

## No. XIX.

### An Act to authorize the erection of Public Gates across certain Roads. [24th April, 1873.] PUBLIC GATES.

**W**HEREAS it is expedient to make provision for the erection of Preamble.  
Public Gates by the occupants of inclosed land through which any unfenced public road may pass Be it therefore enacted by the Queen'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 shall come into force on the first day of July and may be cited as the "Public Gates Act of 1873." Commencement and short title.

2. In the construction of this Act the word "occupant" shall mean any person in lawful possession of land The term "public road" shall mean any road or portion of a road and also any track or portion of a track within the meaning of the nineteenth section of the Crown Lands Occupation Act of 1861 heretofore or hereafter to be dedicated to or lawfully used by the public. Interpretation of terms.

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*Grape-vines and Grapes Importation Prohibition.*

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Erection of gates  
across roads.

3. The occupant of any land through which any unfenced public road passes may at his own cost place gates across such road wherever the same intersects any fence enclosing or bounding his land or any part thereof upon obtaining permission so to do from the Secretary for Lands. Provided that notice of intention to grant such permission shall be published in the *Government Gazette* and some local newspaper if any at least thirty days before commencing the erection of such gate or gates and that the form and position thereof shall have been approved by the said Secretary for Lands. And every such gate shall during its continuance be designated a "public gate" and shall have the words "public gate" painted and maintained thereon in legible characters not less than three inches in length. Provided that the Secretary for Lands may so soon as any road or portion of road passing through enclosed lands has been securely fenced on both sides revoke and cancel the permission granted for the erection of gates across such road or portion of road.

Penalty for leaving a  
public gate open.

4. Whosoever after having opened or passed through any public gate shall fail to close the same or whosoever shall break or injure such gate or deface or attempt to deface the words painted thereon shall on conviction thereof before any Justice of the Peace forfeit and pay over and above the amount of the injury (if any) occasioned by such misconduct such sum of money not exceeding five pounds as to such Justice shall seem meet to be recovered in a summary way in pursuance of the provisions of the Act or Acts in force for the time-being regulating proceedings on summary convictions before Justices. And in default of payment thereof together with the costs if ordered the offender shall be imprisoned for a period not exceeding two months or until payment be sooner made. And if it be proved that such gate was wilfully left open the offender shall on conviction thereof before any two Justices forfeit and pay over and above the amount of the injury occasioned by such misconduct such sum of money not exceeding twenty pounds as to the Justices shall seem meet to be recovered as aforesaid and in default of payment thereof together with the costs (if ordered) shall be imprisoned for a period not exceeding six months or until payment be sooner made.

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