

*Laws of Her Majesty's Province of Newfoundland*, passed in the year 1853.

16 Victoria – Chapter 12

**An Act for the Prevention of Trespasses on Private Property in this Colony. (Passed 15th June, 1853.)**

Whereas it is deemed necessary and expedient that provision should be made for the Prevention of Trespasses on Private Property in this Colony.

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, as follows: —

That if any Person shall wilfully or maliciously do or commit any damage, injury, or spoil, to or upon any Building, Fence, Hedge, Gate, Style, Tree, Woods, Underwood, Orchard, Garden, Nursery, Ground, Crop, Vegetable, Plant, Enclosed Land, or other matter or thing growing or being thereon, or to or upon Real or Personal Property of any nature or kind soever, or shall cut or carry away, or cause to be cut or carried away, any Trees, Logs, Timber, or other Woods, or break down, cut or carry away any Fence, Gate, Pale or Post, standing on or being upon any Lands in this Colony, without first obtaining a License from the Owner thereof, or from his Agent, and shall be thereof convicted within One Month next after the committing of such Injury or Trespass, before any Justice for the district or place where such offence shall have been committed, either by the confession of the party offending, or by the oath or one or more credible Witness or Witnesses, or of the party aggrieved in the premises (which oath such Justice is hereby empowered to administer,) every Person so offending and being thereof convicted as aforesaid, shall forfeit and pay to the Person aggrieved such a sum of money as shall appear to such Justice to be a reasonable satisfaction or compensation for the damage, trespass, injury or spoil so committed, not exceeding in any case the sum of Five Pounds Sterling, over and above the costs of recovering the same, which said sum of money and costs shall be paid to the Person aggrieved; but in case such conviction shall take place on the sole evidence of the party aggrieved, then and in such case such satisfaction and compensation shall be paid into Her Majesty's Treasury to wards the support of Her Majesty's Government in this Colony; and in default of payment of the sum of money in which the Offender shall have been so convicted as aforesaid, immediately, or within such lime as the Justice shall appoint at the time of conviction, together with all costs, charges, and expenses attending the conviction, then such sum of money, costs, and charges, shall be levied on the goods and chattels of the Offender; and in case he shall not have any goods and chattels on which to make such levy, then it shall be lawful for such Justice to commit such Offender to the Common Gaol for any time not exceeding One Month, unless such penalty, costs, charges and expenses, shall be sooner paid and satisfied.

II. That for the more easy bringing of Offenders against this Act to justice, it shall and may be lawful for any Constable, and for the Owner of any Property so damaged, injured, cut, taken away or spoiled, and for his Servant, or other Person acting by or under his authority, and for such Person as he may call to his assistance, without any Warrant or other authority than by this Act, to seize, apprehend, and detain any Person who shall have actually committed, or be in the act of committing, any offence against any of the provisions of this Act, and take him before any Justice in the district or place where

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the offence shall have been committed; and such Justice is hereby empowered and required to proceed and act with respect to such Offender in the manner by this Act directed.