

## No. XXVII.

### LAND TRESPASSES. An Act for protecting inclosed Lands from Intrusion and Trespass. [29th November, 1854.]

Preamble.

WHEREAS it is expedient to make further alterations for the protection of inclosed Lands from Intrusion and Trespass Be it enacted by His Excellency the Governor of New South Wales by and with the consent of the Legislative Council thereof as follows :—

Penalty upon unlawful entry into inclosed lands.

1. Any person who shall without lawful excuse enter 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 forfeit and pay any sum not exceeding five pounds and the proof of such lawful excuse shall be upon the person charged with any offence against the provisions of this enactment.

Penalty upon leaving open gates and slip-panels.

2. If any person shall enter into or upon the inclosed lands of any other person and shall wilfully or negligently leave open or down any gate or slip-panel such person shall forfeit and pay any sum not exceeding ten pounds.

*Carters.*

3. Any person who may be found committing any offence against any of the provisions of this Act and who shall refuse when thereunto required to give his name and place of abode shall be liable to be apprehended by the owner or occupier or the person in charge of such inclosed lands and delivered to the custody of the nearest Constable or Peace Officer to be taken and conveyed before a Justice of the Peace to be dealt with according to law. And any person who upon being so required to give his name and place of abode shall give any false or fictitious name or place of abode shall forfeit and pay any sum not exceeding five pounds.

Persons violating this Act may be apprehended.

4. It shall be lawful for the proprietor or occupier or any person having the charge of any inclosed lands to destroy any goat found trespassing thereon.

Goats to be destroyed.

5. It shall be lawful for any Constable or Peace Officer to seize or destroy any goat found straying or at large in any road street or public place.

Constable to destroy goats in certain places.

6. The words "inclosed lands" in this Act shall mean any lands either private or public which may be inclosed or surrounded with any fence wall or other erection by which the boundaries thereof may be known or recognized and the word "person" shall be deemed to extend to any body corporate.

Interpretation clause.

7. All penalties hereby made payable or recoverable may be recovered in a summary way before any Justice as by law is or shall be provided.

Penalties to be recovered summarily.

8. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within two calendar months after the fact was committed and not otherwise and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar 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 any trial to be had thereupon.

Limitation of action.

General issue.