

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Fifth day of February 1818, in the Fifty-Eighth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Eighth Session of the Tenth General Assembly, convened in the said Province.

58 George III – Chapter 21

An Act relating to Trespasses.

Be it enacted by the Lieutenant-Governor, Council and Assembly, that from and after the publication of this act, if any person or persons shall be found trespassing in any meadow, orchard, garden or fenced field, under cultivation and improvement, in any township or place in this province, with a gun or otherwise, unless by leave of the owner or occupier, he or they, for every such offence, shall forfeit and pay a sum not exceeding ten shillings, nor less than five shillings, with costs; to be recovered on due proof before any Justice of the Peace of the county or district in which such meadow, orchard, garden or fenced field, shall lie; one half for the use of the owner or occupier of the land, and the other half for the poor of the township or place where the trespasses shall be committed.

II. And be it further enacted, that if any person or persons shall cut down or injure any tree or trees growing on the lands of any person or persons within any township or place in this province, shall forfeit and pay a sum not exceeding forty shillings, nor less than five shillings, for each and every tree cut and carried away, with costs; to be recovered on due proof before any Justice of the Peace for the county or district in which such lands shall lie; one half for the use of the owner of the land, and the other half for the poor of the township or place where the trespass shall be committed.

III. And be it further enacted, that if any person or persons shall cut down or injure any tree or trees planted for ornament, or left growing on the sides of any of the public squares, streets, or public highways in this province, he or they shall pay for each and every ornamental tree so cut or injured, forty shillings; to be applied by the person or persons having the care or management of such public square, street or highway, in replacing or planting other ornamental trees on the sides thereof, to be recovered in the King's name, by such ways and means as are provided in and by the second section of this Act. Provided always, that nothing herein contained shall extend, or be construed, to prevent any overseer of the highways under the order and direction of the court of general sessions of the peace, from removing and taking away any tree or trees so planted or left growing for ornament as aforesaid, as may be injurious to the said public squares, highways or streets.

IV. And be it further enacted, that if any person or persons shall cut, pull down, damage or injure any railing, stone wall, or fence of any kind, placed on the side or sides of any public square, bridge or causeway, throughout the province, such person or persons, for each and

every offence, shall forfeit and pay a penalty not less than five shillings, nor greater than forty shillings; the same to be recovered as directed in and by the third section of this act, and shall be expended by the proper officer or officers in repairing the damage and injury so done.

V. And be it further enacted, that in case any such trespasser or trespassers, shall refuse or neglect to pay such fine or fines, it shall and may be lawful to commit him or them to the term not exceeding four days; and where the fine exceeds that sum, for a term not exceeding one day, for every two shillings and six pence, that such fine shall exceed the said sum of ten shillings, or until such fine or fines shall be paid.

VI. And be it further enacted, that nothing in this act contained, shall extend, or be construed to extend, to take away from the party or parties, injured by any trespass or trespasses mentioned in this act, any right of action at law, which he, she or they, are now entitled to have and maintain, for the damage so done, against any person or persons trespassing as aforesaid.

VII. And be it further enacted, that all prosecutions for penalties, under the provisions of this act, shall be had within six months after the offence committed, and not afterwards.