



1854.

No. 14.

An Act to make provision against the danger of Bush and other Fires.

[Assented to, December 15, 1854.]

*Amended by
No 21 - 1855 - 6*

WHEREAS it is expedient to make further provision for the prevention of injury to property occasioned by fires, and for the punishment of persons who shall wilfully or negligently occasion any fires—Be it therefore Enacted, by the Lieutenant-Governor of the Province of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. No fire shall be lighted for the burning of stubble, hay, or grass between the first day of December and the fifteenth day of March, unless between the hours of six and ten in the afternoon.

No stubble burned during certain months, unless between six and ten p.m.

2. If any person shall burn, or suffer to be burnt, any stubble, hay, or grass, upon his land, without having given one day's notice, at least, to the owner or occupier of any land or buildings which shall immediately adjoin the field or place of such burning, and who may reside thereon or within five miles thereof, of his intention to burn the same; or without providing, and having on the spot, at least four persons to assist in preventing the spread of any such fire; or without having ploughed or cleared at least three feet around the field or place where such burning shall take place, on the inside of the fence or boundary thereof; or within such period as aforesaid before six o'clock, or after ten o'clock in the afternoon, such person shall, upon conviction thereof, forfeit and pay a penalty of Five Pounds.

Penalty for neglecting precautions.

3. Any person who shall, between the first day of September and thirtieth day of April use, for the wadding of any gun, pistol, or other fire-arm carried by him, any paper, cotton, linen, or other ignitable substance, shall, upon conviction thereof, forfeit and pay a penalty of Five Pounds.

Penalty for using ignitable wadding.

4. If

Persons carrying gun on land of another person, liable to examination.

4. If any person, within such period as last aforesaid, shall use or carry any gun, pistol, or fire-arm upon or over land the property of any other person, it shall be lawful for the owner, or occupier of such land, or his servant, to examine such gun, pistol, or other fire-arm, for the purpose of ascertaining the nature of the wadding used therein; and any person refusing to allow of such examination, or who shall, upon the occasion thereof, refuse to disclose his name to such owner or occupier, or servant, or who shall give a false name, shall, upon conviction, forfeit and pay a penalty of not less than Two Pounds nor more than Five Pounds.

Penalty.

Travellers lighting fires, to clear a space.

5. If any person shall light a fire in the open air, for the purpose of cooking or bivouacking, without having previously cleared a space of ground around the same of the radius of ten feet in the least of all grass, bushes, and leaves or branches of trees; or having lighted such fire, shall fail to extinguish the same fully before leaving the same, he shall, upon conviction, forfeit and pay a penalty of not less than Two Pounds nor more than Five Pounds.

Smoking in the open air.

6. Every person who shall, at any time during the months of December, January, February, and March, smoke in the open air, within twenty yards of any stable, or of any rick of hay, corn, straw, or stubble, unless within a town or village, shall, on conviction thereof, forfeit and pay a sum of Ten Shillings.

Trees not to be blasted.

7. If any person, within the months of December, January, February, and March, shall employ gunpowder, or any other explosive mixture, for the purpose of blasting any trees, wood, or timber, without having at least four persons present, to prevent any fire arising therefrom, he shall, upon conviction thereof, forfeit and pay the sum of Five Pounds.

Coroners or Justices may hold inquisitions.

8. It shall be lawful for any Coroner, or Justice of the Peace, to hold an inquest touching any bush or other fire happening within the said Province, and such inquest shall be held in the like manner, and the Coroner or Justice of the Peace holding the same shall have and exercise the like powers and authorities in all respects as are by law prescribed and conferred in cases of the finding of a dead body or of sudden deaths.

Act not to affect any other remedies.

9. Nothing in this Act contained shall take away or affect any right of action, or other remedy, which any person may have in respect of any loss or damage occasioned by any fire, or for any trespass committed.

Penalties to be recovered in a summary way.

10. All penalties by this Act imposed may be recovered, and all proceedings thereby directed may be had and taken in a summary way, before any two or more Justices of the Peace for the said Province.