



WESTERN AUSTRALIA.

ANNO SEPTIMO,

VICTORIÆ REGINÆ.

No. XIV.

An Act to regulate the temporary occupation of Crown Lands in the Colony of Western Australia.

WHEREAS it is expedient to regulate the temporary occupation Preamble.
of Crown Lands in this Colony, and to prevent encroach-
ment, intrusion, and trespass thereon—Be it therefore enacted, by
His Excellency the Governor of Western Australia and its De-
pendencies, by and with the advice and consent of the Legislative
Council thereof, that from and after the passing of this Act, any per-
son who shall be in the habit of depasturing his or her horses, Any person occupying
unalienated Crown lands
without a license, subject
to a penalty.
cattle, sheep, or any other description of live stock, upon any un-

alienated Crown Lands in this colony, or who shall be found knowingly occupying the same, either by residing, or by erecting any tent, hut, or building thereon, or by clearing, enclosing, or cultivating any part thereof, or by cutting, sawing, or splitting timber thereon, or by depasturing cattle or other animals thereon, without having first obtained a license for such purpose, in conformity with the Government regulations in such case made and provided, and from time to time issued, shall, on conviction thereof, forfeit and pay the following penalties,—that is to say, for the first offence, any sum not exceeding Ten pounds, at the discretion of the Justice or Justices before whom the complaint shall be heard; for the second offence, any sum not exceeding Twenty pounds; and for the third and any subsequent offence, any sum not exceeding Fifty pounds.—Provided always, that no conviction shall be had for depasturing Live Stock on Crown Lands as above in any case where the Justice or Justices before whom a complaint shall be preferred, shall be satisfied that sufficient time has not elapsed for enabling the party complained of to procure a licence in manner pointed out, after the pasturage on his own runs may have been destroyed by fire.

Provided that where the pasturage of any person has been destroyed by fire, time shall be allowed for obtaining a license.

Acts previous to information to constitute but one offence.

Time allowed for removing property.

II. PROVIDED always, and be it enacted, that any act or acts of such use or occupation as aforesaid, whether continuous or repeated at intervals by the same person, previous to the date of a first information under this Act against such person, shall be deemed to be but one offence; and that it shall be lawful for any Justice or Justices convicting under this Act, to allow the person convicted any reasonable time, not exceeding fourteen days, for the purpose of removing any live stock or other his or her moveable property from off the scene of trespass; and that no information shall lie for any use or occupation had or retained in conformity with such allowance.

Any person forging a lease or license, shall be deemed guilty of a misdemeanor.

III. AND be it enacted, that if any person shall forge, counterfeit, or alter, or shall utter or make use of, knowing the same to be forged, counterfeited, or altered, any lease, license, or other document purporting to be an authority from the Government of Western Australia, to use or occupy any Crown Lands within the same, with the intent to evade any of the provisions of this Act, such person shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be transported for any term not exceeding seven years, or to be imprisoned for any term not exceeding three years, at the discretion of the Court.

1844.

7th Vict. No. 14.

IV. AND be it enacted, that on the hearing of any Information for any offence against this Act, it shall be incumbent on the party accused to produce satisfactory proof to the sitting Justice or Justices that he or she is duly licensed pursuant to this Act. Proof of license to be on the accused party.

V. AND be it enacted, that no proceeding had, or conviction obtained, under this Act, shall be held to determine the title to any lands or tenements. No proceeding under this Act is to determine title to lands.

VI. AND be it 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. Limitation of proceedings.

VII. AND be it enacted, that all informations and proceedings in respect of offences against this Act, shall be heard and determined in a summary way by or before any one or more Justice or Justices of the Peace, according to the provisions of an Act of Council passed in the seventh year of the reign of Her present Majesty, intituled "An Act to regulate summary proceedings before Justices of the Peace," and that all fines, forfeitures, and penalties, recovered under this Act, shall be paid over to the Colonial Treasurer, to be applied to the introduction of labourers, mechanics, and artizans, into the said colony, according to such arrangements as the Governor, with the advice and consent of the Legislative Council, shall from time to time appoint. Recovery and appropriation of penalties.

VIII. AND be it enacted, that if any person shall think himself or herself aggrieved by any judgment or conviction under this Act, such person may appeal therefrom to the next General Sessions of the Peace. Appeal.

IX. AND be it enacted, that this Act shall remain in force for the term of two years from the date hereof. Limitation of Act.

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

JOHN HUTT,
GOVERNOR.

*Passed the Council the 6th
day of June, 1844.*

EDWARD C. SOUPER,
Clerk of Council.