

COMMONS REGULATION BILL.

*SCHEDULE of the Amendments referred to in Message of 23rd April, 1873.*

JOHN J. CALVERT,  
Clerk of the Parliaments.

Page 1, Title. *Omit* "regulate Commons" *insert* "enable Trustees of Commons  
" in New South Wales to have perpetual succession and to  
" empower them to regulate the use of such Commons and for  
" other purposes relating thereto."

„ Preamble, line 1. *Before* "Be it enacted" *insert*—

" **WHEREAS** by various instruments respectively under the hand  
" of the Governor for the time being of the Colony of New South  
" Wales certain portions of land have been allotted as Commons  
" for the use of the inhabitants of the towns or the cultivators and  
" small farmers in the respective districts or localities in which  
" such Commons are severally situated And whereas the Governor  
" with the advice of the Executive Council may authorize here-  
" after the use of certain portions of the Crown Lands as  
" temporary Commons by the residents or inhabitants of any  
" town or district or locality And whereas it is expedient that  
" bodies of Trustees with perpetual succession should be created  
" for the purpose of holding such Commons for the use aforesaid  
" and of making such regulations in relation to the said Commons  
" as may be necessary for the more effectual and equal enjoyment  
" of the same and for other purposes relating thereto."

Page 2, clauses 2, 3, 4, 5. *Omit* clauses 2, 3, 4, 5; *insert* new clause **2**.

„ clauses 6 and 7. *Omit* clauses 6 and 7.

Page 3, clauses 8, 9, 10, 11, 12, 13. *Omit* clauses 8, 9, 10, 11, 12, 13; *insert* new clauses  
**3 and 4**.

Page 4, clause 14. *Omit* clause 14; *insert* new clause **5**.

„ clauses 15 and 16. *Omit* clauses 15 and 16; *insert* new clauses **6 and 7**.

Page 5, clause 17. *Omit* clause 17; *insert* new clause **8**.

„ clauses 18, 19, and 20. *Omit* clauses 18, 19, and 20; *insert* new clause **9**.

Page 6, clause 21. *Omit* clause 21; *insert* new clauses **10 11 and 12**.

„ clause ~~22~~ **13**, line 35. *Omit* "shall be styled and"

„ „ line 36. *Omit* "1872;" *insert* "**1873**"

THE COMMONS OF GREAT BRITAIN ASSEMBLED IN PARLIAMENT

AT THE TOWER OF LONDON

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SEVEN

AND OF THE REIGN OF OUR MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

HER MAJESTY THE QUEEN VICTORIA

IN THE FIRST YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE SECOND YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE THIRD YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE FOURTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE FIFTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE SIXTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE SEVENTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE EIGHTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE NINTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE TENTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE ELEVENTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE TWELFTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE THIRTEENTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE FOURTEENTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE FIFTEENTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE SIXTEENTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

THE SEVENTEENTH YEAR OF HER MAJESTY'S SAID MOST EXCELLENT AND MOST GRACIOUS SOVEREIGN

*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. }*

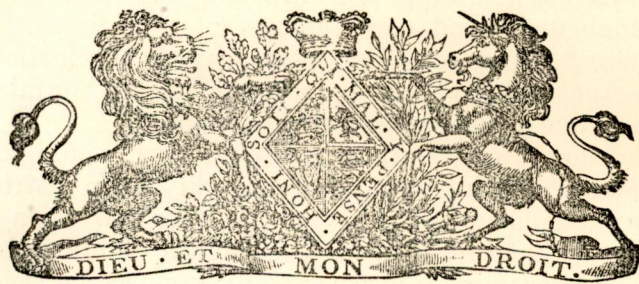
*STEPHEN W. JONES,  
Clerk of Legislative Assembly.*

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

*Legislative Council Chamber, }  
Sydney, 23rd April, 1873. }*

*JOHN J. CALVERT,  
Clerk of the Parliaments.*

## New South Wales.



ANNO TRICESIMO SEXTO

# VICTORIÆ REGINÆ.

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No. .

An Act to regulate ~~Commons~~ enable Trustees of Commons in New South Wales to have perpetual succession and to empower them to regulate the use of such Commons and for other purposes relating thereto.

**W**HEREAS by various instruments respectively under the hand <sup>Preamble.</sup> of the Governor for the time being of the Colony of New South Wales certain portions of land have been allotted as Commons for the use of the inhabitants of the towns or the cultivators and small farmers in the respective districts or localities in which such Commons are severally situated And whereas the Governor with the advice of the Executive Council may authorize hereafter the use of certain portions of the Crown Lands as temporary Commons by the residents or inhabitants of any town or district or locality And whereas it is expedient that bodies of Trustees with perpetual succession should be created for the purpose of holding such Commons for the use aforesaid and of making such regulations in relation to the said Commons as may be necessary for the more effectual and equal enjoyment of the same and for other purposes relating thereto.

**15** **B**E 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:—

66—

1.

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

*Commons Regulation.*

1. The Act eleventh Victoria number thirty-one is hereby <sup>Repeal of 11 Vic. No. 31.</sup> repealed.
2. The following terms within inverted commas shall for the <sup>Interpretation.</sup> purposes of this Act unless the context otherwise indicate bear the meanings set against them respectively:—  
 “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.
3. The Government may from time to time by notification in <sup>Grants or dedication of Commons.</sup> 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 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.
4. The Government may authorize the use as a temporary <sup>Temporary Common.</sup> 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 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 Government and shall not be exempt from sale conditional or otherwise or from being granted or dedicated for any public purpose.
5. Any persons duly elected or appointed under this Act <sup>Trustees of Common to be body corporate.</sup> 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 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.
2. Before any general election of Trustees under this Act shall <sup>Trustees of Commons to be a body corporate.</sup> have taken place any Trustees who may have been appointed by the Governor for the time being with the advice of the Executive Council or who may hereafter be appointed in like manner and their successors duly elected as hereinafter is provided shall be a body corporate under the name of the Trustees of the Common specified in any grant or dedication and under that name shall have perpetual succession and a common seal and may sue and be sued in their corporate name in relation to the said Common and shall be capable of holding such Common in perpetuity upon the trusts and for the uses declared in such grant or such dedication.
6. A general or special meeting of commoners for the trans- <sup>Meetings of commoners.</sup> 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 *Government 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 <sup>General meeting to be held once a year.</sup> convened by the Trustees thereof by a like notification or notice on the second Tuesday in the month of January in every year.

*Commons Regulation.*

8. Every general or special meeting of commoners may adjourn 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. Power of adjournment.
- 5 9. At every such meeting the senior Trustee present shall 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. Chairman of meeting.
- 10 10. At any such meeting every question shall be stated in writing 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 15 division be called for the votes shall be reckoned by the chairman or by any person or persons he may appoint as tellers. Proceedings at meetings.
- 20 11. Every general meeting of commoners of any Common may exercise any power conferred by this Act upon the general body of commoners and may call for and examine accounts of Trustees relating to the management of such common. Powers of general meeting.
- 25 12. The purpose for which any special meeting of commoners 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 forth in such requisition or any other matter of which at least 14 fourteen days notice as aforesaid shall have been given but not any other matter. Proceedings and powers of special meetings.
- 30 13. The first general election of new Trustees for every Common shall take place at a meeting of commoners in the month of January one thousand eight hundred and seventy-three and thereafter 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 for the same Common and if any number less than five or if no 35 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 notification thereof in the *Government Gazette* hold office as Trustees of such Common until the next general election of Trustees and every Trustee 40 or Trustee shall be eligible for re-election. Election and nomination of Trustees.
- 45 3. From and after the passing of this Act the first general election of new Trustees for every Common shall take place at a general meeting of Commoners or persons entitled to the use of such Common in the month of January one thousand eight hundred and 50 seventy-four such meeting to be convened by the Trustees of each Common or one of them by a notification in the *Government Gazette* and by a written or printed notice to be affixed in the office of the nearest Court of Petty Sessions and also in two or more conspicuous places on the said Common at which meeting the senior Trustee shall 55 preside or in the absence of all the Trustees a chairman to be elected by the Commoners present from among themselves and then five new Trustees shall be elected to hold office for three years by the majority of persons present who in the opinion of the Trustee or Commoner so presiding shall for six months previously have been entitled to use the said Common and not more than five Trustees shall be elected for any one Common and every such election shall forthwith be communicated by the Chairman to the Colonial Secretary. Provided always that if any number less than five be elected or if no Trustees be elected at such meeting the Governor for the time being with the advice of the 60 Executive Council shall nominate the required number. Election and nomination of Trustees.

*Commons Regulation.*

4. The Trustees so elected or nominated shall after notification thereof in the Government Gazette hold office as Trustees of such Common until the next general election of Trustees and every Trustee shall be eligible for re-election at the next general election of Trustees for every Common which shall take place in the month of January at the expiration of every three years and which shall be convened by the Trustees in like manner and presided over by a Trustee or in the absence of Trustees by a Commoner elected by the Commoners present in like manner as has been hereinbefore prescribed at the first general election of Trustees after the passing of this Act.

Trustees to be elected every three years.

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 hereinbefore provided.

Vacancy among Trustees how filled.

5. When any Trustee of any Common shall die or be absent from the Colony for more than twelve months or resign or become incapable to act in the trusts aforesaid then and so often as a vacancy shall occur a special meeting of the Commoners or persons entitled to the use of such Common shall be convened in like manner as hereinbefore prescribed and such vacancy shall be filled up by election as hereinbefore provided. And every such election shall forthwith be communicated by the chairman to the Colonial Secretary. Provided always that if no such election shall have taken place within twelve months after any vacancy shall have occurred the Governor for the time being with the advice of the Executive Council shall appoint a new Trustee to fill every such vacancy.

Vacancies occurring by death or otherwise how to be 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 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 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 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 summary manner and to award such costs against either party as they shall consider reasonable.

General powers of Trustees.

6. The Trustees for the time being of any such Common or the majority shall have power to ascertain determine and declare by writing under their hands and seals from time to time the number and description of cattle and other stock which the respective settlers cultivators and other inhabitants for whose use the Common shall have been granted or dedicated shall be entitled to depasture upon the said Common. Provided however that such writing be forthwith deposited in the office of the nearest Court of Petty Sessions and that if any person shall feel himself aggrieved by the decision of the Trustees in this behalf he shall be at liberty to appeal at any time within two months from the time of depositing such writing in the said office to the said Court which said Court shall have full power to hear and determine the said appeal in a summary manner and to confirm or alter the decision of the said Trustees in relation to the party so appealing and to award costs against either party.

General powers of Trustees.

Subject to appeal to nearest Court of Petty Sessions.

*Commons Regulation.*

7. It shall and may be lawful for the Trustees for the time being of any such Common to make such rules and regulations for the better and more convenient and equal use and enjoyment of the said Common and of all other rights privileges and easements incident thereto by the persons having right of Common thereon as to them shall seem necessary or expedient and for the enforcement of such rules and regulations to impose fines not exceeding in any one case the sum of ten pounds for breaches thereof respectively and also for raising assessing levying and appropriating such moneys as shall be required for the purpose of defraying any costs charges and expenses which the said Trustees shall or may at any time be put or exposed to in or about the maintaining or improving of the said Common or in the protection of the rights of the said Common and a copy of such rules and regulations shall within fourteen days from the making thereof be transmitted to the office of the nearest Court of Petty Sessions and also to the Colonial Secretary and the Governor with the advice of the Executive Council shall have power at any time within two months from the receipt of such copy to disallow the said rules and regulations or any of them and shall signify such disallowance to the Court of Petty Sessions nearest to the said Common and in the meantime no such rules or regulations shall be in force.
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.
8. Any one or more of the Trustees of any such Common shall have power to distrain or cause to be distrained and impounded any cattle or other stock found depasturing upon the said Common which shall belong to any person not entitled to the use thereof or to any Commoner who shall at the time of such distress have surcharged thereon and also to claim demand and recover such damages in respect of such cattle or other stock so distrained as could or might be claimed by the owner or occupant of any private lands in respect of animals found trespassing and doing damage upon the same.
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 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.
19. No enactment relating to Commons in either of the Acts twenty-five Victoria number one or twenty-five Victoria number two 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.
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 so situated.
9. All sums of money recovered and received by the Trustees of any Common for trespasses or otherwise under this Act shall be expended by the said Trustees in or about the improving of the said Common or otherwise in relation thereto and a just and true account of all moneys received and expended on account of any Common shall be

Trustees may  
make regulations  
and enforce the  
same by fines.

Power of impounding  
by Trustees.

Power of im-  
pounding by  
Trustees.

By-laws.

Limitation of effect  
of enactments.

Publication of  
accounts.

As to moneys  
received and ex-  
pended by Trustees  
and publication of  
accounts.

be

*Commons Regulation.*

be produced and exhibited by the said Trustees at a general meeting of the Commoners of such Common to be convened by the Trustees as hereinbefore prescribed on the second Tuesday in the month of January in each year and shall be published in the Government Gazette at some time during the said month of January and in some local newspaper if any be published in the district wherein such Common is situate.

21. The Governor with the advice of the Executive Council <sup>Regulations.</sup> 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.

10. Every general meeting of the Commoners of every Common <sup>Power of</sup> may adjourn from time to time and every adjourned meeting shall be <sup>adjournment.</sup> held to be a duly convened and constituted general meeting notwithstanding such adjournment.

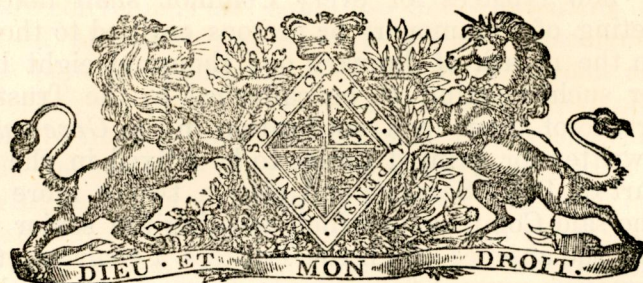
11. From and after the passing of this Act it shall not be lawful <sup>Not lawful to</sup> for the Trustees of any Common to grant leases of portions of such <sup>grant leases.</sup> Common for any term of years or for any purpose or on any condition whatsoever But leases granted prior to the passing of this Act by the Trustees of any Common under and in pursuance of the power given to them by clause five of an Act passed in the eleventh year of Her present Majesty numbered thirty-one are hereby declared valid until the expiration of the term of such leases provided that term shall not exceed seven years.

12. All fines and penalties imposed under the provisions of <sup>Recovery and</sup> this Act or under any rules or regulations made in pursuance thereof <sup>appropriation of</sup> shall be recoverable in a summary way before any two Justices of the <sup>finer and penalties.</sup> Peace and appropriated in the manner directed by the Acts for the time-being in force for the regulation of summary proceedings before Justices Provided that every such penalty be proceeded for within three calendar months next after the commission of the offence for which the same shall have been incurred.

22. 13. This Act shall be styled and may be cited as the "Commons <sup>Short title.</sup> Regulation Act of 1872. 1873."



New South Wales.



ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

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No. XXIII.

An Act to enable Trustees of Commons in New South Wales to have perpetual succession and to empower them to regulate the use of such Commons and for other purposes relating thereto. [Assented to, 25th April, 1873.]

**W**HEREAS by various instruments respectively under the hand <sup>Preamble.</sup> of the Governor for the time being of the Colony of New South Wales certain portions of land have been allotted as Commons for the use of the inhabitants of the towns or the cultivators and small farmers in the respective districts or localities in which such Commons are severally situated And whereas the Governor with the advice of the Executive Council may authorize hereafter the use of certain portions of the Crown Lands as temporary Commons by the residents or inhabitants of any town or district or locality And whereas it is expedient that bodies of Trustees with perpetual succession should be created for the purpose of holding such Commons for the use aforesaid and of making such regulations in relation to the said Commons as may be necessary for the more effectual and equal enjoyment of the same and for other purposes relating thereto 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:—

1.

*Commons Regulation.*

Repeal of 11 Vic.  
No. 31.

Trustees of Commons  
to be a body cor-  
porate.

Election and nomi-  
nation of Trustees.

Trustees to be elected  
every three years.

Vacancies occurring  
by death or otherwise  
how to be filled.

General powers of  
Trustees.

1. The Act eleventh Victoria number thirty-one is hereby repealed.

2. Before any general election of Trustees under this Act shall have taken place any Trustees who may have been appointed by the Governor for the time being with the advice of the Executive Council or who may hereafter be appointed in like manner and their successors duly elected as hereinafter is provided shall be a body corporate under the name of the Trustees of the Common specified in any grant or dedication and under that name shall have perpetual succession and a common seal and may sue and be sued in their corporate name in relation to the said Common and shall be capable of holding such Common in perpetuity upon the trusts and for the uses declared in such grant or such dedication.

3. From and after the passing of this Act the first general election of new Trustees for every Common shall take place at a general meeting of Commoners or persons entitled to the use of such Common in the month of January one thousand eight hundred and seventy-four such meeting to be convened by the Trustees of each Common or one of them by a notification in the *Government Gazette* and by a written or printed notice to be affixed in the office of the nearest Court of Petty Sessions and also in two or more conspicuous places on the said Common at which meeting the senior trustee shall preside or in the absence of all the Trustees a chairman to be elected by the Commoners present from among themselves and then five new Trustees shall be elected to hold office for three years by the majority of persons present who in the opinion of the Trustee or Commoner so presiding shall for six months previously have been entitled to use the said Common and not more than five Trustees shall be elected for any one Common and every such election shall forthwith be communicated by the chairman to the Colonial Secretary Provided always that if any number less than five be elected or if no Trustees be elected at such meeting the Governor for the time being with the advice of the Executive Council shall nominate the required number.

4. The Trustees so elected or nominated shall after notification thereof in the *Government Gazette* hold office as Trustees of such Common until the next general election of Trustees and every Trustee shall be eligible for re-election at the next general election of Trustees for every Common which shall take place in the month of January at the expiration of every three years and which shall be convened by the Trustees in like manner and presided over by a Trustee or in the absence of Trustees by a Commoner elected by the Commoners present in like manner as has been hereinbefore prescribed at the first general election of Trustees after the passing of this Act.

5. When any Trustee of any Common shall die or be absent from the Colony for more than twelve months or resign or become incapable to act in the trusts aforesaid then and so often as a vacancy shall occur a special meeting of the Commoners or persons entitled to the use of such Common shall be convened in like manner as hereinbefore prescribed and such vacancy shall be filled up by election as hereinbefore provided And every such election shall forthwith be communicated by the chairman to the Colonial Secretary Provided always that if no such election shall have taken place within twelve months after any vacancy shall have occurred the Governor for the time being with the advice of the Executive Council shall appoint a new Trustee to fill every such vacancy.

6. The Trustees for the time being of any such Common or the majority shall have power to ascertain determine and declare by writing under their hands and seals from time to time the number and description

*Commons Regulation.*

description of cattle and other stock which the respective settlers cultivators and other inhabitants for whose use the Common shall have been granted or dedicated shall be entitled to depasture upon the said Common. Provided however that such writing be forthwith deposited in the office of the nearest Court of Petty Sessions and that if any person shall feel himself aggrieved by the decision of the Trustees in this behalf he shall be at liberty to appeal at any time within two months from the time of depositing such writing in the said office to the said Court which said Court shall have full power to hear and determine the said appeal in a summary manner and to confirm or alter the decision of the said Trustees in relation to the party so appealing and to award costs against either party.

Subject to appeal to nearest Court of Petty Sessions.

7. It shall and may be lawful for the trustees for the time being of any such Common to make such rules and regulations for the better and more convenient and equal use and enjoyment of the said Common and of all other rights privileges and easements incident thereto by the persons having right of Common thereon as to them shall seem necessary or expedient and for the enforcement of such rules and regulations to impose fines not exceeding in any one case the sum of ten pounds for breaches thereof respectively and also for raising assessing levying and appropriating such moneys as shall be required for the purpose of defraying any costs charges and expenses which the said trustees shall or may at any time be put or exposed to in or about the maintaining or improving of the said Common or in the protection of the rights of the said Common and a copy of such rules and regulations shall within fourteen days from the making thereof be transmitted to the office of the nearest Court of Petty Sessions and also to the Colonial Secretary and the Governor with the advice of the Executive Council shall have power at any time within two months from the receipt of such copy to disallow the said rules and regulations or any of them and shall signify such disallowance to the Court of Petty Sessions nearest to the said Common and in the meantime no such rules or regulations shall be in force.

Trustees may make regulations and enforce the same by fines.

8. Any one or more of the Trustees of any such Common shall have power to distrain or cause to be distrained and impounded any cattle or other stock found depasturing upon the said Common which shall belong to any person not entitled to the use thereof or to any commoner who shall at the time of such distress have surcharged thereon and also to claim demand and recover such damages in respect of such cattle or other stock so distrained as could or might be claimed by the owner or occupant of any private lands in respect of animals found trespassing and doing damage upon the same.

Power of impounding by Trustees.

9. All sums of money recovered and received by the Trustees of any Common for trespasses or otherwise under this Act shall be expended by the said Trustees in or about the improving of the said Common or otherwise in relation thereto and a just and true account of all moneys received and expended on account of any Common shall be produced and exhibited by the said Trustees at a general meeting of the Commoners of such Common to be convened by the Trustees as hereinbefore prescribed on the second Tuesday in the month of January in each year and shall be published in the *Government Gazette* at some time during the said month of January and in some local newspaper if any be published in the district wherein such Common is situate.

As to moneys received and expended by Trustees and publication of accounts.

10. Every general meeting of the Commoners of every Common may adjourn from time to time and every adjourned meeting shall be held to be a duly convened and constituted general meeting notwithstanding such adjournment.

Power of adjournment.

*Commons Regulation.*

Not lawful to grant leases.

11. From and after the passing of this Act it shall not be lawful for the Trustees of any Common to grant leases of portions of such Common for any term of years or for any purpose or on any condition whatsoever. But leases granted prior to the passing of this Act by the Trustees of any Common under and in pursuance of the power given to them by clause five of an Act passed in the eleventh year of Her present Majesty numbered thirty-one are hereby declared valid until the expiration of the term of such leases provided that term shall not exceed seven years.

Recovery and appropriation of fines and penalties.

12. All fines and penalties imposed under the provisions of this Act or under any rules or regulations made in pursuance thereof shall be recoverable in a summary way before any two Justices of the Peace and appropriated in the manner directed by the Acts for the time-being in force for the regulation of summary proceedings before Justices. Provided that every such penalty be proceeded for within three calendar months next after the commission of the offence for which the same shall have been incurred.

Short title.

13. This Act may be cited as the "Commons Regulation Act of 1873."