



WESTERN AUSTRALIA.

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. XV.

AN ORDINANCE to provide Summary Redress in cases
of minor Trespasses.

[11th July, 1864.]

WHEREAS the unrestricted trespasses of persons passing through, over, and about private Land, loitering thereon on pretence of searching for stray Cattle, and otherwise, tend to augment the exposure to depredation unavoidably suffered by agriculturalists, stock, and sheep owners; and brood mares and other stock are much exposed to injury and worry while such trespasses remain cognizable only in the Superior Court, and it is therefore expedient to give Justices of the Peace jurisdiction in cases of minor trespasses; 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:

28^o VICTORIÆ, No. 15.

Minor Trespasses.

Trespasses, when no question of title arises, may be determined by two justices; penalty £10.

1. IN all cases of Trespass committed on lands, tenements, and hereditaments, where no *bona fide* question of title shall arise in the course of the proceedings, it shall be lawful for the party or parties aggrieved, to prefer his or their complaint before any Two Justices of the Peace, who are hereby required and authorised to hear and determine such complaint, and to award a sum not exceeding £10 and costs, to be paid by the party committing such trespass or trespasses, or to dismiss such complaint with costs, not exceeding fifty shillings, or without costs; and in the event of nonpayment of the sum awarded and costs, or of the costs awarded, either immediately or within such time as the Justices shall appoint, any Justice of the Peace is hereby authorised by warrant, to cause the same to be distrained for, or to commit the party or parties convicted of such trespass or trespasses, and omitting or neglecting to pay the amounts awarded, to Gaol, there to remain for any space of time not exceeding Three months, unless the amount be sooner paid.

Ordinance not to interfere with right of way through customary roads &c., nor to affect the title of any proprietor in such road &c.

2. THIS Ordinance shall not interfere with, or be construed to affect, the rights of any person or persons to pass or repass orderly and quietly through over and along any customary track, path, road, or way leading from any customary or declared public road to the several towns, habitations, stations, and other places to which such track, path, road, or way leads, or the rights, powers, or privileges given granted or reserved to Her Majesty or Her subjects, in and by any Ordinance, Law, or Deed; Provided nevertheless that nothing herein contained shall be deemed to affect the title or freehold of any proprietor or proprietors in any such track, path, road, or way.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.



*Passed the Legislative Council,
this 11th day of July, 1864.*

G. E. HAMPTON,

Clerk of the Council.