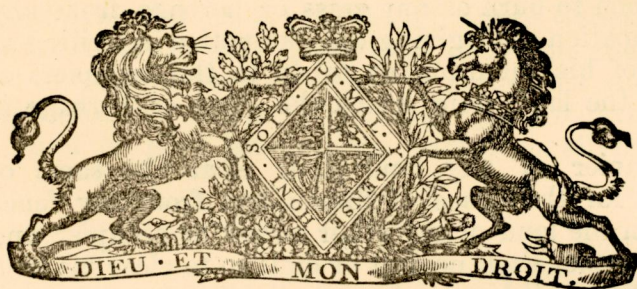


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 7 March, 1866. A.M. }

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. .

(As amended in Committee of the Whole Council.)

An Act for preventing the careless use of Fire.

WHEREAS the reckless and negligent use of Fire is attended with Preamble.
great danger and ought to be restrained 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
5 New South Wales in Parliament assembled and by the authority of
the same as follows:—

1. If any person shall except as hereinafter mentioned ignite or Penalties for setting
fire to corn or grass
or leaving fire burn-
ing.
use or carry when ignited any inflammable material within twenty
yards of any growing crops or stacks of corn pulse or hay or within
10 three yards of any stubble field or grass land and thereby the property
of any other person shall be injured or destroyed ~~or if any person shall
leave any fire which he may have lighted or used in the open air
before the same be thoroughly extinguished~~ he shall forfeit and pay
for every such offence any sum of money not exceeding fifty pounds
15 or be imprisoned with or without hard labor for any period not
exceeding three months or if any person shall except as hereinafter
mentioned leave any fire which he may have lighted or used in the
open air before the same be thoroughly extinguished he shall forfeit
and pay for every such offence any sum of money not exceeding ten
20 pounds or be imprisoned for any period not exceeding one month
225— Provided

NOTE.—The words to be omitted are ruled through; the words to be inserted are printed in black letter.

Careless use of Fire Prevention.

Provided that it shall be lawful for the occupier of any land to burn any straw stubble grass or herbage or to ignite any wood or other inflammable material on such land after he shall have cleared of inflammable substance a space of land around the straw stubble grass
 5 or herbage intended to be burnt or wood or other inflammable material intended to be ignited of not less than fifteen feet in breadth and after he shall have given to the occupier of all land contiguous to the land from or on which the straw stubble grass or herbage is intended to be burnt or inflammable material to be ignited notice in writing at
 10 least twenty-four hours before burning or igniting as aforesaid of the time at which it is his intention so to burn or ignite Provided further that it shall be lawful for the occupier of any grass lands between the hours of ~~two~~ seven of the clock in the ~~afternoon~~ forenoon and nine of the clock in the afternoon to burn off any grass or herbage from any
 15 such land in his occupation after giving the like notice in writing as hereinbefore directed of his intention so to do to the occupiers of all land contiguous to the land from which the grass or herbage is intended to be burned.

2. If the occupier of any land shall clear the same of
 20 inflammable materials for the space of fifteen feet from any fence dividing such land from the land of any other owner or occupier and such other owner or occupier shall neglect or omit so to clear his land and any damage from fire shall happen to such dividing fence through such neglect or omission the owner or occupier so neglecting or
 25 omitting to clear shall at his own costs and charges cause such fence to be repaired and re-erected within the space of one month after the same shall have been so damaged and in case he shall refuse or omit to repair or re-erect the same fence within such space of one month it shall be lawful for the owner or occupier of the land contiguous to
 30 the said fence who shall have cleared the same of inflammable material as aforesaid to repair or re-erect such dividing fence And all sums of money which shall or may be so expended or laid out under the provisions of this Act shall be deemed and taken to be money paid to the use of the owner or occupier in default.

Damage by fire to dividing fence caused by negligence of owner or occupier of land to be made good by him.

3. All ~~penalties or forfeitures~~ offences under the first section of
 35 this Act may be ~~sued for recovered and imposed~~ **prosecuted for and adjudicated upon** in a summary way before any one or more Justice or Justices of the Peace.

Penalties may be recovered in a summary way.

4. It shall be lawful for any person whomsoever to apprehend
 40 any person who shall be found committing any offence against any of the provisions of this Act and to convey or deliver him to some constable or other peace officer in order to his being conveyed as soon as conveniently may be before a Justice of the Peace to be dealt with according to law.

Offender may be apprehended without warrant.

5. If any person liable to be apprehended under the provisions
 45 of this Act shall oppose resist or assault any person acting in execution of any of the provisions of this Act every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable to be fined or to be imprisoned with or without hard labor for any term not
 50 exceeding six months.

Penalty on person obstructing another acting under this Act.

6. Nothing in this Act contained shall take away or interfere
 or be construed to take away or interfere with the right of any person
 to sue for and recover at common law or otherwise compensation for
 or in respect of any damage or injury occasioned by the reckless or
 55 negligent use of fire.

Proceedings under this Act not to interfere with right to sue for compensation for damage by fire.

7. No proceedings under this Act shall be quashed for want of
 form or removed by *certiorari* or otherwise into the Supreme Court.

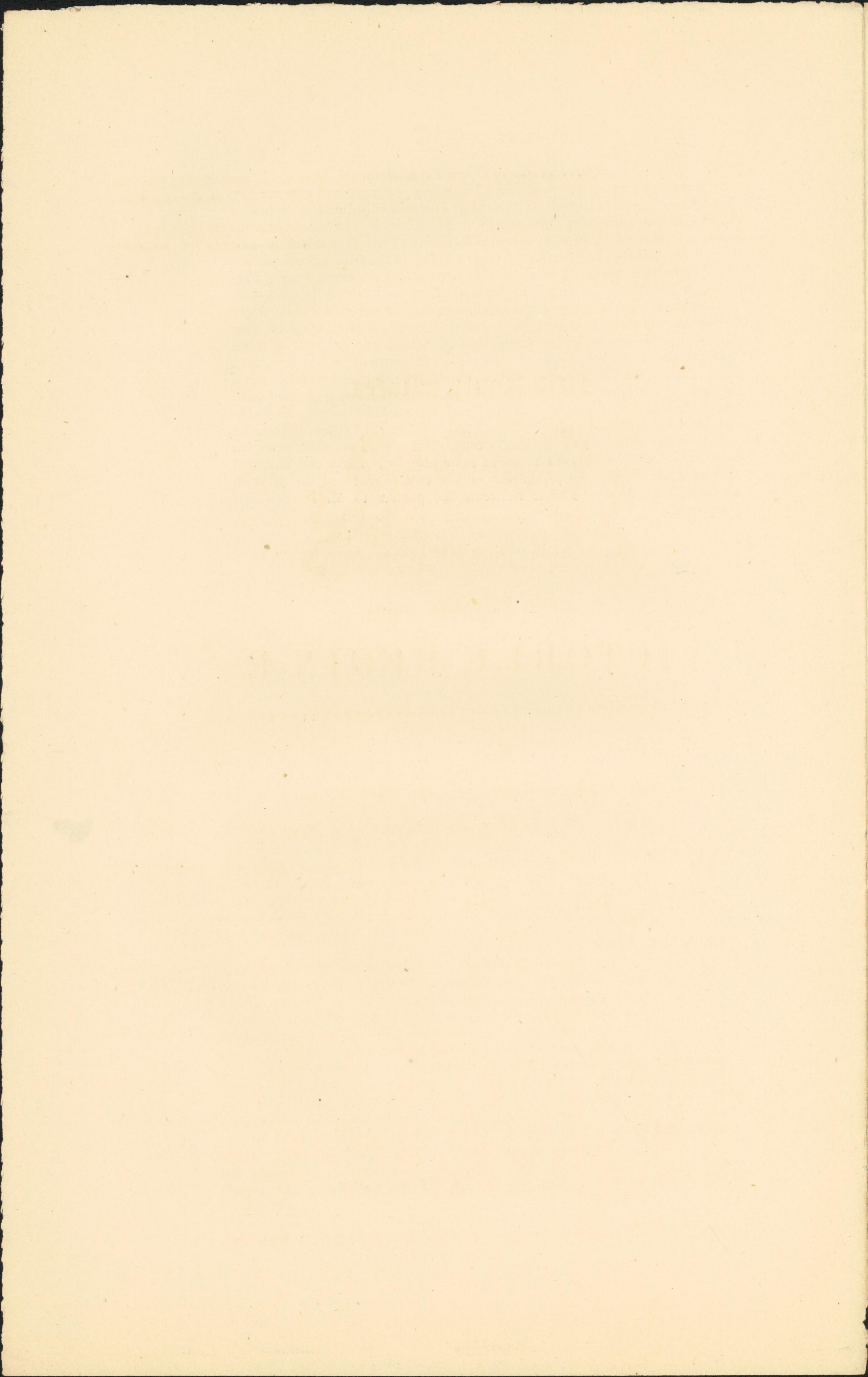
Certiorari.

8. Any person ordered or adjudged to pay any fine penalty or
 forfeiture of ten pounds and upwards or to be imprisoned who shall
 feel

Appeal to General Sessions.

Careless use of Fire Prevention.

feel himself aggrieved by the Justice or Justices adjudicating or before whom he was convicted may appeal from any such judgment or conviction to the next Court of General Sessions of the Peace which shall be holden nearest to the place where such judgment or conviction
5 shall have been given or made and the execution of every such judgment or conviction so appealed from shall be suspended in case such person shall with one or more sufficient surety or sureties immediately before such Justices enter into a recognizance to Her Majesty Her Heirs and Successors in the penal sum of double the amount of such
10 fine penalty or forfeiture or in case of imprisonment in such sum as such Justice or Justices may direct which recognizance such Justices are hereby authorized and required to take and such recognizance shall be conditioned to prosecute such appeal with effect and to be forthcoming to abide the determination of the said Court of General Sessions
15 and to pay such costs as the said Court shall award on such occasion and such Court of General Sessions is hereby authorized and required to hear and determine the matter of the said appeal and the decision of such Court shall be final between the parties to all intents and purposes.



CARELESS USE OF FIRE PREVENTION BILL.

*SCHEDULE of the Amendments made by the Legislative Council in the Bill intituled,
"An Act for preventing the careless use of Fire," returned to the Legislative Assembly
with Message of 27th March, 1866.*

R. O'CONNOR,
Clerk of the Parliaments.

- Page 1, clause 1, lines 11 to 13. *Omit* "or if any person shall leave any fire which he
" may have lighted or used in the open air before the same be thoroughly
" extinguished "
- " " line 16. *After* " months " *insert* " or if any person shall except as
" hereinafter mentioned leave any fire which he may have lighted or
" used in the open air before the same be thoroughly extinguished he
" shall forfeit and pay for every such offence any sum of money not
" exceeding ten pounds or be imprisoned for any period not exceeding
" one month "
- Page 2, " line 13. *Omit* " two " *insert* " seven "
- " " " *Omit* " afternoon " *insert* " forenoon "
- " clause 3, line 35. *Omit* " penalties or forfeitures " *insert* " offences "
- " " line 36. *Omit* " sued for recovered and imposed " *insert* " prosecuted
for and adjudicated upon "
- " clause 5, line 49. *Before* " imprisoned " *insert* " fined or to be "
-

CHAMBERS ST. ON THE

THE NEW YORK

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.

*Legislative Assembly Chamber,
Sydney, 7 March, 1866. A.M. }*

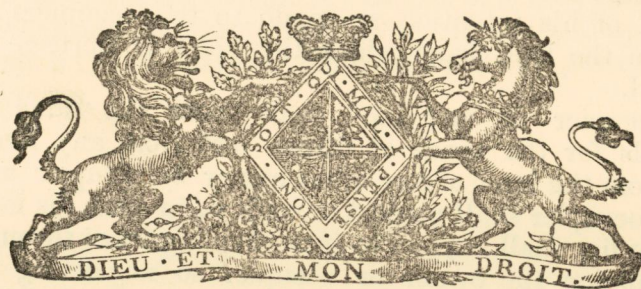
CHA. TOMPSON,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney 27th March, 1866. }*

R. O'CONNOR,
Clerk of the Parliaments.

New South Wales.



ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. .

An Act for preventing the careless use of Fire.

WHEREAS the reckless and negligent use of Fire is attended with Preamble.
great danger and ought to be restrained 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
5 New South Wales in Parliament assembled and by the authority of
the same as follows:—

1. If any person shall except as hereinafter mentioned ignite or Penalties for setting
fire to corn or grass
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ing.
use or carry when ignited any inflammable material within twenty
yards of any growing crops or stacks of corn pulse or hay or within
10 three yards of any stubble field or grass land and thereby the property
of any other person shall be injured or destroyed or if any person shall
leave any fire which he may have lighted or used in the open air
before the same be thoroughly extinguished he shall forfeit and pay
for every such offence any sum of money not exceeding fifty pounds
15 or be imprisoned with or without hard labor for any period not
exceeding three months or if any person shall except as hereinafter
mentioned leave any fire which he may have lighted or used in the
open air before the same be thoroughly extinguished he shall forfeit
and pay for every such offence any sum of money not exceeding ten
20 pounds or be imprisoned for any period not exceeding one month
225—
Provided

NOTE.—The words to be omitted are ruled through; the words to be inserted are printed in black letter.

Careless use of Fire Prevention.

Provided that it shall be lawful for the occupier of any land to burn any straw stubble grass or herbage or to ignite any wood or other inflammable material on such land after he shall have cleared of inflammable substance a space of land around the straw stubble grass
 5 or herbage intended to be burnt or wood or other inflammable material intended to be ignited of not less than fifteen feet in breadth and after he shall have given to the occupier of all land contiguous to the land from or on which the straw stubble grass or herbage is intended to be burnt or inflammable material to be ignited notice in writing at
 10 least twenty-four hours before burning or igniting as aforesaid of the time at which it is his intention so to burn or ignite Provided further that it shall be lawful for the occupier of any grass lands between the hours of ~~two~~ seven of the clock in the ~~afternoon~~ forenoon and nine of the clock in the afternoon to burn off any grass or herbage from any
 15 such land in his occupation after giving the like notice in writing as hereinbefore directed of his intention so to do to the occupiers of all land contiguous to the land from which the grass or herbage is intended to be burned.

2. If the occupier of any land shall clear the same of
 20 inflammable materials for the space of fifteen feet from any fence dividing such land from the land of any other owner or occupier and such other owner or occupier shall neglect or omit so to clear his land and any damage from fire shall happen to such dividing fence through such neglect or omission the owner or occupier so neglecting or
 25 omitting to clear shall at his own costs and charges cause such fence to be repaired and re-erected within the space of one month after the same shall have been so damaged and in case he shall refuse or omit to repair or re-erect the same fence within such space of one month it shall be lawful for the owner or occupier of the land contiguous to
 30 the said fence who shall have cleared the same of inflammable material as aforesaid to repair or re-erect such dividing fence And all sums of money which shall or may be so expended or laid out under the provisions of this Act shall be deemed and taken to be money paid to the use of the owner or occupier in default.

3. All ~~penalties or forfeitures~~ offences under the first section of
 35 this Act may be ~~sued for recovered and imposed~~ prosecuted for and adjudicated upon in a summary way before any one or more Justice or Justices of the Peace. Penalties may be recovered in a summary way.

4. It shall be lawful for any person whomsoever to apprehend
 40 any person who shall be found committing any offence against any of the provisions of this Act and to convey or deliver him to some constable or other peace officer in order to his being conveyed as soon as conveniently may be before a Justice of the Peace to be dealt with according to law. Offender may be apprehended without warrant.

5. If any person liable to be apprehended under the provisions
 45 of this Act shall oppose resist or assault any person acting in execution of any of the provisions of this Act every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable to be fined or to be imprisoned with or without hard labor for any term not
 50 exceeding six months. Penalty on person obstructing another acting under this Act.

6. Nothing in this Act contained shall take away or interfere
 or be construed to take away or interfere with the right of any person to sue for and recover at common law or otherwise compensation for
 or in respect of any damage or injury occasioned by the reckless or
 55 negligent use of fire. Proceedings under this Act not to interfere with right to sue for compensation for damage by fire.

7. No proceedings under this Act shall be quashed for want of
 form or removed by *certiorari* or otherwise into the Supreme Court. Certiorari.

8. Any person ordered or adjudged to pay any fine penalty or
 forfeiture of ten pounds and upwards or to be imprisoned who shall
 feel Appeal to General Sessions.

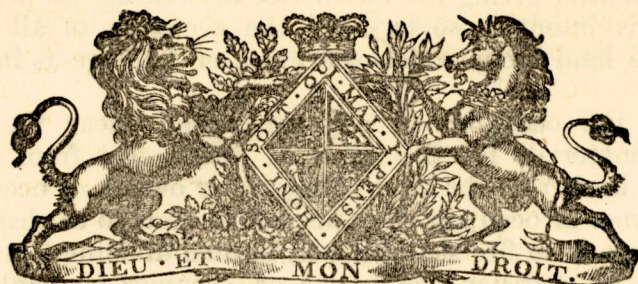
Careless use of Fire Prevention.

feel himself aggrieved by the Justice or Justices adjudicating or before whom he was convicted may appeal from any such judgment or conviction to the next Court of General Sessions of the Peace which shall be holden nearest to the place where such judgment or conviction
5 shall have been given or made and the execution of every such judgment or conviction so appealed from shall be suspended in case such person shall with one or more sufficient surety or sureties immediately before such Justices enter into a recognizance to Her Majesty Her Heirs and Successors in the penal sum of double the amount of such
10 fine penalty or forfeiture or in case of imprisonment in such sum as such Justice or Justices may direct which recognizance such Justices are hereby authorized and required to take and such recognizance shall be conditioned to prosecute such appeal with effect and to be forthcoming to abide the determination of the said Court of General Sessions
15 and to pay such costs as the said Court shall award on such occasion and such Court of General Sessions is hereby authorized and required to hear and determine the matter of the said appeal and the decision of such Court shall be final between the parties to all intents and purposes.

Sydney: Thomas Richards, Government Printer.—1866.

[Price, 6d.]

New South Wales.



ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. XXI.

An Act for preventing the careless use of Fire. [Assented to, 7th April, 1866.]

WHEREAS the reckless and negligent use of Fire is attended with Preamble.
great danger and ought to be restrained 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. If any person shall except as hereinafter mentioned ignite or Penalties for setting fire to corn or grass or leaving fire burning.
use or carry when ignited any inflammable material within twenty yards of any growing crops or stacks of corn pulse or hay or within three yards of any stubble field or grass land and thereby the property of any other person shall be injured or destroyed he shall forfeit and pay for every such offence any sum of money not exceeding fifty pounds or be imprisoned with or without hard labor for any period not exceeding three months or if any person shall except as hereinafter mentioned leave any fire which he may have lighted or used in the open air before the same be thoroughly extinguished he shall forfeit and pay for every such offence any sum of money not exceeding ten pounds or be imprisoned for any period not exceeding one month Provided that it shall be lawful for the occupier of any land to burn any straw stubble grass or herbage or to ignite any wood or other inflammable material on such land after he shall have cleared of inflammable substance a space of land around the straw stubble grass
or

Careless use of Fire Prevention.

or herbage intended to be burnt or wood or other inflammable material intended to be ignited of not less than fifteen feet in breadth and after he shall have given to the occupier of all land contiguous to the land from or on which the straw stubble grass or herbage is intended to be burnt or inflammable material to be ignited notice in writing at least twenty-four hours before burning or igniting as aforesaid of the time at which it is his intention so to burn or ignite. Provided further that it shall be lawful for the occupier of any grass lands between the hours of seven of the clock in the forenoon and nine of the clock in the afternoon to burn off any grass or herbage from any such land in his occupation after giving the like notice in writing as hereinbefore directed of his intention so to do to the occupiers of all land contiguous to the land from which the grass or herbage is intended to be burned.

Damage by fire to dividing fence caused by negligence of owner or occupier of land to be made good by him.

2. If the occupier of any land shall clear the same of inflammable materials for the space of fifteen feet from any fence dividing such land from the land of any other owner or occupier and such other owner or occupier shall neglect or omit so to clear his land and any damage from fire shall happen to such dividing fence through such neglect or omission the owner or occupier so neglecting or omitting to clear shall at his own costs and charges cause such fence to be repaired and re-erected within the space of one month after the same shall have been so damaged and in case he shall refuse or omit to repair or re-erect the same fence within such space of one month it shall be lawful for the owner or occupier of the land contiguous to the said fence who shall have cleared the same of inflammable material as aforesaid to repair or re-erect such dividing fence. And all sums of money which shall or may be so expended or laid out under the provisions of this Act shall be deemed and taken to be money paid to the use of the owner or occupier in default.

Penalties may be recovered in a summary way.

3. All offences under the first section of this Act may be prosecuted for and adjudicated upon in a summary way before any one or more Justice or Justices of the Peace.

Offender may be apprehended without warrant.

4. It shall be lawful for any person whomsoever to apprehend any person who shall be found committing any offence against any of the provisions of this Act and to convey or deliver him to some constable or other peace officer in order to his being conveyed as soon as conveniently may be before a Justice of the Peace to be dealt with according to law.

Penalty on person obstructing another acting under this Act.

5. If any person liable to be apprehended under the provisions of this Act shall oppose resist or assault any person acting in execution of any of the provisions of this Act every such offender shall be guilty of a misdemeanor and being convicted thereof shall be liable to be fined or to be imprisoned with or without hard labor for any term not exceeding six months.

Proceedings under this Act not to interfere with right to sue for compensation for damage by fire.

6. Nothing in this Act contained shall take away or interfere or be construed to take away or interfere with the right of any person to sue for and recover at common law or otherwise compensation for or in respect of any damage or injury occasioned by the reckless or negligent use of fire.

Certiorari.

7. No proceedings under this Act shall be quashed for want of form or removed by *certiorari* or otherwise into the Supreme Court.

Appeal to General Sessions.

8. Any person ordered or adjudged to pay any fine penalty or forfeiture of ten pounds and upwards or to be imprisoned who shall feel himself aggrieved by the Justice or Justices adjudicating or before whom he was convicted may appeal from any such judgment or conviction to the next Court of General Sessions of the Peace which shall be holden nearest to the place where such judgment or conviction shall have been given or made and the execution of every such judgment

Careless use of Fire Prevention.

ment or conviction so appealed from shall be suspended in case such person shall with one or more sufficient surety or sureties immediately before such Justices enter into a recognizance to Her Majesty Her Heirs and Successors in the penal sum of double the amount of such fine penalty or forfeiture or in case of imprisonment in such sum as such Justice or Justices may direct which recognizance such Justices are hereby authorized and required to take and such recognizance shall be conditioned to prosecute such appeal with effect and to be forthcoming to abide the determination of the said Court of General Sessions and to pay such costs as the said Court shall award on such occasion and such Court of General Sessions is hereby authorized and required to hear and determine the matter of the said appeal and the decision of such Court shall be final between the parties to all intents and purposes.

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1866.

[Price, 3d.]

