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WESTERN AUSTRALIA.

REGULATIONS



FOR

TICKET-OF-LEAVE

HOLDERS.

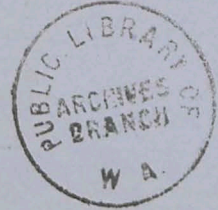
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REGULATIONS
FOR
TICKET-OF-LEAVE
HOLDERS.



1.—The breach of any of the following Regulations by a Ticket-of-leave holder will render him liable to the revocation of his Ticket-of-leave and to serve out as a prisoner the unexpired residue of his sentence or sentences, or to imprisonment with hard labour for a term not exceeding three years in addition to all other sentences passed upon him, or to be fined any sum not exceeding £5.

Breach of Regulations how punishable.

2.—A Ticket-of-leave granted to a Convict is an indulgence and not a right, and gives him freedom in the colony subject to the provisions of the Law and to these Regulations.

Ticket-of-leave not a right but an indulgence.

3.—The holder of a Ticket-of-leave must exhibit his parchment Ticket-of-leave to every person who may require him to do so.

Ticket-of-leave to be exhibited to any person demanding it.

4.—To each holder of a Ticket-of-leave will be assigned by the Comptroller General a district, being the same as that within which the authority of a Resident or Police Magistrate extends, and as marked in the official boundary maps, and to such Ticket-of-leave holder the Comptroller General may at any time assign another such district.

District to be assigned to each Ticket-of-leave holder

Ticket-of-leave holder to report to Magistrate in the months of June and December of each year.

5.—In the months of June and December of each year every Ticket-of-leave holder must report himself to the Resident or Police Magistrate of his district by handing to him the appointed printed form, having first entered thereon his Register Number, Name, the name of his master or employer, his trade or calling or his mode of maintaining himself, and his rate of wages or earnings.

Magistrate to report defaulters 15th January and 15th July.

6.—Immediately after the 15th January and 15th July in each year the Resident or Police Magistrate of each district will report to the Comptroller General the names of all defaulters who have not duly reported themselves as directed in Paragraph 5, and such defaulters will be brought before such Magistrate to be dealt with for such breach of these Regulations.

Ticket-of-leave holder not to be absent from district without a pass.

7.—A Ticket-of-leave holder is not allowed to be absent from his district without a pass.

Rewards for arrest of absent or absconding Ticket-of-leave holder charged against Ticket-of-leave holder.

8.—Rewards of the amounts for which the Comptroller General may obtain the approval of His Excellency the Governor will be paid for the arrest of any Ticket-of-leave holder absenting himself without leave or absconding from his district. Such rewards will be a charge against such Ticket-of-leave holder, and he will also be liable to be charged with the whole amount of the expenses incurred in his capture.

Passes to be absent from district to be granted by Comptroller General or Magistrate only.

9.—A pass to be absent from his district cannot be granted to a Ticket-of-leave holder except by the Comptroller General or the Resident or Police Magistrate of the district of such Ticket-of-leave holder; if by the Resident or Police Magistrate it cannot be granted for a longer period than fourteen days.

10.—Any free settler, however, who may not be resident

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within a reasonable distance of the Resident or Police Magistrate of his district is authorised to give a pass to any Ticket-of-leave holder in his service to proceed from his district to another while in charge of his Master's team, but such pass is not to be given either to or from the Victoria (Champion Bay) district, or to or from the Plantagenet (Albany) district.

Free settlers may grant passes in certain cases.

11.—A Ticket-of-leave holder is not to be passed to the Victoria (Champion Bay) district overland without the permission first obtained of the Comptroller General.

Ticket-of-leave holder not to go to Champion Bay district overland.

12.—Forms of passes as well as Register books for the Ticket-of-leave holders within their respective districts will be furnished to the Magistrates by the Comptroller General.

Pass forms and Register books.

13.—Every man discharged from any Convict Prison or Depot with a Ticket-of-leave is to report himself before leaving the town at the Police Station then nearest to him, and exhibit his pass to the Policeman on duty.

Ticket-of-leave holder when discharged from prison to report to Police.

14.—Every Ticket-of-leave holder to whom a pass may be granted to go from any place to any other place, is required to travel along the usual or direct line of traffic between such places, or by such road as may be expressed upon his pass, and to report himself at every Police Station by the way.

Ticket-of-leave holder to travel between places by usual or direct line of traffic, or by road ordered.

15.—Every Ticket-of-leave holder on pass is to report himself at the nearest Police Station within a reasonable time after his arrival in a town, and when about to leave a town immediately before his departure.

Ticket-of-leave holder to report to Police arrival at or departure from town.

16.—Every Ticket-of-leave holder on entering a district is to report himself at the nearest Police Station if within a reasonable distance.

To report to Police on entering district.

To report to Police transfer from district.

17.—Every Ticket-of-leave holder transferred from one district to another is to report the fact of such transfer to the Police at the nearest Station of the district which he is about to leave if within a reasonable distance. If not within a reasonable distance he is to make such report in writing by the first opportunity.

Ticket-of-leave holder not to change district without permission.

18.—A Ticket-of-leave holder cannot change his district without permission in writing from the Comptroller General, to whom every application for change of district must be made through the Resident or Police Magistrate of the district of such Ticket-of-leave holder.

To report to Police place of abode and name of employer.

19.—Every Ticket-of-leave holder residing in or near a town or in the neighbourhood of a Police Station is to report to the Police his place of abode and the name of his employer and every change of his place of abode and employment.

Not to be out between 10 o'clock at night and daylight.

20.—A Ticket-of-leave holder is not allowed to be absent from his house or place of abode between ten o'clock at night and daylight of the following day without a pass signed by his employer when on his lawful business, or by the Resident or Police Magistrate of the district.

To report employment to Magistrate of district.

21.—Immediately on obtaining employment a Ticket-of-leave holder must report himself to the Resident or Police Magistrate of his district, and render to such Magistrate for the information of the Comptroller General a written engagement from his employer giving his Register Number, Name, the nature of his employment, and the rate of wages he is to receive. Such employment will be subject to the sanction of the Resident or Police Magistrate of the district, or of the Comptroller General, which may be given, withheld, or withdrawn at any time.

Employment subject to sanction of Magistrate of district or Comptroller General.

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22.—A Ticket-of-leave holder will not be allowed to change his employment unless he produce to the Resident or Police Magistrate of his district a written discharge by the employer whose service he proposes to leave, which discharge his employer is by law required to give under a penalty not exceeding £5.

Ticket-of-leave holder not to change employment unless discharged by employer.

23.—A Ticket-of-leave holder will not be allowed to work on his own account or otherwise than in the *bonâ fide* service of an employer without the express sanction of the Comptroller General, which may be withdrawn at any time.

Not to work on own account without sanction of Comptroller General.

24.—A summary power will be exercised by the Governor of terminating any engagement of a Ticket-of-leave holder, if His Excellency shall be of opinion that such a measure is called for.

Governor may terminate any engagement of a Ticket-of-leave holder.

25.—Every employer of a Ticket-of-leave holder is required to report immediately to the Resident or Police Magistrate of the district, and to the Police, in case such Ticket-of-leave holder shall be absent without leave or shall abscond from his service, and such Magistrate will forthwith issue a warrant for his apprehension.

Employer to report absence or absconding of Ticket-of-leave servant.

26.—Any Ticket-of-leave holder having a complaint to make against his employer will be at liberty to prefer such complaint before the Resident or Police Magistrate of the district, for which purpose the employer shall on application to that effect, furnish the Ticket-of-leave holder with a pass; the Ticket-of-leave holder must however bear in mind that he will be liable to have his Ticket-of-leave revoked if the complaint be either frivolous or groundless.

Ticket-of-leave holder may make complaint against employer, but if complaint frivolous or groundless Ticket will be revoked.

27.—Every Ticket-of-leave holder is subject to the pro-

Ticket-of-leave holder can compel his employer to perform contract between them.

visions of the Master's and Servant's Ordinance (6 Vict. No. 5) in Western Australia; and under this Act a Ticket-of-leave holder can compel his master or employer to perform his part of the contract between them in all respects as efficiently as if the Ticket-of-leave holder were a free man.

Ticket-of-leave holder cannot, but employer can, terminate an engagement.

28.—An engagement made by a Ticket-of-leave holder cannot be terminated or altered by him, but an employer can terminate an engagement and return the Ticket-of-leave holder to the service of Government by forwarding him to the nearest hiring Depot or Police Station, the employer sending in a written report to the Resident or Police Magistrate as to the cause of his having thus concluded the engagement and specifying what the conduct of the Ticket-of-leave man has been up to the time of his discharge. Under such terminated engagement the Ticket-of-leave holder will be deemed to be entitled to wages up to the period of his being returned to the Government.

Ticket-of-leave holder if imprisoned to return after imprisonment to his employer unless he decline to take him back.

29.—Should a Ticket-of-leave holder be sentenced by a Magistrate to imprisonment he will be returned to the service of his employer to complete the term of engagement after the expiration of the sentence unless the employer states to the Magistrate or notifies to the Comptroller General that he does not desire to receive him back again and at the same time forwards any balance of wages that may be due to the Ticket-of-leave man at the period of his leaving.

Ticket-of-leave holder not to keep public-house or to assist in sale of spirituous liquors therein.

30.—A Ticket-of-leave holder is not allowed to have a license to keep a public-house or retail spirituous or fermented liquors, or to assist whether as barman or otherwise in the sale of such liquors in a public-house.

31.—A Ticket-of-leave holder is not allowed to work in

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private service or on his own account on board any vessel either in harbour or plying on the coast of the colony.

Not to work on board vessels in harbour or on coast.

32.—A Ticket-of-leave holder is not allowed to work in any vessel or boat employed in whale fishing in the bays or on the coast of the colony without the express sanction of the Comptroller General.

Not to work at whale fishing on coast without permission.

33.—Permission to Ticket-of-leave holders to work on the river will only be granted by the Comptroller General to well conducted and competent men. Ticket-of-leave holders convicted of offences committed on the river will be severely dealt with.

Permission to work on river to be given to well conducted men only.

34.—A list of Ticket-of-leave holders who have permission to work on the river will be suspended in the Courts of the Resident and Police Magistrates at Perth, Fremantle, and Guildford.

List of Ticket-of-leave holders permitted to work on river to be hung in Magistrates Courts.

35.—All Ticket-of-leave holders permitted to work on the river are required to report to the Police their arrival at, and departure from towns.

Ticket-of-leave holders working on river to report to Police arrival at and departure from towns.

36.—Ticket-of-leave holders refusing to work for reasonable wages will have their Tickets-of-leave revoked.

Tickets of men refusing to work for reasonable wages will be revoked.

37.—Every Ticket-of-leave holder by Act of Parliament is allowed to acquire and hold personal property and leasehold interest in land, and to maintain an action or suit for the recovery of any personal property or for any debt due to him; but if he should at any time forfeit his Ticket-of-leave for misconduct the property acquired by him will become absolutely vested in Her Majesty, and will be disposed of at the discretion of the Governor of the colony.

Ticket-of-leave holder may acquire personal property which will be forfeited if his Ticket be revoked.

38.—The Resident or Police Magistrates and the Police

Magistrate and Police to enquire into manner of life of Ticket-of-leave holder.

of the several districts will, whenever they think necessary, interrogate the holder of a Ticket-of-leave as to his manner of life or means of subsistence, and if not satisfied that he subsists honestly, will report the same forthwith to the Comptroller General.

Ticket-of-leave may be revoked by the Governor for any misconduct.

39.—The Ticket-of-leave of any holder thereof may be revoked by His Excellency the Governor for any breach of these Regulations, or for any misconduct on the part of such Ticket-of-leave holder not specially described therein.

Ill conducted Ticket-of-leave holder to have Ticket revoked and not to receive Conditional Pardon.

40.—Any Ticket-of-leave holder who shall be guilty of repeated acts of drunkenness or of any immoral or disorderly conduct, or shall lead an idle or dissolute life, or associate with notoriously bad characters, will forfeit his Ticket-of-leave and will not receive a Conditional Pardon.

Effect of revoking a Ticket-of-leave.

41.—Any Ticket-of-leave holder forfeiting his Ticket-of-leave returns to the position of an ordinary prisoner of the Crown and forfeits all privileges belonging to a Ticket-of-leave, and may be detained until he has served the full term of his unexpired sentence or sentences, as well as of the time during which he may have been absent as an absconder. The indulgence of a Ticket-of-leave can only be restored to him at the pleasure of the Governor.

Ticket-of-leave to be restored only at pleasure of the Governor.

Punishment of crimes committed by Ticket-of-leave holders.

42.—The holder of a Ticket-of-leave is liable to be punished in a summary way for all crimes and misdemeanours not punishable with death, either in the same way as a free man or by imprisonment with hard labour, in or without irons, on any of the roads or public works of the colony for any term not exceeding three years, or by whipping not exceeding one hundred lashes; and such punishment of whipping may be awarded in addition to any sentence of imprisonment with hard labour.

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43.—Ticket-of-leave holders are also subject to be punished on summary conviction before any one or more Justices of the Peace for the following crimes, viz.:—

Harbouring a Convict illegally at large. Punishment—
Whipping not exceeding 100 lashes, or hard labour, with or without irons not exceeding 12 calendar months. Harbouring Convict illegally at large.

If found on board ship without lawful authority—hard labour in irons not exceeding 12 months. On board ship without authority.

Taking any Convict on board ship without legal authority—hard labour in or without irons, for any term not exceeding two years, or whipping not exceeding 100 lashes. Taking Convict on board ship without authority.

Carrying firearms without a proper written permission—imprisonment or hard labour in or without irons, for a period not exceeding 12 calendar months. Carrying firearms without permission. 14 Vict. No. 6.

44.—Every Ticket-of-leave holder having permission to carry firearms will notify the same to the Resident or Police Magistrate of his district who will report such permission to the Comptroller General. Ticket-of-leave holder to report permission to carry firearms.

45.—Any Ticket-of-leave holder found on board ship with intent to escape is liable on conviction thereof before any Court of Quarter Sessions to penal servitude not exceeding fourteen and not less than seven years. Punishment for Ticket-of-leave holder found on board ship with intent to escape.

46.—Any Ticket-of-leave holder sentenced to punishment by any Magistrate for any of the above offences will not have his Ticket-of-leave restored to him except at the pleasure of the Governor. All sentences of imprisonment passed upon a Ticket-of-
14 Vict. No. 6. Clause 21. Tickets-of-leave of men punished for offences not to be restored except at pleasure of Governor. Sentences to be served in addition to original sentence.

leave holder are to be served in addition to his original sentence.

Marriage of Ticket-of-leave holders.

47.—The marriage of a Ticket-of-leave holder is neither sanctioned nor forbidden; the responsibility of marrying will rest with himself. If by marrying he infringe the Law he must take the consequences. The Comptroller General will upon application furnish any information given in the records of his department as to whether any Ticket-of-leave holder is or is not already married.

Wife and family of Ticket-of-leave holder.

48.—The wife and family of any well conducted Ticket-of-leave holder will be sent out to him free of expense on the usual form of application being filled in, and forwarded in triplicate to the Comptroller General through the Resident or Police Magistrate of the district.

Charge against Ticket-of-leave holder for treatment in hospital.

49.—Any Ticket-of-leave holder admitted into a Convict Hospital is required to pay one shilling and sixpence (1s. 6d) per diem for his maintenance during the period he may be in hospital. In the event of any Ticket-of-leave holder being unable to pay the whole or any part of this charge he must sign and give to the Visiting Magistrate an acknowledgment of the correctness of the charge and an undertaking to pay the same, and the Visiting Magistrate is requested to enforce the payment in every case.

Conditional Pardon dependent upon good conduct of Ticket-of-leave holder for a period.

50.—A Ticket-of-leave holder will not (except under special circumstances) be allowed a Conditional Pardon, until he has served without offence a period proportioned to the length of his sentence.

Conditional Pardon dependent upon honest, sober, and industrious conduct of Ticket-of-leave holder.

51.—A Ticket-of-leave holder will not be allowed a Conditional Pardon unless his conduct upon Ticket-of-leave has been honest, sober, and industrious.

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52.—A Conditional Pardon, a Conditional Release, or a Certificate of Freedom, will not be granted to any Ticket-of-leave holder against whom the Government may have any pecuniary claim until such claim shall have been satisfied.

Conditional Pardon, Conditional Release, or Certificate of Freedom not to be granted until pecuniary claim of Government is satisfied.

53.—Every Ticket-of-leave holder is hereby warned that in the event of a Conditional Pardon or a Conditional Release being granted to him, if he lose or destroy the Instrument of his Conditional Pardon or Conditional Release no other such document will be issued to him; nor on the expiration of his sentence or sentences will a Certificate of Freedom be issued until the Instrument of Conditional Pardon or Conditional Release be returned to the Comptroller General through the Resident or Police Magistrate of the district in which he may be located.

If Conditional Pardon or Conditional Release be lost no new one will be issued in place thereof.

Certificate of Freedom will not be issued unless Conditional Pardon or Conditional Release be returned.

54.—A Ticket-of-leave holder is not permitted to address the Secretary of State except through the Comptroller General who will submit the document for the Governor's consideration.

Petition to Secretary of State.

55.—Any Ticket-of-leave holder who may carelessly or wilfully lose, destroy, or spoil his parchment Ticket-of-leave will be required to pay for a new one, such sum not exceeding five shillings (5s.), as the Comptroller General may direct.

Ticket-of-leave holder losing or spoiling parchment Ticket to pay for new one.

56.—Any Ticket-of-leave holder out of employment will be maintained by the Government in a prison or depot, and shall perform such labour as may be required of him.

Ticket-of-leave holder out of employment required to work in Prison or Depot.

57.—A pass to seek employment will be granted to such Ticket-of-leave holder out of employment at the discretion of the Visiting Magistrate or as the Comptroller General may direct.

Pass to seek work to Ticket-of-leave holder out of employment.

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ticket-of-leave holder on pass to seek employment not to enter or loiter near a public-house.

58.—A Ticket-of-leave holder while on pass to seek employment is not to enter a public-house or to loiter about near a public-house.

ticket-of-leave holder not to go to districts North and East.

59.—A Ticket-of-leave holder is not permitted to go to either of the newly discovered districts to the North and East *without the written consent of the Government Resident of the District*

**CONDITIONAL
RELEASE.**

(Ticket-of-leave, 14
Vic. No. 6.)

60.—All Convicts who may have arrived subsequently to January 1st, 1864, will not receive Conditional Pardons; but in lieu thereof will receive Conditional Releases, subject to the following Regulations:—

Period to be served before Conditional Release will be granted.

1. The minimum period, with uniformly good conduct, to be served by a Convict to render him eligible for a Conditional Release, will be ~~half the period of his sentences remaining unexpired~~ *at least one year* at the time he is granted an ordinary Ticket-of-leave.

Conditional Release will not be granted to man convicted as a Ticket-of-leave holder.

2. A Conditional Release will not be granted to any Ticket-of-leave holder who while holding a Ticket-of-leave shall have been convicted of any offence whatever.

Holders of Conditional Release not subject to general Ticket-of-leave Regulations, but to report to Police before leaving and on entering a district.

3. A Conditional Release will not exempt the holder from the summary jurisdiction of Magistrates, under the Convict Discipline Ordinances; it will merely relieve him from the general Ticket-of-leave Regulations, and he will be required to report himself personally or by letter to the Police immediately before his leaving a district to reside elsewhere, and immediately on his entering a district to reside in it.

Holders of Conditional Releases convicted, to forfeit con-

4. If a Convict holding a Conditional Release be convicted of any offence his Conditional Release will

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be cancelled and he will not again obtain a Conditional Release.

ditional Release and not obtain another.

5. All sentences for misconduct, misdemeanour, or any serious offence, passed on a Convict holding a Conditional Release will be cumulative upon, and in addition to his original sentence, and on the expiration of his Magisterial sentence he will revert to his original sentence, and will not be released except on the special order of the Governor.

Sentence on holder of Conditional Release in addition to original sentence.

Holder of Conditional Release sentenced not to be again released without special order.

6. A Convict holding a Conditional Release must not proceed to either of the newly discovered districts to the North and East.

Conditional Release holder not to go to districts North and East.

without the written consent of the Gov. Resident of the district

By His Excellency's command,

HENRY WAKEFORD,

Comptroller General.

Perth, 1st January, 1869.

- A Ticket-of-leave holder is not permitted to take any part whatever, directly or indirectly, in any election either of a Member of the Legislature or of a Member of any Municipal Body, or in any way whatever to be concerned in any matter connected therewith, or to take any part whatever, directly or indirectly, in any political matter.

Ticket-of-leave holder not to take part in political or municipal matters.

By His Excellency's command,

HENRY WAKEFORD,

Comptroller General.

Perth, 26th April, 1870.

