

No. XXX.

An Act to authorize the enclosure of the Sand Hills near the City of Sydney and in the City of Newcastle and to protect the same from Trespass. [21st December, 1852.]

SYDNEY
AND NEWCASTLE
SAND HILLS.

WHEREAS it has become necessary to take measures for clothing Preamble.
with vegetation the hills of drifting sand in the neighbourhood of Sydney and in the City of Newcastle and for that purpose to enclose and plant the same and to protect the plantations therein from trespass Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

1. Notwithstanding any rights of commonage over any of the lands in the neighbourhood of the said Cities respectively it shall be lawful for the Surveyor General or Deputy Surveyor General to cause to be enclosed with a fence any of the Sand Hills on Crown Lands in the said neighbourhoods to the end that the same may be planted with shrubs and grass and be protected from trespass and thereupon all commonage rights over any of the lands so enclosed shall be suspended. Surveyor General may enclose Sand Hills near Sydney and in Newcastle and thereupon commonage rights shall be suspended.

2. If any horned cattle horses sheep pigs or goats shall be found depasturing or trespassing upon any Sand Hill in the said neighbourhoods which shall have been so enclosed the owner thereof shall on conviction thereof before any Justice of the Peace forfeit and pay the penalties following that is to say—for the first offence the sum of ten shillings for every head of horned cattle or horses and the sum of five shillings for every pig sheep or goat which shall be so found depasturing or trespassing and for any second or subsequent offence double the amount of the said penalties respectively Provided nevertheless that it shall be lawful for the Governor to cause permission to be given for the temporary depasturing of any cattle horses or sheep upon such lands if he shall think that such depasturing will be conducive to the objects of this Act. Penalties for trespasses of cattle &c. on the said Sand Hill.

3. If any person shall take from any of the Sand Hills mentioned in the Act passed in the last Session of Council for preventing the denudation of the Sand Hills in the neighbourhood of Sydney or from any of the Sand Hills in the City of Newcastle any fencing or dead wood or any of the materials which may be used to prevent the drifting of the sand or to encourage the growth of plants and grass thereon he shall on conviction thereof before any Justice of the Peace forfeit and pay to Her Majesty for the first offence a sum of not less than twenty shillings nor more than five pounds and for the second or any subsequent offence a sum of not less than five nor more than ten pounds. Penalties for removing fencing or wood &c. used to prevent sand drifts or to encourage growth of plants on Sand Hills.

4. All the provisions of the said Act of the last Session of Council number seven so far as the same are in their nature applicable to the matters herein provided for shall be applied to and in relation to the said matters in the same manner as if the several provisions hereinbefore contained had been contained in the said Act. Provisions of 15 Vic. No. 7 applied to matters under this Act.