Governor of the said Colony, for granting Leases at Pepper-corn Rents, of the Tolls to be levied at the Ferries heretofore in use at the Ferry Point at Fremantle, Point Preston, and Mount Eliza, in consideration of certain works, and services to be done and rendered by the Individuals with whom such agreements were made, and which said works and services have been partly done and rendered; be it therefore enacted, that it shall be lawful for the Governor of the said Colony to authorize and direct the Collector of Colonial Revenue to execute and deliver such last mentioned leases to the said intended Lessees, respectively, any thing herein contained to the contrary notwithstanding.

Lessees to enter into Bond with two sufficient sureties.

XII. AND be it further enacted, that the Person who shall be accepted as the highest bidder, at any such Auction as aforesaid, or

from whom any such Private Tender as aforesaid, shall be accepted. shall, as soon as conveniently may be, after such auction, or acceptance, enter into a Bond, with two sufficient sureties, (to be approved of, by the Collector of Colonial Revenue, or other person so authorized as aforesaid, to let the said Tolls), in a penal sum of double the amount of rent bid, or tendered, and which Bond, shall be in the form numbered 1, in the Schedule hereunto annexed; and immediately after the execution of such bond, it shall be lawful for the Collector of Colonial Revenue, or other person so authorized for that purpose aforesaid, to lease, and let to farm, the Tolls so bid, or tendered for, to the person or persons bidding, or tendering for the same, for the term specified in the Notice of auction or tender; and which lease shall be in the form numbered 2 in the said Schedule.

After the execution of such Bond Lease to be executed in prescribed form.

XIII. AND be it further enacted, that in case the Governor, or other Officer, for the time being, administering the Government of the said Colony, shall consider, that no sufficient bidding, or Private Tender has been made as aforesaid, or shall deem it more advantageous to the Revenues of the said Colony, that the said Tolls should be collected by persons appointed to collect the same by Government: it shall be lawful for such Governor, or other Officer for the time being as aforesaid, to appoint, by any warrant under his hand, a Collector or Collectors, Keeper or Keepers, or other Officer necessary to collect, and receive the Tolls, at any Ferry established by virtue of this Act; And every such Collector, Keeper, or other Officer so appointed, and their servants, shall have the same powers and remedies, as to the collection of the said Tolls, and for the preservation of the Punts, Boats, and other appurtenances, to any such Ferry belonging; and shall be under and subject to the same rules, Regulations and Penalties, as any Lessee of the said Tolls would have been under or subject to, by virtue of this Act, so far as such rules regulations and penalties may be capable of application to the case of such Collector or Keeper; Provided always, that such Collector, Keeper, or other Officer so appointed as last aforesaid, shall, before he shall commence to collect, or receive such Tolls, enter into a Bond, with or without Sureties, for the due, and faithful discharge of his duties, and for the due payment of the Tolls received by him, and for the performance of such other Terms, and conditions as the Governor, or other Officer for the time being as aforesaid, shall think necessary.

Governor may appoint Collectors instead of letting Tolls.

Such Collectors to have the same powers, and be subject to the same regulations as Lessees.

And to enter into Bond for due discharge of their duties.

XIV. AND be it further enacted, that in case any Tolls arising from any Ferry established by virtue of this Act, shall be demised, or let to any person or persons whomsoever, in any manner whatsoever, and the Lessee or Lessees, shall refuse, or neglect to perform the conditions, on which the same shall be let, or in case the Rent agreed to be paid by any such Lessee or Lessees, shall be in arrear, for the space of fourteen days next after any of the days on which the same ought to have been paid, or in case the Term or Terms of any such Lessee or Lessees, shall in any other manner become void, it shall be lawful for any Justice of the Peace, upon complaint on oath, by or on

Summary Power of ejectment by one Justice, for non-payment of Rent, or breach of Conditions.

person, authorized to collect the same, to prevent such person, or persons from passing over any Ferry, for which such Toll was demanded, until the same be paid.

Penalty not exceeding Five Pounds on the unauthorized use of a Ferry Boat.

XIX. AND be it further enacted, that if any Person or Persons shall, without authority, and with intent to evade the payment of Toll, make use of any Ferry Boat, or Punt, for the purpose of clandestinely passing over any Ferry, every such Offender, shall for every such Offence, forfeit and pay a sum, not exceeding Five Pounds.

Limits of the exclusive Right of Ferry conferred by this Act.

XX. AND be it further enacted, that it shall not be lawful for any Person or Persons whomsoever, save and except the several Lessees, and Collectors, duly appointed under the authority of this Act, and their Boatman, or Ferryman, and Servants, to use, hire, or employ on hire, or for any fee, pay, or reward, any boat, punt, or other vessel, for carrying across, or over any river, or creek within the said Colony, wherein any Ferry shall or may be established under this Act, and within three miles of any such Ferry, any Passengers, Beasts, Carts, Carriages or Vehicles, under the penalty for each, and every such Offence, as well upon the person so hiring, as upon the person so using, or employing any such boat, punt, or other vessel, and for each and every person, beast, cart, carriage, or vehicle so conveyed across any such river or creek, within any such distance as aforesaid, of any sum not exceeding Twenty Shillings: unless the same shall be done in time of fire, or flood, or in the pursuit of felons, or other urgent, or unavoidable necessity: Provided always that nothing in this Act shall be held to prevent any person, beast, cart, carriage or vehicle, from passing across any ford of any River or Creek, at or near to which ford, any such Ferry as aforesaid, shall be established.

Penalty for trespassing 20s.

Exceptions in cases of flood fire, or pursuit of felons.

Act not to extend to the passage of Fords.

Persons committing wilful damage to Ferry Houses, &c., to be guilty of a misdemeanour.

XXI. AND be it further enacted, that if any Person or Persons shall, wilfully or maliciously, in any manner, destroy or damage, any Ferry House, or Boat House, belonging to any Ferry established by virtue of this Act; or shall wilfully, or maliciously sink, scuttle, run, or drive aground, or otherwise destroy, or damage any Boat, Punt, or other vessel, used or employed in any such Ferry, or Ferries,—or shall cut, or send adrift, any such Boat, or Punt,—or shall break, sever, cut or destroy, any mooring, chain, rope, or other fastening, or any rail, post, wall, dam, or fence, used and employed, in or about such Ferry,—or shall forcibly rescue, any Person being in the custody of any Peace Officer, or other person, for any of the Offences hereinbefore mentioned, every person so offending, shall in every such case, be guilty of a misdemeanour, and, being convicted thereof, shall be punished accordingly.

Penalty for destroying or defacing Tables of Tolls.

XXII. AND be it further enacted, that if any Person or Persons, shall wilfully cast down, break, injure, or damage, any Table of Tolls, set up at any Ferry House as aforesaid, or shall wilfully deface or obliterate, any of the Inscriptions, Letters, Figures, or marks thereon, every persons so offending, shall for every such Offence, forfeit a sum not exceeding Forty Shillings, over and above the damages occasioned thereby.

XXIII. AND be it further enacted, that all Informations, and Proceedings, on account of any Offence under this Act, (save and except those Informations which are hereinbefore directed to be heard before two Justices,) shall be heard and determined, and all Forfeitures and Penalties in respect of the same, shall be awarded and imposed in a summary way by any one Justice of the Peace, who shall summon before him the Party accused, and all necessary Witnesses; and upon appearance of the Party accused, (or in his absence, upon proof by oath of his having been served with a summons, either personally, or by the same being left at his usual place of abode,) such Justice shall hear the matter of such information, and shall examine all necessary witnesses upon oath: and shall make such order thereon, as to him shall seem meet; and in case the Party accused, shall be by him convicted, and shall fail to pay any fine or penalty, costs or expenses awarded by such order, within three days next after such order shall have been personally served on him, or left at his usual place of abode, it shall be lawful for such convicting Justice, to levy and raise such fine, or penalty costs or expenses, by distress and sale of the goods and chattels of the Party so convicted; and in case such goods and chattels shall be insufficient for that purpose, it shall be lawful for the convicting Justice, to commit the Party so convicted, to any Gaol, or House of Correction, for any term, not exceeding Six Calendar Months.

Mode of recovering Penalties.

By Distress and Sale.

XXIV. AND be it further enacted, that all Informations, and proceedings in respect of Offences, against this Act, shall be commenced within Three Calendar Months, next after the offences thereby respectively charged shall have been committed.

Informations within three Calendar Months.

XXV. AND be it further enacted, that if any Person shall think himself aggrieved, by any Judgment, or Conviction made under this Act, such Person may appeal therefrom, to the next Court of Quarter Sessions; which Court, shall hear and determine the matter of such Appeal, and shall summon all necessary parties and witnesses, and shall make such order, in affirmance, or reversal of the Judgment, or Conviction appealed from, and for payment of the costs of the Appeal, as to such Court shall seem meet; and shall enforce such order; (if necessary) by distress, and sale of the goods and chattels, of any person refusing, or neglecting to obey such order; or by imprisonment of any such person, for any time, not exceeding Six Calendar Months; Provided, that notice of such Appeal, be given by the Appellant, to the Justice from whose Judgment, or Conviction such appeal shall be made, within three days next after such Judgment, or Conviction; and that such Appellant do deposit the sum of Five Pounds, with such last mentioned Justice, or enter into a recognizance, with two sufficient sureties, for the purpose of securing payment of the costs of such Appeal.

Right of Appeal.

XXVI. AND be it further enacted, that all Fines, Penalties, and Forfeitures, recovered under, or by virtue of this Act, shall be payable in equal moieties, to the use of His Majesty, his Heirs, and Successors, and to the Party or Parties informing.

Appropriation of Penalties.

behalf of, the Collector of Colonial Revenue, or other person appointed as aforesaid, to let the said Tolls by warrant, under his hand and seal, to order a Constable, or other Peace Officer, with such assistance as shall be necessary, to enter upon, and take possession of any Ferry House, Boat, or Punt, with the respective appurtenances, comprised in the Lease made to the Lessee or Lessees so making default as aforesaid; and thence to remove, and put out such Lessee or Lessees, and the Collectors, Keepers, Servants, or other person or persons, who shall be found therein, together with his, her, or their goods; and the lease, contract, or agreement whereby the Party so making default, held any such Ferry House, or Boat, and received the Tolls arising therefrom, shall from thenceforth cease, and be utterly void, to all intents and purposes, save and except, as to the conditions, and agreement for payment up to that time, of the Rent, or Rents payable for the same, and the other conditions or agreements therein, on the Lessee's part, and which shall or may have been broken; and the same Tolls may be again demised, or let to farm, to any other person or persons; and may in the meantime be collected, and received, under an authority from such Justice, to the use of His Majesty, in the same manner as if no former lease, contract, or agreement, had been made, of or relating thereto.

The Lease in such case to be void; and the Tolls again let.

Summary mode of recovering possession on termination of Lease.

XV. AND be it further enacted, that in case the Lessee, or Lessees, of the Tolls, demandable at any Ferry by virtue of this Act, shall, on the expiration of the term for which the same shall be demised, neglect, or refuse to deliver up possession, to any new Lessee or Lessees, or any person or persons duly authorized to receive the same, by the Governor, or other Officer for the time being administering the Government of the said Colony, of all Houses, Boats, Punts, and appurtenances belonging to such Ferry, it shall be lawful for any Justice of the Peace, upon complaint on oath, by or on behalf of the Collector of Colonial Revenue, or other persons so appointed by the Governor, to let the said Tolls as aforesaid, by warrant under his hand and seal, to order any Constable, or Peace Officer, with all necessary assistance, to enter upon, and take possession of the same, and thence to remove, and put out such Lessee or Lessees, and all Collectors, Keepers, Servants, and other persons, as shall be found therein, together with his, her, or their goods and chattels; and such Lessee or Lessees shall be liable, to all and every the Penalties in that behalf mentioned in the Bond entered into by him or them, previous to becoming Lessee or Lessees as aforesaid; and also to make such compensation, for any loss which shall or may be occasioned to any new Lessee or Lessees, by reason of withholding possession as last aforesaid, as shall be assessed by any two or more Justices of the Peace, in the same manner as the damages occasioned by persons failing to enter into the Bond required by this Act, as hereinbefore is mentioned; and the amount of such compensation, when so assessed, shall be levied by distress, if the same be not paid according to the order of such Justices.

Lessees refusing to give up possession, liable for all consequent losses to any new Lessee.

Lessees may appoint Collectors under them.

XVI. AND be it further enacted, that it shall be lawful for the



Lessee or Lessees of the Tolls, demandable at any Ferry, by virtue of this Act, to appoint in writing, any other person or persons, to demand and collect such Tolls, or to be boatmen or ferrymen; and the person or persons so appointed to collect such Tolls shall have all the same powers and remedies for securing thereof, as such Lessee or Lessees, might or could have under this Act; Provided, that such Lessee or Lessees, shall be responsible for the conduct of all such other persons, as he she or they shall so appoint to demand and collect Toll, or to be Ferrymen, or Boatmen. and shall be subject to the like actions, and penalties, for any neglect or misconduct, or for the breach of any Laws, Rules, and Regulations, respecting Ferries, committed by any such Appointed, as if the same had been wilfully done or suffered, by such Lessee or Lessees.

XVII. AND be it further enacted, that the Lessees, Farmers or Collectors of all Tolls, demandable at any Ferries by virtue of this Act, during the whole time that they shall continue to be such Lessees or Collectors, put up, or cause to be put and continued, in some conspicuous place, at or near every Ferry House, (or house used as a ferry house) a Table, painted in distinct legible letters, containing at the top thereof, the name of the Ferry, at which the same shall be put up, and the Christian, and Surname of the Collector, or Keeper for the time being; and also a List of all the Tolls payable thereat, according to the scale hereinbefore given; and if any such Lessee or Collector, shall neglect or refuse to put up, and continue such board as aforesaid, with the several names, and Tolls, hereinbefore required to be thereby notified, distinctly painted thereon; or if any Boatman or Ferryman, shall not be in attendance, at all times by day, or by night, at his proper station, by reason whereof, any person or persons shall be delayed, in passing any Ferry, or shall demand, and take a greater Toll, than he shall be authorized by law to do, or shall demand, and take a Toll from any person who, being exempted by law from payment thereof, shall claim such exemption, or shall under colour of his Office, as Collector, Boatman, or Ferryman, extort from any person, any sum of money, or thing of any value whatsoever, for or in lieu of payment of Toll; or shall hinder or prevent any person or persons, from reading the contents, or inscription of any such board, as aforesaid; or shall refuse to tell his Christian and Surname, to any person requiring the same, or shall give a false name, in answer to such inquiry; or upon the legal Toll being tendered and paid, shall unnecessarily detain, or wilfully obstruct, hinder, or delay any Passenger, from passing over any Ferry; or if any such Collector, Boatman, or Ferryman, shall make use of any scurrilous, or abusive language, to any Traveller or Passenger; then and in every such case, the said Lessee or Lessees, Collector or Collectors, shall forfeit and pay for every such Offence, a sum not exceeding Five Pounds.

Lessees or Collectors to fix up a list of Tolls.

Penalty for neglecting to exhibit such Table; or performing any requisite duty £5.

XVIII. AND be it further enacted, that if any Person, liable to the payment of Toll, under this Act, shall after demand, neglect, or refuse to pay the same, or any part thereof, it shall be lawful for any

Persons refusing to pay the legal Tolls, may be prevented from passing over.

No. 1.

4th Gulielmi IV.

A. D. 1834.

Duration of this Act.

XXVII. AND be it further enacted, that this Act shall continue, and be it in force until, (and inclusive of) the 31st day of December, which will be in the year of Our Lord, one thousand eight hundred and thirty-six, and no longer.

RICHARD DANIELL,  
LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council  
This 7th Day of January, 1834.*  
H. C. SUTHERLAND,  
Clerk to the Council

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SCHEDULE REFERRED TO BY THE ANNEXED ACT.

No. 1.—*Form of Bond.*

*KNOW all men by these presents, that we, A. B. of in the Colony of Western Australia, E. T. of in the said Colony, and G. H. of in the said Colony, are jointly and severally held and firmly bound, unto His Majesty King William the Fourth in the sum of Pounds of good and lawful British money, current in England, to be paid to His said Majesty, his Heirs and Successors, for which payment to be well and truly made we bind ourselves jointly (and each and every of us by himself) severally and respectively, our and each and every of our Heirs, Executors, and Administrators firmly by these presents.*

*Scaled with our Seals and dated this day of  
in the Year of our Lord*

*Whereas in pursuance of an Act of the Governor, with the advice of the Legislative Council of Western Australia, passed in the Fourth Year of the Reign of King William the Fourth intituled "An Act to regulate the management and establishment of Ferries, and the collection of Tolls thereat," The Tolls to arise and be collected at the Ferry over the river Swan at in the said Colony (or as the case may be), were on the day of last put up to be leased by public Auction for the term of months from the day of when the said A. B. was declared to be the highest bidder and lessee thereof at or for the rent or yearly sum of £ (or if the tolls be let by private tender, under the ninth section of the annexed Act, recite the contract accordingly). And whereas the said E. T. and G. H. have at the request of the said A. B. consented and agreed to become bound with the said A. B. in the above written obligation as his sureties for the payment of the said rent, and for the due observance and performance of all and every the laws, ordinances, and regulations in the said Act contained, or which shall at any*

time during the said Term be in force respecting the said Tolls :—NOW, therefore, the condition of the above written obligation is such, that if the above bounden A. B. his Executors or Administrators, do, and shall well and truly pay or cause to be paid unto the Collector of Colonial Revenue of the said Colony for the time being, the said Rent of by even Quarterly (or as the case may be) payments of Pounds each, on the day of (as the case may require), the first of such Quarterly (or other) payments to begin and be made on the day of next, without any deductions or abatements thereout whatsoever ; and if the said A. B. his Executors or Administrators, do at all times during the said term, at his and their costs and charges, repair and keep in serviceable repair, all and every Boats, Punts, Vessels, Chains, Ropes, Fastenings, and Appurtenances belonging to the said Ferry ; and do and shall at the end, or other sooner determination of the said Term, leave, surrender, and yield up the said Ferry, and all houses and erections boats, punts, and vessels, chains, ropes, fastenings, and appurtenances belonging to the said Ferry, in good plight and serviceable condition (due allowance being made for reasonable wear and tear) ; and if the said A. B. his Executors or Administrators, do not at any time during the said Term, assign, underlet, or otherwise part with the said Term in the Premises, or any part thereof, without the License in writing of the Governor of the said Colony, for that purpose first obtained ; and if the said A. B. his Executors and Administrators, do and shall, well and truly observe, perform, and keep, all and every the Laws, Rules, and Regulations now in force, or which shall at any time during the said Term, be made and in force respecting the said Tolls : Then, the above written obligation shall be null and void ; but otherwise shall remain in full force and virtue ; and shall moreover stand as a security for, and shall and may be sued upon accordingly, for the payment and recovery of all, or any of the pecuniary penalties and forfeitures prescribed by the said Act, or which shall at any time hereafter, during the said term, be prescribed or imposed by law with reference to the said Tolls, and which shall become forfeited and payable.

Signed, sealed, and delivered, } by the above named, in the presence of . . . . . }	A. B.	(L. S.)
	E. T.	(L. S.)
	G. H.	(L. S.)

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No. 2.—Form of Lease.

WHEREAS in pursuance of an Act of the Governor, with the advice of the Legislative Council of Western Australia, passed in the fourth year of the Reign of King William the Fourth, intituled " An Act to regulate the Establishment of Ferries : and the Collection of Tolls thereat," the Tolls to arise and be collected at the Ferry over the River Swan, at in the said Colony (or as the case may be), were on the day of last past up to be leased by Public Auction for the term of from the day of next, when the

No. 1.

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*said A. B. was declared to be the highest bidder and Lessee thereof: Now know ye, that Z. Y., Collector of Colonial Revenue of the said Colony; (or other Officer appointed to let Tolls) in pursuance and by the authority of the said Act, and in consideration of the rent and covenants hereinafter reserved and contained, and also in consideration of the said A. B. having entered into the Bond with sureties prescribed by the said Act; Doth hereby demise and to farm let unto the said A. B. his Executors and Administrators all and every the Tolls and Fees arising and demandable at the said Ferry over the River Swan, at (or as the case may be): To have and to hold the same unto the said A. B. his Executors and Administrators from the day of                      for the term of                      Calendar Months. And the said A. B. in consideration of this demise doth hereby for himself, his Executors and Administrators, covenant, promise, and agree with and to the said Z. Y. and his successors in the said office of Collector of Colonial Revenue, that he the said A. B., his Executors or Administrators, shall and will well and truly pay or cause to be paid unto the said Z. Y., or his said successors, the said Rent of                      by even Quarterly (or as the case may be) payments on the                      day of                      (as the case may require), in cash, and every year without any deductions or abatements thereout whatsoever; and further that he the said A. B. his executors or administrators, shall and will at all times during the said Term, at his and their own costs and charges, repair and keep in serviceable repair all and every Boat, Punt, Vessel, Chains, Ropes, Fastenings and appurtenances whatsoever belonging to the said Ferry; and shall and will at the end, or other sooner determination, of the said Term hereby demised, leave, surrender and yield up the said Ferry, and all houses and erections, Boats, Punts and Vessels, Chains, Ropes, fastenings and appurtenances belonging to the said Ferry, in good plight and serviceable condition (due allowance being made for reasonable wear and tear); and further, that the said A. B. his Executors or Administrators shall not nor will at any time during the said Term assign, underlet, or otherwise part with his said Term in the Premises or any part thereof, without the license in writing of the Governor of the said Colony for that purpose first obtained; and lastly, that the said A. B. his Executors and Administrators shall and will well and truly observe, perform and keep all and every the Laws, Rules and Regulations now in force, or which shall at any time during the said Term be made and in force concerning the said Tolls hereby demised. In witness whereof the said Parties have hereunto set their hands and seals this                      day                      , in the year*

*Signed, sealed, and delivered  
by the said Z. Y. and A. B.  
in the presence of*

*Z. Y.                      (L. S.)  
A. B.                      (L. S.)*