

An Act to amend the Petty Trespass Act of Upper Canada.

WHEREAS doubts have arisen under the section substituted by the Preamble.

Act passed in the twenty-fifth year of Her Majesty's Reign, for the first section of the Act known as "An Act respecting Petty Trespasses in Upper Canada," chapter one hundred and five of the Consolidated Statutes for Upper Canada; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Con. Stat. U.
C. c. 105.

1. The said section of the said Act is hereby repealed.

Sect. 1 re-
pealed.

2. The following section shall be substituted for the said repealed section, and shall in lieu thereof be read as the first section of the said Act, chapter one hundred and five of the Consolidated Statutes for Upper Canada:—

New section
substituted.

"Any person who unlawfully enters into, comes upon, or passes through, or in any way trespasses upon any land or premises, whatsoever being partly or wholly inclosed, or turns any horse, cattle, sheep, or swine upon, or permits any such to go or range at large upon any land or premises whatever, being wholly inclosed, and being the property of any other person, shall be liable to a penalty of not less than *one dollar* or more than *ten dollars* for every such offence, irrespective of any damage having or not having been occasioned thereby; and such penalty may be recovered with costs in every case of conviction, before any Justice of the Peace, who shall decide the matter in a summary way, and award costs in case of conviction, which may be had either on view, or on confession of the party complained against, or on the oath of one credible witness; but nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, or to any case within the meaning of the twenty-eighth section of the Consolidated Statutes of Canada, respecting Arson and other malicious injuries to property."

No person to
enter or allow
his cattle to
enter on the
land of an-
other without
permission.

Penalty and
how recover-
able.

Proviso.