



WESTERN AUSTRALIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

NO. II.

AN ORDINANCE to amend the Laws relating to Trespasses by Live Stock.

[3rd August, 1868.]

WHEREAS it is inexpedient that any person should have redress for a trespass involuntarily committed by the occupiers of surrounding pastoral lands unless the party aggrieved has his lands adequately fenced; 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 THE Ordinance of the said Legislative Council passed in the 31st year of the reign of Her present Majesty, intituled *An Ordinance further to amend the laws relating to Trespasses by Live Stock*, is hereby repealed.

31 Victoria, No. 10, repealed.

32° VICTORIÆ, No. 2.

Trespasses by Live Stock. Amendment.

Purchaser, tillage or mining lessee of lands within lease, not entitled to damages, &c., unless his land is fenced.

2 NO purchaser, tillage, or mining lessee, from the Crown, of land situate within the boundaries of a block or section of leased or licensed Crown land held under a pastoral lease or license, his heirs, executors, administrators, or assigns, shall be entitled under *The Cattle Trespass Ordinance of 1857*, or under any other Ordinance or Law relating to Trespass, to recover any damages, penalty, poundage, fees, and expenses, for or on account of any trespass on such first-mentioned land by live stock, from or against the lessee or other occupier of the surrounding lands held under such pastoral lease or license, nor shall he or they impound such live stock so trespassing, unless such first-mentioned land, or the part thereof trespassed on, shall, at the time of such trespass, be enclosed by a substantial fence, reasonably deemed sufficient to resist the trespass of great and small stock, including sheep, but not including goats and pigs; Provided nevertheless that such trespass shall not be wilful nor malicious.

Ordinances to be read together.

3 THIS Ordinance and *The Cattle Trespass Ordinance, of 1857*, shall be read together as one Ordinance.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.

H.S.

*Passed the Legislative Council, }
this 3rd day of August, 1868. }*

G. E. HAMPTON,

Clerk of the Council.