



WESTERN AUSTRALIA.

ANNO SEPTIMO,

VICTORIÆ REGINÆ.

No. II.

**An Act for the Licensing of Boats and
Boatmen.**

WHEREAS it is expedient to make provision for the better regulation of boats and boatmen carrying goods or passengers for hire;—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 from and after the first day of August next, any person (not being a lessee of a public

Preamble.

Boats plying for hire must be licensed, under penalty not exceeding £10.

ferry, duly established by proclamation, crossing goods or passengers at such ferry, or not being in the employ of any person duly licensed as hereinafter mentioned) who shall convey by boat any goods or passengers for hire in any part of this colony without having first obtained such license as is hereinafter mentioned and required, shall, upon conviction, for every such offence, forfeit and pay any sum not exceeding ten pounds.

Mode of obtaining licence

Licence to be in force till January ensuing.

II. AND be it enacted, that every person desirous of obtaining a licence according to the provisions of this Act, shall deliver a description under his hand of the boat for which he desires to obtain a licence in the form of the annexed Schedule No. 1, with a declaration under his hand to the truth thereof, to the Justices of the Peace at the General Annual Licensing Meeting of the District in which such person shall be then resident; and it shall be lawful for the majority of Justices assembled at such meeting to grant to such persons as shall be approved of by them, upon payment of the sums specified in Schedule No. 2, a license in the form given in the Schedule No. 3, and every such license shall be in force from the date thereof until the first day of January then next ensuing, and no longer.

Two Justices may grant licences for broken period on payment of a proportionate sum.

III. AND be it enacted, that it shall be lawful for any two or more Justices of the Peace in the said colony in Petty Sessions assembled to grant a license for any broken period of a year upon payment of a proportionate amount for the same, provided that such amount be in no case less than one-half the full amount payable for the entire year.

Name, place of abode, and number to be painted on the boat, under penalty of 40s.

IV. AND be it enacted, that every person so licensed to keep a boat shall have his name and place of abode legibly painted in letters not less than one inch in length on the inner side of the gunwale of the stern sheets of the boat which he shall be licensed to ply for hire, and his number painted in figures of a like size upon the inside of the gunwale of the foresheets thereof, and if any person so licensed shall fail in this regulation, he shall, on conviction, forfeit and pay for every such offence any sum not exceeding forty shillings.

Two Justices empowered to transfer licences.

V. PROVIDED always and be it enacted, that if any person licensed under this Act shall die before the expiration of the term of his license, or shall be desirous of transferring his licence to any other

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person or persons, it shall be competent to any two Justices of the Peace for the said colony to transfer such licence by endorsement to the executor or administrator of the party so dying, or to the appointee of the person so desirous of transferring as aforesaid, upon payment of a fee of five shillings for such transfer.

VI. AND be it enacted, that the Justices shall from time to time publish in the Government Gazette a list of the licences or transfers of licences which they may issue under this Act.

List of licences or transfers of licences to be published.

VII. AND be it enacted, that it shall be lawful for any two or more Justices of the Peace to deprive of his licence any boatman who upon complaint made before them upon oath shall be found guilty of dishonest or improper conduct.

Licences to be forfeited for dishonest or improper conduct.

VIII. AND be it enacted, that it shall be lawful for any person employed under the Collector or Sub-Collectors of Colonial Revenue to board any boat and demand an inspection of the licence and also of the boat-note, and if necessary, to make such an examination of the cargo as to enable him to ascertain the correspondence of the cargo with the contents of the boat-note, and any person who shall refuse to give such inspection or to permit such examination shall, upon conviction, forfeit any sum not exceeding forty shillings.

Any person employed under Collector may board a boat and demand an inspection of licence and boat-note.

IX. AND be it enacted, that all informations and proceedings on account of any offence under this Act 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 two Justices of the Peace; and that it shall be competent to any one Justice of the Peace to receive the original information and complaint, and thereupon to summon the party accused and all necessary witnesses before any two Justices of the Peace, of whom such summoning Justice need not be one, and upon appearance of the party accused (or in his absence upon proof by oath of his having been served with the said summons either personally or by the same being left at his place of abode) such two Justices shall hear the matter of such information and examine all necessary witnesses upon oath, and make such order thereon as to them shall seem meet, and in case the party accused shall be by them convicted, and shall fail to pay any fine or penalty, costs or expenses, awarded by such order within three days next after

Mode of recovering penalties.

shall have been personally served on him or left at his usual place of abode, it shall be lawful for the said convicting Justices to levy and raise such fine or penalty, costs or expences, 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 Justices to commit the party so convicted to any Gaol or House of Correction for any term not exceeding three calendar months with or without hard labor.

Limitations of proceedings.

X. AND be it enacted, that all informations and proceedings in respect of offences against this Act shall be commenced within one calendar month next after the offences thereby respectively charged shall have been committed.

Sums for licences, fines, &c., to be handed over to the Chairman of the Town Trust.

XI. AND be it enacted, that all sums received for licences (save and except clerk's fees) and transfers of licences under this Act, and all sums arising from any penalties or forfeitures hereinbefore mentioned, shall, after deducting expences, be paid to the Chairman of the Trusts of the Towns respectively where the said licences or transfers of licences may have been obtained, or where the said penalties and forfeitures may have been imposed and awarded, to be applied towards the purposes of the Act intituled "An Act to provide for the improvement of the towns in the colony of Western Australia," or where there shall be no such trust, then to the Collector of Revenue or to the Sub-Collector of the districts, to the account of the General Revenue.

Act not to prevent ship's boats from landing cargo without licence.

XII. AND be it enacted, that nothing in this Act shall be construed to prevent any commander or owner of a ship or vessel from landing the whole or any part of his cargo at the proper places appointed for landing cargo in the boats of the said ship or vessel without having obtained a licence for such boats, provided the name of such ship or vessel be legibly painted on such boats.

XIII. AND be it enacted, that the term boat in this Act shall be taken to apply to any description of boat, flat, barge or vessel not having a certificate of registry under any Act requiring registration of British vessels.

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XIV. AND be it enacted, that this Act may be amended or repealed Act may be amended.
by any Act to be passed during this present Session.

"JOHN HUTT,"
GOVERNOR.

*Passed the Council }
13th July, 1843. }*

EDWARD-C. SOUPER,
Acting Clerk of the Council.

SCHEDULES REFERRED TO BY THE ANNEXED ACT.

SCHEDULE No. 1.

APPLICATION FOR A LICENSE.

I, _____, of _____, hereby apply for a licence to ply the boat hereunder described to carry goods and passengers, which description I declare to be true and accurate to the best of my knowledge.

Name of boat.	Description of boat.	Tonnage, with extreme length and breadth.

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SCHEDULE No. 2.

SCALE OF GRADUATED CHARGE FOR LICENCE.

	£.	s.	d.
For every boat under two tons.....		10	
“ two tons and under five.....	1		
“ five and under fifteen.....	1	10	
“ fifteen and upwards.....	2		
Fee for each licence to be paid to Clerk to Magistrates		2	6

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SCHEDULE No. 3.

LICENSE.

WE hereby certify that _____, of _____, is licensed under the Act 7th Vict. No. 2, to ply for hire by carriage of goods and passengers, the boat hereunder described from the date hereof till the first day of January next ensuing, for which license he has paid the sum of _____

DESCRIPTION OF BOAT LICENSED.

Number.	Name.	Description of Boat.	Tonnage, with extreme length and breadth.

Given under our hands this _____ day of _____

J. P.

J. P.