



1847.

No. 19.

*ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.*

*To impose Penalties on Persons injuring or endangering the Property of others by wilful or negligent burning of Stubble and other Produce.*

[30th November, 1847.]

**W**HEREAS the reckless and negligent setting on fire of stubble, grass, and other crops and produce is attended with danger, and ought to be restrained,

Preamble.

Be it therefore Enacted, by the Governor of South Australia, with the advice and consent of the Legislative Council thereof—  
That whosoever shall, by the setting on fire or burning of timber, grain, straw, stubble, hay, grass, or other produce or material, growing, lying, or being in any place whatsoever, wilfully or negligently destroy, injure, or endanger the property of any other person shall, on conviction for every such offence, forfeit and pay a penalty of not less than Five Pounds, nor exceeding Twenty Pounds.

Wilful or negligent fire raising.

Penalty.

II. Provided always, and be it Enacted, That no conviction shall be had for more than one offence in respect of the same act or neglect under this Ordinance, and that nothing herein contained shall be construed to take away or interfere with any right of action or remedy at Common Law, or otherwise, for or in respect of any damage or injury, nor to interfere with the provisions of an Act of Parliament of the seventh and eighth years of the reign of His Majesty King George the Fourth, intituled "An Act for consolidating and amending the Laws in England relative to malicious injuries to Property."

Proviso.

Saving Common Law rights.

And Malicious Trespass Act, 7 and 8, Geo. IV., c. 30.

III. And

Recovery of penalties.

III. And be it Enacted, That all penalties and sums of money incurred and payable under this Ordinance may be sued for and recovered at the suit of any party interested, in a summary way, before any two or more Justices of the Peace, and all convictions and judgments of such Justices may be had and made, and shall be subject to appeal, in manner provided by the laws for regulating summary proceedings before Justices of the Peace.

Appropriation.

IV. And be it Enacted, That all penalties and sums so recovered shall be paid to the Colonial Treasurer, on behalf of Her Majesty, Her Heirs and Successors, for the public uses of the Province, and support of the Government thereof.

Commencement.

V. And be it Enacted, That this Ordinance shall commence from and after the fifteenth day of December next.

FREDK. H. ROBE,  
Lieutenant-Governor.

*Passed the Legislative Council this  
thirtieth day of November, one  
thousand eight hundred and forty-  
seven.*

W. L. O'HALLORAN,  
Clerk of Council.