

1st Session, 6th Parliament, 21st Victoria, 1858.

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BILL.

An Act to amend the Law relating to Petty
Trespasses, in Upper Canada.

Received and read first time, Tuesday, 11th May
1858.

Second reading, Tuesday, 18th May, 1858.

(500 copies.)

HON. MR. PRINCE.

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BILL.

An Act to amend the Law relating to petty trespasses in Upper Canada.

IN amendment of the Law relating to petty trespasses in Upper Canada, Preamble.
Her Majesty, &c., enacts as follows :—

I. No person shall enter into, come upon, or pass through, or turn any Horses, Cattle, Sheep or Swine upon, or permit any such to go or range at large upon, or in any way trespass upon any land or premises whatsoever, whether wholly or in part inclosed, being the property of any other person without the permission of such proprietor, or of some person by him duly authorized to grant such permission, under a penalty of not less than nor more than
10 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 one 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
15 against, or on the oath of one credible witness.

No person to enter, or to allow his cattle, &c., to enter on the land of another without permission.

II. It shall be lawful for any person, or for the servant of any person, on whose land any trespass is committed in contravention of this Act, to arrest without warrant the person in the act of so trespassing, and to bring him forthwith before a Justice of the Peace for trial on a charge of that
20 offence.

Proprietor or his servant may arrest trespasser without warrant, and bring him before a Justice of the Peace.

III. Except as herein otherwise provided, all proceedings under this Act shall be subject to and in accordance with the provisions of the Act passed in the Session held in the Sixteenth year of Her Majesty's Reign, chapter one hundred and seventy-eight, intituled "An Act to facilitate
25 "the performance of the duties of Justices of the Peace out of Sessions, "in Upper Canada, with respect to summary convictions and orders," which shall apply to cases arising under this Act.

Provisions of Act 16 Vict., c. 178, to apply to proceedings under this Act.

IV. Nothing in this Act contained shall authorize, or be construed to authorize, any Justice of the Peace to hear and determine any case of
30 trespass in which the title to any land, or any interest therein or accruing thereupon, shall be called in question or affected in any manner howsoever ; but every such case of trespass shall be dealt with according to law in the same manner, in all respects, as if this Act had not been passed.

Justice of the Peace not to try titles to land under colour of this Act.

35 V. This Act shall extend to Upper Canada only.

Extent of Act.