



# WESTERN AUSTRALIA.

ANNO QUADRAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. XI.

AN ACT to amend "The Trespass Act, 1872."  
[ Assented to, 3rd July, 1878. ]

**W**HEREAS 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.  
36 Vict., No. 9.

**1** THIS Act may be cited for all purposes as "The Trespass Act, 1872, Amendment Act, 1878."

Short Title.

**2** SECTION Seventeen of "The Trespass Act, 1872," shall be and the same is hereby repealed; and section Twenty-one of the said Act is hereby amended by omitting the words "by any single Justice of the Peace."

Repeal of 36 Vict., No. 9, s. 17.

**3** AND be it enacted, that, if any person shall heretofore have erected or shall erect a sufficient fence dividing the land held or occupied by him from the land adjoining thereto and the occupier

Party using boundary fence to pay half.

# 42° VICTORIÆ, No. 11.

## *Trespass—Amendment.*

of the adjoining land shall, after the passing of this Act, in enclosing the same, avail himself of the dividing fence so erected, or any part thereof, then if the said first mentioned land has been alienated from the Crown, such occupier of the adjoining land shall be liable to pay to the person or persons having for the time being an estate for life or other greater estate in such first mentioned land, or if the said first mentioned land has not been alienated from the Crown, such occupier of the adjoining land shall be liable to pay to the lessee or licensee of such first mentioned land the half of the then value of so much of the dividing fence as shall be made available as a fence to such adjoining land; and if the person so liable to pay such half value shall not, on demand thereof by the person to whom it shall be payable, forthwith pay the same, the same shall be recoverable in due course of law as for so much money laid out and expended by the plaintiff for the use of the defendant, or otherwise as the case may be.

**4** THAT the maximum distance for which persons driving stock to pound shall be allowed mileage payment, be Ten miles.

**5** SECTION Two of the Trespass Act, 1872, shall be and it is hereby amended, by omitting the words "in any public pound," and by inserting, in lieu thereof, the words "in the public pound nearest to the scene of trespass."

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

H. ST. GEORGE ORD, Governor.