

No. X.

An Act to repeal the "Public Gates Act of 1873" and to authorize the erection of Public Gates across certain Roads. [2nd August, 1875.]

WHEREAS it is expedient to make provision for the erection of Public Gates by the occupants of inclosed lands 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 may be cited as the "Public Gates Act of 1875." 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.

3. The occupant of any land through which any unfenced public road passes may at his own cost place gates of sufficient width to be approved by the Minister 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 upon twelve months notice to the occupant of the land revoke and cancel the permission granted for the erection of gates across such road or portion of road.

4. Whosoever after having opened or passed through any public gate shall fail immediately 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 open for other purpose than passage along the public road or 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

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Campbelltown Reservoir better Preservation.

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.

Penalty for placing words "public gate" on gate not authorized.

5. Any occupant who shall place or cause to be placed the words "public gate" on any gate not authorized under this Act or who shall permit with the object of obtaining the protection afforded by this Act the words "public gate" to remain on any gate not authorized under this Act shall on conviction thereof before any two Justices of the Peace forfeit and pay over a sum of money not exceeding fifty pounds as to the Justices shall seem meet to be recovered in a summary way in pursuance 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 six months or until payment be sooner made.

36 Victoria No. 19 repealed.

6. The Act of Council passed in the thirty-sixth year of Her present Majesty numbered nineteen shall be and is hereby repealed Provided that nothing herein contained shall annul invalidate or prejudice any act or thing lawfully done performed or executed under the authority of or rendered valid by the aforesaid Act.
