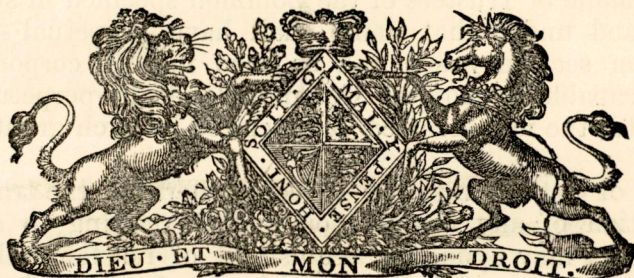


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 26 November, 1872. }

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act to regulate Commons.

BE it 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:—

5 1. The Act eleventh Victoria number thirty-one is hereby repealed. Repeal of 11 Vic. No. 31.

2. The following terms within inverted commas shall for the purposes of this Act unless the context otherwise indicate bear the meanings set against them respectively:— Interpretation:

10 "Government"—Governor with the advice of the Executive Council.

"Common"—Crown Lands which have been heretofore or which may be hereafter granted or dedicated as such under this Act or otherwise.

15 3. The Government may from time to time by notification in the *Government Gazette* grant or dedicate in perpetuity or for a definite period to the residents or inhabitants of any city town district or locality any Crown Lands with or without power of resumption and in such manner Grants or dedication of Commons.

Commons Regulation.

manner and upon such terms and conditions as may be deemed best for the public interest And may before any general election of Trustees under this Act shall have taken place appoint any number of persons not exceeding five as Trustees of such Common.

- 5 4. The Government may authorize the use as a temporary Temporary Common.
Common by the residents or inhabitants of any city town district or locality of any Crown Lands and may in such manner and upon such terms and conditions as may be deemed best for the public interest by notification in the *Government Gazette* appoint any persons Trustees
- 10 for the same or may append such temporary Common to any other Common for the time-being under the Trustees of such other Common Provided that every such temporary Common or any portion thereof shall be liable to be resumed at any time at pleasure by the Govern-
ment and shall not be exempt from sale conditional or otherwise or
- 15 from being granted or dedicated for any public purpose.
- 5 Any persons duly elected or appointed under this Act Trustees of Common to be body corporate.
Trustees of any Common created by grant from the Crown or by dedication under this Act or otherwise and their successors shall be a body corporate under the name of Trustees of the Common specified in such
- 20 grant or dedication and under that name shall have perpetual succession and a common seal may sue and be sued in their corporate name and shall be capable of holding Common lands in perpetuity upon the trusts and for the uses created or declared by such grant or dedication.
- 25 6. A general or special meeting of commoners for the trans- Meetings of commoners.
action or consideration of any business or matter relating to any Common under this Act may upon the requisition of not fewer than twenty of the commoners thereof be convened by any Trustee of such Common or by any Justice of the Peace by notification in the *Govern-
30 ment Gazette* and by written notice exhibited in the office of any Court of Petty Sessions nearest to or within six miles of such Common at least fourteen days before the intended day of meeting.
7. A general meeting of commoners of every Common shall be General meeting to be held once a year.
convened by the Trustees thereof by a like notification or notice on
- 35 the second Tuesday in the month of January in every year.
8. Every general or special meeting of commoners may adjourn Power of adjournment.
from time to time and every adjourned meeting shall be held to be a duly convened and constituted general or special meeting as the case may be notwithstanding such adjournment.
- 40 9. At every such meeting the senior Trustee present shall Chairman of meeting.
preside and in case of his refusal or inability then the Justice convening the meeting if he be a commoner but if no Trustee or no such Justice be present or willing to preside the commoners present may elect any commoner present to act as chairman.
- 45 10. At any such meeting every question shall be stated in writing Proceedings at meetings.
and shall be put by the chairman and decided by a majority of votes of the commoners present And the chairman in case of an equality of votes only shall have a casting vote and the result of such voting shall in the first instance be declared by the chairman but if a
50 division be called for the votes shall be reckoned by the chairman or by any person or persons he may appoint as tellers.
11. Every general meeting of commoners of any Common may Powers of general meeting.
exercise any power conferred by this Act upon the general body of commoners and may call for and examine accounts of Trustees relating
- 55 to the management of such Common.
12. The purpose for which any special meeting of commoners Proceedings and powers of special meetings.
is convened shall be fully set forth in the requisition by which such meeting shall have been convened and shall be stated by the chairman to the meeting And every such meeting may determine the matter
set

Commons Regulation.

set forth in such requisition or any other matter of which at least fourteen days notice as aforesaid shall have been given but not any other matter.

13. The first general election of new Trustees for every Common
5 shall take place at a meeting of commoners in the month of
January one thousand eight hundred and seventy-three and there-
after a general election of Trustees for every Common shall take
place in the month of January at the expiration of every three years
and not more than five Trustees shall be elected or shall hold office
10 for the same Common and if any number less than five or if no
Trustee be elected at any such meeting the Governor with the advice
of the Executive Council shall by nomination complete the required
number and the Trustees so elected or nominated shall after notifica-
tion thereof in the *Government Gazette* hold office as Trustees of such
15 Common until the next general election of Trustees and every Trustee
or Trustees shall be eligible for re-election.

Election and nomina-
tion of Trustees.

14. Whenever a vacancy shall occur in the number of Trustees
of any Common during the currency of their term of office by death
resignation or otherwise such vacancy shall be filled up by election as
20 hereinbefore provided.

Vacancy among
Trustees how filled.

15. Leases granted prior to the passing of this Act by the
Trustees of any Common by virtue of the powers given to them under
clause five of Act eleventh Victoria number thirty-one are hereby
declared valid and good leases anything contained in this Act to the
25 contrary notwithstanding.

Leases granted under
11 Vic. No. 31 valid.

16. The Trustees of any Common may subject to this Act
determine and declare from time to time what persons are entitled as
commoners to rights of commonage in and upon such Common and the
number and description of cattle and other stock which every such
30 commoner shall be entitled to depasture upon such Common and such
declaration shall be forthwith deposited in the office of the nearest Court
of Petty Sessions and a copy thereof published in the *Government Gazette*
and any person feeling himself aggrieved by any such declaration shall
be at liberty to appeal against the same to any two or more Justices
35 at the nearest Court of Petty Sessions at any time within two months
from the time of such publication as aforesaid and the said Justices
shall have full power to hear and determine the said appeal in a sum-
mary manner and to award such costs against either party as they
shall consider reasonable.

General powers of
Trustees.

40 17. Any Trustee of a Common or other person duly authorized
may distrain or impound cattle or other animals trespassing on such
Common and may recover damages or other charges for such
trespass in like manner as any owner or occupant of land is by law
entitled.

Power of impounding
by Trustees.

45 18. The Trustees of any Common may make by-laws subject
to this Act for carrying the same into effect Provided that such by-
laws shall be notified in the *Government Gazette* and a copy thereof
affixed in the office of the nearest Court of Petty Sessions and if
not more than three months after such notification disallowed by a
50 general meeting of commoners of such Common or by the Governor
with the advice of the Executive Council by a like publication shall
be of no effect.

By-laws.

19. No enactment relating to Commons in either of the Acts
twenty-five Victoria number one or twenty-five Victoria number two
55 or any other Act of Council and no Regulation made thereunder shall
restrict or otherwise affect the operation of this Act but shall so far
as the same may be inconsistent herewith be to that extent repealed
hereby.

Limitation of effect
of enactments.

Commons Regulation.

20. An account of all moneys received and expended on account of every Common shall be exhibited every half-year at the nearest Court of Petty Sessions and published in the *Government Gazette* and in some newspaper if any published in the district where such Common is situated. ^{Publication of accounts.}

21. The Governor with the advice of the Executive Council may make regulations not inconsistent with this Act for carrying the same into effect and such regulations shall be published in the *Government Gazette* and a copy of the same transmitted to each body of Trustees under this Act and laid before both Houses of Parliament if sitting or if not then within a reasonable time after the commencement of the then next Session. ^{Regulations.}

22. This Act shall be styled and may be cited as the "Commons Regulation Act of 1872." ^{Short title.}