



ANNO QUARTO

VICTORIÆ REGINÆ.

No. 2.

A BILL to amend an Act "for the Regulation and Protection of the Whale Fisheries.

WHEREAS by an Act of the Governor in Council passed in the present year (No. 11) entitled "An Act for the Regulation and Protection of the Whale Fisheries" it is enacted that in case any person having signed the articles of agreement therein specified binding himself to any duty or service in the Whale Fishery shall during the period thereby prescribed for his service under such articles absent himself from his duty or refuse or neglect to obey any lawful command given to him or shall otherwise misconduct himself or refuse or neglect to enter into the service for which he shall have contracted, or shall during the continuance of his intended term of service hire himself out to any other employment contrary to the true intent and meaning of the said articles it shall be lawful for the person or persons thereby aggrieved (upon complaint against the party so offending made on oath before any Resident Magistrate or two Justices of the Peace) to cause such party to be summoned to appear before such Resident Magistrate Justices or any other two Justices of the Peace who are respectively thereby authorised to enquire and determine touching the matters so complained of in a summary manner and to examine on oath or affirmation the witness or witnesses produced concerning the same and in case any such Resident Magistrate or Justices shall convict the party so complained against of any offence so charged then they shall have power in their discretion to award not only a forfeiture of any wages or lay or lays or any part thereof then or thereafter payable or deliverable under the said articles but also a fine of not less than forty shillings or more than forty pounds for such offence or (if they shall see fit) imprisonment with hard labour for any period not exceeding six calendar months at their discretion.

And whereas from the remote situation of various fishing stations and the limited population in the neighbourhood thereof it is found impracticable in many urgent cases to proceed in manner prescribed by the above recited act by summons before a Resident Magistrate or two Justices whereby refractory persons contracting under such articles and refusing or neglecting their service deserting therefrom and otherwise misconducting themselves are suffered to escape punishment to the serious inconvenience of their employers and evil example of others

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BE IT THEREFORE ENACTED by His Excellency Lieutenant Colonel George Gawler Knight of the Royal Hanoverian Guelphic Order Governor and Commander-in-Chief of the Province of South Australia by and with the advice and consent of the Legislative Council thereof as follows

I. That in case any person having signed any such articles binding himself to any duty or service in the Whale Fishery shall during the period thereby prescribed for his service absent himself from his duty or refuse or neglect to obey any lawful command given to him, or shall otherwise misconduct himself or refuse or neglect to enter into the service for which he shall have contracted or shall during the continuance of his intended term of service hire himself out to any other employment contrary to the true intent and meaning of the said articles in manner before mentioned it shall be lawful for any one Justice of the Peace and such Justice is hereby authorized and empowered upon complaint thereof made upon oath to him by any person with whom such party offending shall have so contracted or by his steward manager or agent to issue a warrant for apprehending and bringing before him every such offending party and to examine into and determine the said complaint and (if he shall see fit) to award a fine not exceeding five pounds or imprisonment with or without hard labour for any period not exceeding thirty days which award shall be final and not subject to appeal or at his discretion to commit the said offending party to be tried before any Resident Magistrate or two Justices of the Peace who may thereupon proceed to enquire determine and award in manner mentioned in the before recited act.

II. That for the purposes of this and the before recited act the Chief Commissioner of Police of the province is hereby authorized and empowered to hear determine and award in a summary way and to act in the same manner and with a like extent of powers as any Resident Magistrate or two Justices of the Peace.

III. And whereas by the said recited act it is provided that all original articles of agreement shall be delivered into the office of the Resident Magistrate at Adelaide who is hereby required to grant an office copy which "shall on proof of the signature to the original of the party sought to be charged be equivalent to such original:" And whereas great inconvenience in practice is found to result from the necessity of proving the signatures of parties to the original Be it therefore enacted that on the delivery of any such original articles of agreement the said Resident Magistrate shall on proof or private knowledge of the signature of the Justice or Justices attesting the same in manner provided by the said recited act and on payment of the sum of one shilling per folio grant to any party interested an office copy of the said articles certified under his hand and seal which shall be and be admitted and taken as authentic and sufficient evidence of the said agreement to all intents and purposes and it shall not thereafter be necessary to prove any signatures either to the original articles of agreement or to the said certified copy any law or practice to the contrary notwithstanding.

IV. That this act shall commence from and after the passing thereof.

GEORGE GAWLER,
Governor of South Australia.

Passed in Council this 26th day of June, 1840.

A. M. MUNDY,
Clerk of Council.

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