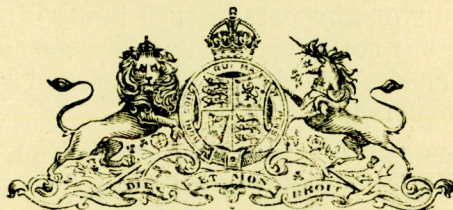


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
*Legislative Assembly Chamber,
Sydney, 23 August, 1939.*

New South Wales.



ANNO TERTIO

GEORGII VI REGIS.

Act No. , 1939.

An Act to amend the Inclosed Lands Protection Act, 1901, in certain respects; and for purposes connected therewith.

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:—

5 **1.** (1) This Act may be cited as the "Inclosed Lands ~~Short title~~ Protection (Amendment) Act, 1939."

(2) The Inclosed Lands Protection Act, 1901, as amended by this Act may be cited as the Inclosed Lands
10 Protection Act, 1901-1939.

Inclosed Lands Protection (Amendment).

2. The Inclosed Lands Protection Act, 1901, is amended—

Amendment
of Act No.
33, 1901.
Sec. 3.

5 (a) (i) by inserting in the definition of "Inclosed lands" in section three, after the word "erection," the words "or partly by a fence, wall or other erection, and partly by a canal or by some natural feature such as a river or cliff";

(Interpreta-
tion.)

10 (ii) by omitting the word "and" at the end of the same definition and inserting in lieu thereof the following words:—

15 Where a road is lawfully inclosed with the lands of any person such lands of such person but not the road shall be deemed for the purposes of this Act the inclosed lands of such person.

(iii) by inserting after the definition of "Justice" the following definition:—

20 "Road" means any land proclaimed, dedicated, resumed or otherwise provided as a public thoroughfare or way or any land defined, reserved or left as a road in any subdivision of lands.

25 (b) by inserting at the end of section four the following words and new subsection:—

Sec. 4.
(Penalty
for
unlawful
entry.)

30 Without prejudice to the generality of the expression "lawful excuse" a drover or person in charge of stock being driven upon a road lawfully inclosed with the lands of any person shall be deemed to have lawful excuse for entering such lands for the purpose of preventing the stock from straying or of regaining control of stock which have strayed from such road.

35 In this subsection "stock" includes horses, cattle, sheep, goats, pigs and camels.

(2) Where a road is lawfully inclosed with the lands of any person, and such road is not clearly defined but there is a reasonably defined track commonly used by persons passing through such

Inclosed Lands Protection (Amendment).

such lands, the centre of such track shall, for the purposes of this Act, be deemed to be the centre of the road.

5 (3) Where a road is lawfully inclosed with the lands of any person and such road is not clearly defined and there is no reasonably defined track through such lands a person passing through such inclosed lands shall not be guilty of an offence unless it is shown that the route taken by such person in so passing was, 10 having regard to the circumstances, unreasonable.

(c) by inserting at the end of section five the following new subsection:—

15 (2) Any person who enters into or upon any road lawfully inclosed with the lands of any other person through any gate (not being a public gate as defined in the Public Gates Act, 1901), or slip panel, and wilfully or negligently 20 leaves open or down such gate or slip-panel, shall be liable to a penalty not exceeding ten pounds.

(d) by omitting subsection two of section seven and by inserting in lieu thereof the following subsection:—

25 (2) Subsection one of this section shall not be construed to authorise the destruction of any goat which is legibly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

Sec. 5.
(Penalty for leaving gate open.)

Sec. 7.
(Owner may destroy goats.)

MEMORANDUM FOR THE DIRECTOR OF THE BUREAU OF REVENUE
 FROM THE CHIEF OF BUREAU OF CUSTOMS AND EXERCISE
 SUBJECT: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

19. [Illegible]

20. [Illegible]

21. [Illegible]

22. [Illegible]

23. [Illegible]

24. [Illegible]

25. [Illegible]

26. [Illegible]

27. [Illegible]

28. [Illegible]

29. [Illegible]

30. [Illegible]

31. [Illegible]

32. [Illegible]

33. [Illegible]

34. [Illegible]

35. [Illegible]

36. [Illegible]

37. [Illegible]

38. [Illegible]

39. [Illegible]

40. [Illegible]

41. [Illegible]

42. [Illegible]

43. [Illegible]

44. [Illegible]

45. [Illegible]

46. [Illegible]

47. [Illegible]

48. [Illegible]

49. [Illegible]

50. [Illegible]

(11)

New South Wales.



ANNO TERTIO

GEORGII VI REGIS.

Act No. 9, 1939.

An Act to amend the Inclosed Lands Protection Act, 1901, in certain respects; and for purposes connected therewith. [Assented to, 6th September, 1939.]

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. (1) This Act may be cited as the "Inclosed Lands Protection (Amendment) Act, 1939." Short title.

(2) The Inclosed Lands Protection Act, 1901, as amended by this Act may be cited as the Inclosed Lands Protection Act, 1901-1939.

Inclosed Lands Protection (Amendment).

Amendment
of Act No.
33, 1901.
Sec. 3.
(Interpreta-
tion.)

2. The Inclosed Lands Protection Act, 1901, is amended—

(a) (i) by inserting in the definition of “Inclosed lands” in section three, after the word “erection,” the words “or partly by a fence, wall or other erection, and partly by a canal or by some natural feature such as a river or cliff”;

(ii) by omitting the word “and” at the end of the same definition and inserting in lieu thereof the following words:—

Where a road is lawfully inclosed with the lands of any person such lands of such person but not the road shall be deemed for the purposes of this Act the inclosed lands of such person.

(iii) by inserting after the definition of “Justice” the following definition:—

“Road” means any land proclaimed, dedicated, resumed or otherwise provided as a public thoroughfare or way or any land defined, reserved or left as a road in any subdivision of lands.

(b) by inserting at the end of section four the following words and new subsection:—

Without prejudice to the generality of the expression “lawful excuse” a drover or person in charge of stock being driven upon a road lawfully inclosed with the lands of any person shall be deemed to have lawful excuse for entering such lands for the purpose of preventing the stock from straying or of regaining control of stock which have strayed from such road.

In this subsection “stock” includes horses, cattle, sheep, goats, pigs and camels.

(2) Where a road is lawfully inclosed with the lands of any person, and such road is not clearly defined but there is a reasonably defined track commonly used by persons passing through such

Sec. 4.
(Penalty
for
unlawful
entry.)

Inclosed Lands Protection (Amendment).

such lands, the centre of such track shall, for the purposes of this Act, be deemed to be the centre of the road.

(3) Where a road is lawfully inclosed with the lands of any person and such road is not clearly defined and there is no reasonably defined track through such lands a person passing through such inclosed lands shall not be guilty of an offence unless it is shown that the route taken by such person in so passing was, having regard to the circumstances, unreasonable.

- (c) by inserting at the end of section five the following new subsection:—

(2) Any person who enters into or upon any road lawfully inclosed with the lands of any other person through any gate (not being a public gate as defined in the Public Gates Act, 1901), or slip panel, and wilfully or negligently leaves open or down such gate or slip-panel, shall be liable to a penalty not exceeding ten pounds.

Sec. 5.
(Penalty for leaving gate open.)

- (d) by omitting subsection two of section seven and by inserting in lieu thereof the following subsection:—

(2) Subsection one of this section shall not be construed to authorise the destruction of any goat which is legibly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

Sec. 7.
(Owner may destroy goats.)

By Authority:

THOMAS HENRY TENNANT, Acting Government Printer, Sydney, 1939.

[3d.]

Section 100

and shall be the same as if the person had been the owner of the land at the time of the death of the person.

(1) Where a person is entitled to a share in the land of any person and there is no person entitled to such share under the will of the person who owned the land at the time of his death, the share shall be divided equally among the persons entitled to such share under the will of the person who owned the land at the time of his death.

(2) In the case of a person who is entitled to a share in the land of any person and there is no person entitled to such share under the will of the person who owned the land at the time of his death, the share shall be divided equally among the persons entitled to such share under the will of the person who owned the land at the time of his death.

(3) Where a person is entitled to a share in the land of any person and there is no person entitled to such share under the will of the person who owned the land at the time of his death, the share shall be divided equally among the persons entitled to such share under the will of the person who owned the land at the time of his death.

(4) In the case of a person who is entitled to a share in the land of any person and there is no person entitled to such share under the will of the person who owned the land at the time of his death, the share shall be divided equally among the persons entitled to such share under the will of the person who owned the land at the time of his death.

(5) Where a person is entitled to a share in the land of any person and there is no person entitled to such share under the will of the person who owned the land at the time of his death, the share shall be divided equally among the persons entitled to such share under the will of the person who owned the land at the time of his death.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 31 August, 1939.*

New South Wales.



ANNO TERTIO

GEORGII VI REGIS.

Act No. 9, 1939.

An Act to amend the Inclosed Lands Protection Act, 1901, in certain respects; and for purposes connected therewith. [Assented to, 6th September, 1939.]

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. (1) This Act may be cited as the "Inclosed Lands Protection (Amendment) Act, 1939." Short title.

(2) The Inclosed Lands Protection Act, 1901, as amended by this Act may be cited as the Inclosed Lands Protection Act, 1901-1939.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

Inclosed Lands Protection (Amendment).

Amendment
of Act No.
33, 1901.
Sec. 3.
(Interpreta-
tion.)

2. The Inclosed Lands Protection Act, 1901, is amended—

(a) (i) by inserting in the definition of "Inclosed lands" in section three, after the word "erection," the words "or partly by a fence, wall or other erection, and partly by a canal or by some natural feature such as a river or cliff";

(ii) by omitting the word "and" at the end of the same definition and inserting in lieu thereof the following words:—

Where a road is lawfully inclosed with the lands of any person such lands of such person but not the road shall be deemed for the purposes of this Act the inclosed lands of such person.

(iii) by inserting after the definition of "Justice" the following definition:—

"Road" means any land proclaimed, dedicated, resumed or otherwise provided as a public thoroughfare or way or any land defined, reserved or left as a road in any subdivision of lands.

Sec. 4.
(Penalty
for
unlawful
entry.)

(b) by inserting at the end of section four the following words and new subsection:—

Without prejudice to the generality of the expression "lawful excuse" a drover or person in charge of stock being driven upon a road lawfully inclosed with the lands of any person shall be deemed to have lawful excuse for entering such lands for the purpose of preventing the stock from straying or of regaining control of stock which have strayed from such road.

In this subsection "stock" includes horses, cattle, sheep, goats, pigs and camels.

(2) Where a road is lawfully inclosed with the lands of any person, and such road is not clearly defined but there is a reasonably defined track commonly used by persons passing through such

Inclosed Lands Protection (Amendment).

such lands, the centre of such track shall, for the purposes of this Act, be deemed to be the centre of the road.

(3) Where a road is lawfully inclosed with the lands of any person and such road is not clearly defined and there is no reasonably defined track through such lands a person passing through such inclosed lands shall not be guilty of an offence unless it is shown that the route taken by such person in so passing was, having regard to the circumstances, unreasonable.

(c) by inserting at the end of section five the following new subsection:—

(2) Any person who enters into or upon any road lawfully inclosed with the lands of any other person through any gate (not being a public gate as defined in the Public Gates Act, 1901), or slip panel, and wilfully or negligently leaves open or down such gate or slip-panel, shall be liable to a penalty not exceeding ten pounds.

Sec. 5.
(Penalty for leaving gate open.)

(d) by omitting subsection two of section seven and by inserting in lieu thereof the following subsection:—

(2) Subsection one of this section shall not be construed to authorise the destruction of any goat which is legibly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

Sec. 7.
(Owner may destroy goats.)

In the name and on behalf of His Majesty I assent to this Act.

WAKEHURST,
Governor.

*Government House,
Sydney, 6th September, 1939.*

