



WESTERN AUSTRALIA.

ANNO TRICESIMO NONO

VICTORIÆ REGINÆ.

No. XIX.

AN ACT to amend "The Trespass Act, 1872."

[Assented to, 3rd January, 1876.]

WHEREAS it is expedient to amend "The Trespass Act, 1872;" 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, as follows:— Preamble.

1 THIS Act may be cited for all purposes as "The Trespass Act, 1872, amendment Act, 1875," and the said Act of 1872 and this Act shall be taken and read together as one Act. Short Title.

2 THE thirteenth and twenty-fourth sections of the said recited Act are hereby repealed. Sections 13 and 24 of Trespass Act 1872, repealed.

3 ANY person or persons who shall knowingly or carelessly suffer any horse, mare, gelding, foal, bull, ox, cow, heifer, calf, or any pony, mule or ass, swine, sheep, or goat belonging to him or in his apparent ownership or in his charge to be tethered, or to Horses, &c., roaming about in any street, &c.

39° VICTORIÆ, No. 19.

Trespass Act, 1872—Amendment.

Penalty.

Municipal Councils may make scale of penalties.

Proviso.

depasture, feed, or roam about, whether attended by a keeper or not, in or upon any street or public thoroughfare forming portion of a townsite, or shall be found trespassing upon any lands within the townsite whether the same be enclosed or unenclosed, and whether they be alienated from the Crown or not, shall on conviction forfeit and pay for every such offence a sum not exceeding Two pounds. Provided always, that if, after the passing of this Act, the Council of any Municipality shall make and publish in the *Government Gazette* a scale of fines, not exceeding the sum aforesaid, and approved by the Governor, to be imposed on persons offending within the limits of such Municipality against the provisions of this section, such persons shall be fined in accordance with such scale. Provided also, that any fine or penalty imposed in respect of any offence under this section shall be paid to the treasurer of the Municipality within the townsite of which such offence was committed, to be by him carried to the credit of the general revenue thereof. Provided also, that nothing in this section contained shall be construed to apply to any town herd, draught oxen, or cattle which shall be *bonâ fide* driven by a keeper, stockman, or other person straight into, through, or out of any city or town.

No compensation allowed for trespass on town or suburban allotments unless fenced.

4 FROM and after the passing of this Act the proprietor or tenant of any town or suburban allotment in any part of the Colony of Western Australia or its Dependencies shall not be entitled under the said Act to recover any compensation whatever for any damage committed by any live stock trespassing on such allotment unless the portion of such allotment trespassed on shall at the time of trespass be enclosed by a sufficient fence as defined in the said Act.

In the name and on behalf of the Queen I hereby assent to this Act.

WILLIAM C. F. ROBINSON, Governor.