

CHAPTER 4. No. 18.

TRESPASS.

AN ORDINANCE FOR THE PREVENTION OF WILFUL TRESPASS ON LANDS. Ordinance  
Ch. 4. No. 18-  
1940.

[10th November, 1852.]

Commence-  
ment.

1. This Ordinance may be cited as the Trespass Ordinance. Short title.
  
2. In this Ordinance— Interpre-  
tation.

“night time” includes any time between seven o'clock in the evening of one day and six o'clock in the morning of the next day;

“owner” includes the tenant, occupier, or other person having the possession of any land.
  
3. Every person who shall be found in the night time in any enclosed yard, garden, or ground, or in any cultivated lands, or in or about the works of any plantation, oilfield, refinery or oil tank farm, and who, on being taken before a Magistrate or Justice, shall fail to make it appear to the satisfaction of such Magistrate or Justice that he had some reasonable cause or excuse for being in the place where he shall have been so found, shall be liable to be imprisoned for three months. Persons  
found in or  
about  
enclosed  
yard or  
cultivated  
lands, etc.,  
at night.
  
4. If any person shall be found at any time in any lands on which, or near to which, there shall be stuck up in some conspicuous place a notice in legible letters forbidding all persons to trespass, not having some reasonable cause or excuse for being in the place where he shall be so found, or if, in the absence of such notice, any person shall be Trespass on  
lands where  
notice is  
placed, or  
refusing to  
quit.

found in any lands, and shall refuse to quit the same upon request to him made by the owner of such lands, or his servant, every such offender shall be liable, on summary conviction before a Magistrate or Justice, to a fine of not less than one dollar and twenty cents and not exceeding twenty-four dollars: Provided always, that every labourer or other servant having or occupying any house or cottage, or any room in any house or cottage, on any lands, and the members of his family actually residing thereat with him, shall not be liable to any punishment under this Ordinance by reason of his or their passing along or upon any road, path, or way leading from any public high road to such house or cottage.

Fastening vessel, etc., to private wharf or landing place, where notice is placed.

5. If any person shall fasten any vessel, boat, or craft to any private wharf or landing place, or shall land, place, or put any matter or thing whatsoever upon any such wharf or landing place, on which, or near to which, there shall be stuck up a notice in legible letters forbidding all persons to trespass, every such offender shall be liable, on summary conviction before a Magistrate or Justice, to the same penalty as in the last preceding section mentioned.

Offenders may be apprehended.

6. It shall be lawful for any constable, or the owner of the lands upon which such offence shall be committed, or his servant, or any person authorised by such owner, to seize and apprehend such offender upon such lands, or, in case of pursuit being made, in any other place to which he may have escaped therefrom, and to deliver him as soon as may be into the custody of a constable to be dealt with according to law.

Timber, etc., may be detained.

7. It shall be lawful for the owner of any lands, or his servant, or any person authorised by him, to seize and detain any timber, lumber, wood, underwood, charcoal, sugar canes, cocoa, coffee, or other produce which shall be found upon the land of such owner, and which there shall be reasonable cause to suspect to have been felled, cut, burned, or prepared upon such lands, and also to seize and detain any boat, cart, carriage, horse, ox, mule, or other animal employed in or for the purpose of carrying or removing the same, and to cause the same to be taken

to the nearest Police Station; and such timber, lumber, wood, underwood, charcoal, sugar canes, cocoa, coffee, or other produce shall be deemed the property of the owner of such lands, and may be disposed of in such manner as to the owner of such lands may seem fit, and such boat, cart, carriage, horse, ox, mule, or other animal shall be forfeited to the Crown, and may be sold by the order of any Magistrate or Justice, and the proceeds thereof paid into the Treasury for the use of the Colony, unless within three days from the day of the same being so seized the owner thereof shall claim the same, and shall, within the said term of three days, or such further term as such Magistrate or Justice may allow, prove to the satisfaction of such Magistrate or Justice that such timber, lumber, wood, underwood, charcoal, sugar canes, cocoa, coffee, or other produce was not felled, cut, burned, or prepared on the lands on which the same shall have been so seized.

Timber, etc., to be deemed property of person on whose land it may be found.

8. Every constable shall assist in the apprehension of any person found committing any offence against this Ordinance whenever required so to do by the owner, or any servant of the owner, of the lands upon or in respect whereof such offence shall be committed.

Constables to assist in apprehension of offenders.

9. Nothing in this Ordinance contained shall authorise any Magistrate or Justice to determine any case of trespass in which any question shall arise as to the right or title to any lands or any interest therein or accruing therefrom.

Cases where- in question of title to land arises.