

# INCLOSED LANDS PROTECTION ORDINANCE, 1912.<sup>(1)</sup>

No. 27 of 1912.

## An Ordinance to consolidate and amend the Enactments relating to the Protection of Inclosed Lands from Intrusion and Trespass.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Inclosed Lands Protection Ordinance, 1912.*<sup>(1)</sup> Short title.

It shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.*<sup>(1)</sup> Commencement.

2. The enactments mentioned in the Schedule hereto are repealed. Repeal.

3. In this Ordinance “inclosed lands” means 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 recognised. Interpretation.  
Q. 18 Vic.  
No. 27, s. 6.

4. Any person who without lawful excuse enters 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 be liable to a penalty not exceeding Five pounds and the proof of such lawful excuse shall be upon the defendant in any such case. Penalty upon unlawful entry into inclosed lands.  
Q. 1b. s. 1.

5. Any person who enters into or upon the inclosed lands of any other person and wilfully or negligently leaves open or down any gate or slip-panel shall be liable to a penalty not exceeding Ten pounds. Penalty upon leaving open gates and slip-panels.  
Q. 1b. s. 2.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua <i>Govt. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
16.7.1912	(a)	7.5.1913 ( <i>Papua Govt. Gaz.</i> of 7.5.1913)

(a) No notice of non-disallowance has been published in *Papua Govt. Gaz.*

LAND—

Refusing to give or giving false name.

Q. 18 Vic. No. 27, s. 3 altered.

6. Any person found committing any offence against this Ordinance and who when required by the owner occupier or person in charge of the inclosed land upon or in relation to which the offence was committed to give his name and place of abode refuses to do so or when so required gives any false or fictitious name or place of abode shall be liable to a penalty not exceeding Five pounds.

Goats, &c., may be destroyed.

Q. *Ib.* s. 4.

Q. 42 Vic. No. 4, s. 3.

7. The owner occupier or person in charge of any inclosed lands may destroy any goats swine or geese found trespassing thereon and if the owner of such goats swine or geese fail to remove their carcasses within twelve hours after their destruction the person destroying such goats swine or geese shall cause the carcasses to be buried or burnt.

Constable may destroy goats in certain places.

Q. 18 Vic. No. 27, s. 5.

8. Any European constable may seize or destroy any goat found straying or at large in any road street or public place.

Penalties to be recovered summarily.

Q. *Ib.* s. 7.

9. All penalties under this Ordinance may be recovered in a summary way before any justice of the peace.

Limitation of action.

Q. *Ib.* s. 8.

10. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Ordinance shall be commenced within two calendar months after the fact was committed 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 Ordinance and the special matter in evidence at any trial to be had thereupon.

SCHEDULE.

Reference to enactment.	Title or short title.	Extent of repeal.
18 Vic. No. 27 ..	An Act for protecting inclosed lands from intrusion and trespass (Queensland adopted).	The whole.
42 Vic. No. 4 ..	<i>The Inclosed Lands Act of 1878</i> (Queensland adopted).	The whole.