

Inclosed Lands Protection.

Act No. 33, 1901.

An Act to consolidate the enactments relating to the protection of inclosed lands from intrusion and trespass. [30th October, 1901.]

INCLOSED LANDS
PROTECTION.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Inclosed Lands Protection Act, 1901." Short title.

2. The Acts mentioned in the Schedule are, to the extent therein expressed, hereby repealed. Repeal.

3. In this Act—

"Inclosed lands" means any lands, either public or private, inclosed or surrounded with any fence, wall, or other erection, by which the boundaries thereof may be known or recognised, and

Interpretation.

"Justice" means justice of the peace.

4. Any person who, without lawful excuse, enters into the inclosed lands of any other person, without the consent of the owner or occupier thereof, or the person in charge of the same, shall be liable to a penalty not exceeding five pounds, and the proof of such lawful excuse shall be upon the defendant in any such case. Penalty for unlawful entry upon inclosed lands. *Ibid.* s. 1.

5. Any person who enters into or upon the inclosed lands of any other person, and wilfully or negligently leaves open or down any gate or slip-panel, shall be liable to a penalty not exceeding ten pounds. Penalty on leaving gate open. *Ibid.* s. 2.

6. (1) Any person found committing any offence against this Act, and who refuses, when required to do so, to give his name and place of abode, may be apprehended by the owner, occupier, or person in charge of the inclosed lands upon or in relation to which the offence was committed, and delivered to the custody of the nearest constable to be taken before a justice to be dealt with according to law. Offender may be apprehended. *Ibid.* s. 3.

(2) Any person who, upon being so required to give his name and place of abode, gives any false name or place of abode, shall be liable to a penalty not exceeding five pounds.

7. (1) Any owner, occupier, or person in charge of inclosed land may destroy any goat found trespassing thereon. Owner may destroy goats. *Ibid.* s. 4.

(2) The word goat in this section shall not include any branded Angora or other branded goat producing hair used in or adapted for the manufacture of cloth or other textile fabrics. Exception as to Angora goats. 36 Vic. No. 18, s. .

Act No. 34, 1901.

Lotteries and Art Unions.

Penalties.

18 Vic. No. 27, s. 7.

Limitation of action.

Ibid. s. 8.

8. All penalties under this Act may be recovered before any justice.

9. All actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within two months after the fact was committed, and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action, and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial of such action.

SCHEDULE.

Year and Number of Act.	Title or short title.	Extent of repeal.
18 Vic. No. 27 ...	An Act for protecting inclosed lands from intrusion and trespass.	The whole, except s. 5.
36 Vic. No. 18 ...	Angora Goats Protection Act of 1873 ...	The unrepealed portion, except so far as it relates to s. 5 of 18 Vic., No. 27.