



WESTERN AUSTRALIA.

ANNO QUARTO

VICTORIÆ REGINÆ,

No. 1.

An Act to constitute the Island of Rottneſt a Legal Prison.

Preamble.

WHEREAS it has been deemed expedient to provide some place 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 civilized life:—And whereas all the ordinary modes of restraint have been found insufficient to insure their safe keeping in any jail, and a continued close confinement is particularly prejudicial to their health, as being so uncongenial with their ordinary habits; and whereas, the Island of Rottneſt appears peculiarly suitable for 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;—

I. Be it therefore enacted by the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that the Island of Rottneſt shall be constituted a Prison for the purposes of this Act.

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stituted and is hereby declared to be a jail 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.

II. And be it further enacted, that it shall be lawful for the Governor or Officer administering the Government of the said Colony by and with the advice and consent of the Executive Council thereof, 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 such precautionary rules and regulations touching the places, and times, and manner of landing of boats at the said Island, as may be thought necessary for the due custody and prevention of the escape of the Prisoners, and any person who shall be convicted before any two Justices of the Peace of having wilfully contravened any of the orders or regulations contained in any such Proclamation, issued for any of the purposes aforesaid, shall forfeit and pay any sum not less than One Pound, nor more than Ten Pounds, or in default thereof, shall be committed to prison for any period not less than seven days, nor more than three calendar months.

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 the Prisoners.

Any person convicted of having contravened these regulations to forfeit not less than One Pound, nor more than Ten Pounds, or to be imprisoned not less than seven days nor more than three months.

III. And be it further enacted, that it shall be lawful for the Governor or Officer administering the Government of this Colony, with the advice of the Executive Council thereof, to appoint a Gaoler or Superintendent, and any other requisite Officer, for the keeping and management of the said Prison, and also, to make all such rules and regulations as may be considered necessary to ensure the custody, employment, and discipline, as well as the health and comfort of the Prisoners confined therein.

The Governor to appoint Gaoler and other requisite officers, and to make rules and regulations to ensure the custody, employment, and discipline, as well as the health and comfort of the prisoners.

IV. And be it further 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 Rottneest aforesaid, there to be imprisoned for and during the whole or any portion of their respective terms of imprisonment, if under special circumstances, or for any special reasons it shall be deemed advisable so to do.

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

JOHN HUTT,

GOVERNOR AND COMMANDER-IN-CHIEF.

Passed the Legislative Council
the 2nd day of July, 1840.

WALKINSHAW COWAN,
Clerk of the Council.