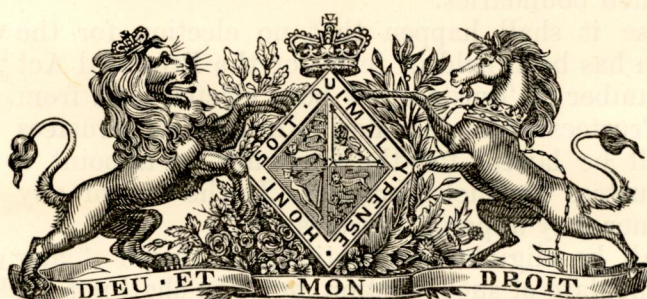


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 5 August, 1886.*

*F. W. WEBB,
Acting Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the "Commons Regulation Act of 1873" and to validate certain appointments of Trustees purporting to have been made thereunder.

WHEREAS it is expedient to amend the "Commons Regulation Act of 1873" and to validate certain appointments of Trustees purporting to have been made under the authority of the said Act 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 "Commons Regulation Act Amendment Act of 1886" It shall be read and construed together with the "Commons Regulation Act of 1873" hereinafter termed the Principal Act and the said Acts may be collectively cited as the "Commons Acts 1873-1886" For the purpose of interpreting this Act the expression "instruments under the hand of the Governor" contained in the preamble to the Principal Act shall be taken to include and to have included all notifications reservations or dedications of Commons whether permanent or temporary or for pasturage and the word "Governor" shall mean the Governor with the advice of the Executive Council.

Commons Regulation Act Amendment (No. 3).

2. The Governor may with respect to any Common—whether
 dedicated or set apart before or after the passing of this Act—fix the
 Commoners boundaries of such Common and declare that the residents
 within such boundaries shall be entitled to the use of such Common
 5 and may also alter or extend such boundaries And subject to the
 Regulations in force with respect to any such Common every Com-
 moner over the age of twenty-one years residing or occupying or
 owning land within such boundaries shall be entitled to all Commonable
 rights over such Common and to the right of voting at all elections of
 10 Trustees Provided however that where land is in the occupation of
 any person other than the owner thereof such owner shall not be
 entitled to any Commonable rights in respect of such land Provided
 also that where Commonable rights are conferred by any deed of
 dedication upon any person or class of persons such rights shall not be
 15 cancelled by the notification under this Act of Commoners boundaries
 or by the alteration of such boundaries.

Commoners
 boundaries may be
 made or altered.

3. If in any case it shall happen that no election for the
 Trustees of any Common has been held in terms of the Principal Act
 or that an insufficient number of Trustees has been elected or if from
 20 any cause there are no Trustees or an insufficient number of Trustees
 of any Common it shall be lawful for the Governor to appoint a
 sufficient number of Trustees for such Common In the case of any
 new Common the Governor may appoint Trustees.

Where election fails
 the Governor may
 appoint Trustees.

4. No person shall be eligible for election as Trustee of any
 25 Common who is not at the date of such election and who shall not for
 six months immediately preceding such date have been entitled to the
 use of such Common.

Persons who are not
 Commoners not to be
 eligible as Trustees.

5. The Governor may appoint the Council of any Municipality
 to be by their corporate name the Trustees of any Common situate
 30 within the boundaries of or adjacent to such Municipality And upon
 the publication of such appointment in the *Gazette* such Council and
 its successors shall be the Trustees of such Common for all purposes
 of this and the Principal Act Where any such Common is situated
 in more than one Municipality the Governor may declare which
 35 Municipal Council shall be the Trustees of such Common or may
 appoint other Trustees therefor.

When Municipal
 Councils to be
 Trustees of
 Commons.

6. Upon proof to the satisfaction of the Governor that any
 Trustees neglect or refuse to exercise the powers vested in them for
 the protection of the Common or the Commoners rights or that they
 40 have permitted any person to occupy or enclose any portion of the
 Common or to divert the Common from the purpose for which it was
 granted the Governor may by notice in the *Gazette* declare that such
 Trustees have been removed and every person or Corporation named
 in such notice shall thereupon cease to be a Trustee or Trustees of
 45 such Common as the case may be.

Disqualification of
 Trustees.

7. Every appointment of Trustees or a Trustee for any Common
 set apart as a Permanent or Temporary Common before the passing of
 this Act heretofore made by the Governor shall be deemed to be valid
 in law to all intents and purposes The Governor may by notice in
 50 the *Gazette* declare valid any election of Trustees the validity of which
 may be questionable by reason of some technical defect or irregularity
 in the mode of conducting the election or of convening a meeting to
 elect Trustees But nothing in this section contained shall affect any
 proceedings instituted or now pending in any Court in which the validity
 55 of any such appointment shall have been or shall be in question.

Validation of
 appointments or
 elections of Trustees.

8. Every Trustee of a Common whose term of office has expired
 shall hand over to his successor or to such person as the Minister
 charged with the administration of this and the Principal Act shall
 appoint all deeds books documents money and other property in his
 possession

Trustees to hand
 over deeds books
 &c.

Commons Regulation Act Amendment (No. 3).

possession or control relating to the Common of which he was a Trustee and if any such Trustee shall refuse or neglect when called upon by such successor or Minister to hand over such deeds books documents money or property to such successor or person so appointed as aforesaid (as the case may be) such Trustee shall be liable to a penalty not exceeding fifty pounds but the payment of such penalty shall not be a bar to any proceedings to recover possession of any deed book document money or other property as aforesaid.

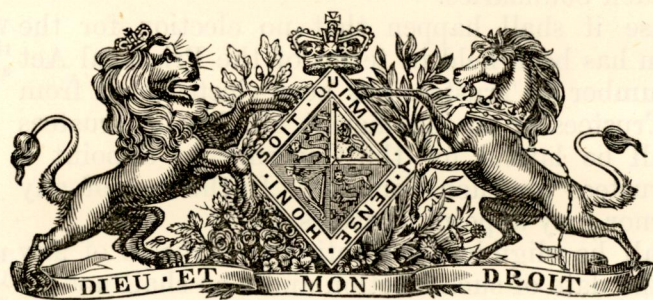
9. Any person who shall commit a breach of any of the provisions of this Act or the Principal Act for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding twenty pounds.

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, 5 August, 1886.*

*F. W. WEBB,
Acting Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the “Commons Regulation Act of 1873” and to validate certain appointments of Trustees purporting to have been made thereunder.

WHEREAS it is expedient to amend the “Commons Regulation Act of 1873” and to validate certain appointments of Trustees purporting to have been made under the authority of the said Act 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 “Commons Regulation Act Amendment Act of 1886” It shall be read and construed together with the “Commons Regulation Act of 1873” hereinafter termed the Principal Act and the said Acts may be collectively cited as the “Commons Acts 1873–1886” For the purpose of interpreting this Act the expression “instruments under the hand of the Governor” contained in the preamble to the Principal Act shall be taken to include and to have included all notifications reservations or dedications of Commons whether permanent or temporary or for pasturage and the word “Governor” shall mean the Governor with the advice of the Executive Council.

Preamble.

Short title.

Interpretation.

Commons Regulation Act Amendment (No. 3).

2. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the Commoners boundaries of such Common and declare that the residents within such boundaries shall be entitled to the use of such Common 5 and may also alter or extend such boundaries And subject to the Regulations in force with respect to any such Common every Commoner over the age of twenty-one years residing or occupying or owning land within such boundaries shall be entitled to all Commonable rights over such Common and to the right of voting at all elections of 10 Trustees Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land Provided also that where Commonable rights are conferred by any deed of dedication upon any person or class of persons such rights shall not be 15 cancelled by the notification under this Act of Commoners boundaries or by the alteration of such boundaries.
3. If in any case it shall happen that no election for the Trustees of any Common has been held in terms of the Principal Act or that an insufficient number of Trustees has been elected or if from 20 any cause there are no Trustees or an insufficient number of Trustees of any Common it shall be lawful for the Governor to appoint a sufficient number of Trustees for such Common In the case of any new Common the Governor may appoint Trustees.
4. No person shall be eligible for election as Trustee of any 25 Common who is not at the date of such election and who shall not for six months immediately preceding such date have been entitled to the use of such Common.
5. The Governor may appoint the Council of any Municipality to be by their corporate name the Trustees of any Common situate 30 within the boundaries of or adjacent to such Municipality And upon the publication of such appointment in the *Gazette* such Council and its successors shall be the Trustees of such Common for all purposes of this and the Principal Act Where any such Common is situated in more than one Municipality the Governor may declare which 35 Municipal Council shall be the Trustees of such Common or may appoint other Trustees therefor.
6. Upon proof to the satisfaction of the Governor that any Trustees neglect or refuse to exercise the powers vested in them for the protection of the Common or the Commoners rights or that they 40 have permitted any person to occupy or enclose any portion of the Common or to divert the Common from the purpose for which it was granted the Governor may by notice in the *Gazette* declare that such Trustees have been removed and every person or Corporation named in such notice shall thereupon cease to be a Trustee or Trustees of 45 such Common as the case may be.
7. Every appointment of Trustees or a Trustee for any Common set apart as a Permanent or Temporary Common before the passing of this Act heretofore made by the Governor shall be deemed to be valid in law to all intents and purposes The Governor may by notice in 50 the *Gazette* declare valid any election of Trustees the validity of which may be questionable by reason of some technical defect or irregularity in the mode of conducting the election or of convening a meeting to elect Trustees But nothing in this section contained shall affect any proceedings instituted or now pending in any Court in which the validity 55 of any such appointment shall have been or shall be in question.
8. Every Trustee of a Common whose term of office has expired shall hand over to his successor or to such person as the Minister charged with the administration of this and the Principal Act shall appoint all deeds books documents money and other property in his possession

Commoners boundaries may be made or altered.

Where election fails the Governor may appoint Trustees.

Persons who are not Commoners not to be eligible as Trustees.

When Municipal Councils to be Trustees of Commons.

Disqualification of Trustees.

Validation of appointments or elections of Trustees.

Trustees to hand over deeds books &c.

Commons Regulation Act Amendment (No. 3).

possession or control relating to the Common of which he was a Trustee and if any such Trustee shall refuse or neglect when called upon by such successor or Minister to hand over such deeds books documents money or property to such successor or person so appointed as aforesaid (as the case may be) such Trustee shall be liable to a penalty not exceeding fifty pounds but the payment of such penalty shall not be a bar to any proceedings to recover possession of any deed book document money or other property as aforesaid.

9. Any person who shall commit a breach of any of the General penalty.
10 provisions of this Act or the Principal Act for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding twenty pounds.

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, } *F. W. WEBB,*
Sydney, 5 August, 1886. } *Acting Clerk of Legislative Assembly.*

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

Legislative Council Chamber, } *Clerk of the Parliaments.*
Sydney, September, 1886. }

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the "Commons Regulation Act of 1873"
and to validate certain appointments of Trustees ~~purporting~~
~~to have been made thereunder.~~

WHEREAS it is expedient to amend the "Commons Regulation Preamble.
Act of 1873" and to validate certain appointments of Trustees
~~purporting to have been made under the authority of the said Act~~ Be
it therefore enacted by the Queen's Most Excellent Majesty by and
5 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 "Commons Regulation Act Short title.
Amendment Act of 1886" It shall be read and construed together with
10 the "Commons Regulation Act of 1873" hereinafter termed the
Principal Act and the said Acts may be collectively cited as the
"Commons Acts 1873-1886" For the purpose of interpreting this
Act the expression "instruments under the hand of the Governor" Interpretation.
contained in the preamble to the Principal Act shall be taken to
15 include and to have included all notifications reservations or dedica-
tions of Commons whether permanent or temporary or for pasturage
and the word "Governor" shall mean the Governor with the advice of
the Executive Council.

717—

"Commoner"

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

Commons Regulation Act Amendment (No. 3).

“Commoner” shall mean any person whose name is contained in the Commoners’ roll in force for the time being as hereinafter provided.

5 “Commoners’ boundaries” shall mean the boundaries of the area notified in the Government Gazette within or in respect of which the persons entitled to the use of the Commons mentioned in the notification reside or hold the prescribed qualification and

10 “Minister” shall mean the Minister charged with the administration of this and the Principal Act.

2. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the Commoners boundaries of such Common and declare that the residents within such boundaries shall be entitled to the use of such Common and may also alter or extend such boundaries. And subject to the Regulations in force with respect to any such Common every Commoner over the age of twenty-one years residing or occupying or owning land within such boundaries shall be entitled to all Commonable rights over such Common and to the right of voting at all elections of Trustees. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. Provided also that where Commonable rights are conferred by any deed of dedication upon any person or class of persons such rights shall not be cancelled by the notification under this Act of Commoners boundaries or by the alteration of such boundaries.

Commoners boundaries may be made or altered.

2. The Trustees of every existing Common shall within six months after the passing of this Act and the Trustees of every Common notified or set apart after the passing of this Act shall within the like period after the notification or setting apart of such Common or such extended time in each case as the Minister may in any case allow make out a roll of the persons entitled to the use and enjoyment of such Common in accordance with the grant dedication or notification in the Gazette or with any proclamation or other declaration of the Governor and Executive Council relating to such Common. And no person whose name is not on such Commoners’ roll shall be entitled to exercise any of the rights of Commoners under the “Commons Acts of 1873–1886” or any regulations made thereunder. All such rolls shall be made out revised published and otherwise dealt with in accordance with regulations to be made under this Act.

Commoners’ roll.

3. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the boundaries within which rights of Commonage shall attach to such Common and may also alter or extend such boundaries and subject to the regulations in force with respect to any such Common all persons over the age of twenty-one years entitled to such right of Commonage shall be entitled to vote at all elections of Trustees for such Common. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. No alteration of any such boundaries shall affect any right of Commonage vested at the time of such alteration.

Fixing and alteration of Commoners’ boundaries.

4. If in any case it shall happen that no election for the Trustees of any Common has been held in terms of the Principal Act or that an insufficient number of Trustees has been elected or if from any cause there are no Trustees or an insufficient number of Trustees of any Common it shall be lawful for the Governor to appoint a sufficient number of Trustees for such Common. In the case of any new Common the Governor may appoint Trustees.

Where election fails the Governor may appoint Trustees.

Commons Regulation Act Amendment (No. 3).

4. 5. No person shall be eligible for election as Trustee of any Common who is not at the date of such election and who shall not for six months immediately preceding such date have been entitled to the use of such Common.

Persons who are not Commoners not to be eligible as Trustees.

5. 6. The Governor may appoint the Council of any Municipality to be by their corporate name the Trustees of any Common situate within the boundaries of or adjacent to such Municipality And upon the publication of such appointment in the *Gazette* such Council and its successors shall be the Trustees of such Common for all purposes of this and the Principal Act Where any such Common is situated in more than one Municipality the Governor may declare which Municipal Council shall be the Trustees of such Common or may appoint other Trustees therefor The Governor may also appoint the first Trustees of every Common notified or set apart after the passing of this Act.

When Municipal Councils to be Trustees of Commons.

6. 7. Upon proof to the satisfaction of the Governor that any Trustees neglect or refuse to exercise the powers vested in them for the protection of the Common or the Commoners rights or that they have permitted any person to occupy or enclose any portion of the Common or to divert the Common from the purpose for which it was granted the Governor may by notice in the *Gazette* declare that such Trustees have been removed from their office and every person or Corporation named in such notice shall thereupon cease to be a Trustee or Trustees of such Common as the case may be.

Disqualification of Trustees.

7. 8. Every appointment of Trustees or a Trustee for any Common set apart as a Permanent or Temporary Common before the passing of this Act heretofore made by the Governor shall be deemed to be valid in law to all intents and purposes The Governor may by notice in the *Gazette* declare valid any election of Trustees the validity of which may be questionable by reason of some technical defect or irregularity in the mode of conducting the election or of convening a meeting to elect Trustees But nothing in this section contained shall affect any proceedings instituted or now pending in any Court in which the validity of any such appointment shall have been or shall be in question.

Validation of appointments or elections of Trustees.

8. 9. Every Trustee of a Common whose term of office has expired shall hand over to his successor or to such person as the Minister charged with the administration of this and the Principal Act shall appoint all deeds books documents money and other property in his possession or control relating to the Common of which he was a Trustee and if any such Trustee shall refuse or neglect when called upon by such successor or Minister to hand over such deeds books documents money or property to such successor or person so appointed as aforesaid (as the case may be) such Trustee shall be liable to a penalty not exceeding fifty pounds but the payment of such penalty shall not be a bar to any proceedings to recover possession of any deed book document money or other property as aforesaid.

Trustees to hand over deeds books &c.

10. The only rights to which a Commoner shall be entitled after the commencement of this Act in respect of any Common shall be the Common of pasturage of stock (including the right of watering such stock) upon the Common and with the permission of the Trustees of any Common and subject to the payment of such charges as they shall by their rules and regulations impose the right to take fallen timber or underwood from the Common but the Minister may subject to the payment of such charges as he shall impose grant a license to any person to take and remove from a Common soil stone or minerals or to cut and remove therefrom any timber.

Limitation of Commoners' rights.

11. Any bona fide carrier teamster traveller or drover shall have the right of pasturage upon any Common for the animals actually in use

Carriers' teamsters' travellers' and drovers' privileges on Commons.

Commons Regulation Act Amendment (No. 3).

use by him for carriage riding or droving during three days consecutively without charge and for such longer period as may be rendered necessary by rain or floods but after such period in either case such animals if still depasturing on the Common may be impounded by the Trustees thereof. Provided however that the Trustees of a Common may in the case of any such animals and also in that of any travelling stock upon the payment to the Trustees of such fees as shall be prescribed by regulations under this Act allow such animals or stock to be depastured upon such Common for any time not exceeding one week within any period of six months.

12. Every drover of travelling stock taking such stock through or over or along any Common shall give the Trustees or herdsman thereof the like notice as he is by law required to give to any owner or occupier of land through or along which he intends to drive any stock.

Drovers to give Trustees or herdsman notice.

13. At any meeting of Commoners five Commoners shall form a quorum and at any meeting of Trustees three Trustees shall form a quorum and if at any such meeting the votes are equal the chairman shall in addition to his vote as Commoner or Trustee (as the case may be) have also a casting vote.

Quorum of Commoners and Trustees and casting vote.

14. Any animal infected with any contagious or infectious disease found on a Common may be destroyed by order of the Trustees of such Common after notice describing with reasonable accuracy the animal intended to be destroyed shall have been exhibited for twenty-four hours at the police station nearest to the Common and given to the owner of such animal if known to the Trustees stating that it is their intention to destroy such animal and no such destruction shall entail any liability at common law or otherwise upon any person giving or acting under any such order.

As to infected animals found on Commons.

15. The Governor may in regard to any Common or class of Commons make regulations with respect to all or any of the following matters namely:—

Regulations.

(i) The payment of fees by teamsters travellers and drovers and travelling stock for extended pasturage and for the appropriation of such fees and the like with regard to license fees for removing soil stone or minerals and for cutting and removing timber from any Common

(ii) For their enforcement

(iii) All other matters of detail necessary for carrying this and the Principal Act into effect

And all such regulations on being published in the Gazette shall have the full force of law.

16. Any person who shall commit a breach of any of the provisions of this Act or the Principal Act for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding twenty pounds.

General penalty.

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, } F. W. WEBB,
Sydney, 5 August, 1886. } Acting Clerk of Legislative Assembly.*

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

*Legislative Council Chamber, }
Sydney, September, 1886. } Clerk of the Parliaments.*

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

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and to validate certain appointments of Trustees ~~purporting~~
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it therefore enacted by the Queen's Most Excellent Majesty by and
5 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 "Commons Regulation Act Short title.
Amendment Act of 1886" It shall be read and construed together with
10 the "Commons Regulation Act of 1873" hereinafter termed the
Principal Act and the said Acts may be collectively cited as the
"Commons Acts 1873-1886" For the purpose of interpreting this
Act the expression "instruments under the hand of the Governor" Interpretation.
contained in the preamble to the Principal Act shall be taken to
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and the word "Governor" shall mean the Governor with the advice of
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"Commoner"

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Commons Regulation Act Amendment (No. 3).

"Commoner" shall mean any person whose name is contained in the Commoners' roll in force for the time being as hereinafter provided.

5 "Commoners' boundaries" shall mean the boundaries of the area notified in the Government Gazette within or in respect of which the persons entitled to the use of the Commons mentioned in the notification reside or hold the prescribed qualification and

10 "Minister" shall mean the Minister charged with the administration of this and the Principal Act.

2. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the Commoners boundaries of such Common and declare that the residents within such boundaries shall be entitled to the use of such Common and may also alter or extend such boundaries. And subject to the Regulations in force with respect to any such Common every Commoner over the age of twenty-one years residing or occupying or owning land within such boundaries shall be entitled to all Commonable rights over such Common and to the right of voting at all elections of Trustees. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. Provided also that where Commonable rights are conferred by any deed of dedication upon any person or class of persons such rights shall not be cancelled by the notification under this Act of Commoners boundaries or by the alteration of such boundaries.

2. The Trustees of every existing Common shall within six months after the passing of this Act and the Trustees of every Common notified or set apart after the passing of this Act shall within the like period after the notification or setting apart of such Common or such extended time in each case as the Minister may in any case allow make out a roll of the persons entitled to the use and enjoyment of such Common in accordance with the grant dedication or notification in the Gazette or with any proclamation or other declaration of the Governor and Executive Council relating to such Common. And no person whose name is not on such Commoners' roll shall be entitled to exercise any of the rights of Commoners under the "Commons Acts of 1873-1886" or any regulations made thereunder. All such rolls shall be made out revised published and otherwise dealt with in accordance with regulations to be made under this Act.

3. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the boundaries within which rights of Commonage shall attach to such Common and may also alter or extend such boundaries and subject to the regulations in force with respect to any such Common all persons over the age of twenty-one years entitled to such right of Commonage shall be entitled to vote at all elections of Trustees for such Common. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. No alteration of any such boundaries shall affect any right of Commonage vested at the time of such alteration.

3. 4. If in any case it shall happen that no election for the Trustees of any Common has been held in terms of the Principal Act or that an insufficient number of Trustees has been elected or if from any cause there are no Trustees or an insufficient number of Trustees of any Common it shall be lawful for the Governor to appoint a sufficient number of Trustees for such Common. ~~In the case of any new Common the Governor may appoint Trustees.~~

Commons Regulation Act Amendment (No. 3).

- 4- 5. No person shall be eligible for election as Trustee of any Common who is not at the date of such election and who shall not for six months immediately preceding such date have been entitled to the use of such Common. Persons who are not Commoners not to be eligible as Trustees.
- 5 5- 6. The Governor may appoint the Council of any Municipality to be by their corporate name the Trustees of any Common situate within the boundaries of or adjacent to such Municipality And upon the publication of such appointment in the *Gazette* such Council and its successors shall be the Trustees of such Common for all purposes of this and the Principal Act Where any such Common is situated in more than one Municipality the Governor may declare which Municipal Council shall be the Trustees of such Common or may appoint other Trustees therefor The Governor may also appoint the first Trustees of every Common notified or set apart after the passing of this Act. When Municipal Councils to be Trustees of Commons.
- 10 6- 7. Upon proof to the satisfaction of the Governor that any Trustees neglect or refuse to exercise the powers vested in them for the protection of the Common or the Commoners rights or that they have permitted any person to occupy or enclose any portion of the Common or to divert the Common from the purpose for which it was granted the Governor may by notice in the *Gazette* declare that such Trustees have been removed from their office and every person or Corporation named in such notice shall thereupon cease to be a Trustee or Trustees of such Common as the case may be. Disqualification of Trustees.
- 20 7- 8. Every appointment of Trustees or a Trustee for any Common set apart as a Permanent or Temporary Common before the passing of this Act heretofore made by the Governor shall be deemed to be valid in law to all intents and purposes The Governor may by notice in the *Gazette* declare valid any election of Trustees the validity of which may be questionable by reason of some technical defect or irregularity in the mode of conducting the election or of convening a meeting to elect Trustees But nothing in this section contained shall affect any proceedings instituted or now pending in any Court in which the validity of any such appointment shall have been or shall be in question. Validation of appointments or elections of Trustees.
- 30 8- 9. Every Trustee of a Common whose term of office has expired shall hand over to his successor or to such person as the Minister charged with the administration of this and the Principal Act shall appoint all deeds books documents money and other property in his possession or control relating to the Common of which he was a Trustee and if any such Trustee shall refuse or neglect when called upon by such successor or Minister to hand over such deeds books documents money or property to such successor or person so appointed as aforesaid (as the case may be) such Trustee shall be liable to a penalty not exceeding fifty pounds but ~~the payment of such penalty shall not be~~ no proceedings under this section shall be a bar to any proceedings to recover possession of any deed book document money or other property as aforesaid. Trustees to hand over deeds books &c.
- 40 10. The only rights to which a Commoner shall be entitled after the commencement of this Act in respect of any Common shall be the Common of pasturage of stock (including the right of watering such stock) upon the Common and with the permission of the Trustees of any Common and subject to the payment of such charges as they shall by their rules and regulations impose the right to take fallen timber or underwood from the Common but the Minister may subject to the payment of such charges as he shall impose grant a license to any person to take and remove from a Common soil stone or minerals or to cut and remove therefrom any timber. Limitation of Commoners' rights.
- 55 11. Any bona fide carrier teamster traveller or drover shall have the right of pasturage upon any Common for the animals actually in use Carriers' teamsters' travellers' and drovers' privileges on Commons.

Commons Regulation Act Amendment (No. 3).

use by him for carriage riding or droving during three days consecutively without charge and for such longer period as may be rendered necessary by rain or floods but after such period in either case such animals if still depasturing on the Common may be impounded by the
 5 Trustees thereof Provided however that the Trustees of a Common may in the case of any such animals and also in that of any travelling stock upon the payment to the Trustees of such fees as shall be prescribed by regulations under this Act allow such animals or stock to be depastured upon such Common for any time not exceeding one week
 10 within any period of six months.

12. Every drover of travelling stock taking such stock through
 or over or along any Common shall give the Trustees or herdsman
 thereof the like notice as he is by law required to give to any owner
 or occupier of land through or along which he intends to drive any
 15 stock.

Drovers to give
Trustees or
herdsman notice.

13. At any meeting of Commoners five Commoners shall form
 a quorum and at any meeting of Trustees three Trustees shall form a
 quorum and if at any such meeting the votes are equal the chairman
 shall in addition to his vote as Commoner or Trustee (as the case may
 20 be) have also a casting vote.

Quorum of Com-
moners and Trus-
tees and casting
vote.

14. Any animal infected with any contagious or infectious
 disease found on a Common may be destroyed by order of the Trustees
 of such Common after notice describing with reasonable accuracy the
 animal intended to be destroyed shall have been exhibited for twenty-
 25 four hours at the police station nearest to the Common and given to
 the owner of such animal if known to the Trustees stating that it is
 their intention to destroy such animal and no such destruction shall
 entail any liability at common law or otherwise upon any person
 giving or acting under any such order.

As to infected
animals found on
Commons.

15. The Governor may in regard to any Common or class of
 Commons make regulations with respect to all or any of the following
 30 matters namely :—

Regulations.

(i) The payment of fees by teamsters travellers and drovers and
 travelling stock for extended pasturage and for the appropri-
 35 ation of such fees and the like with regard to license fees for
 removing soil stone or minerals and for cutting and removing
 timber from any Common

(ii) For their enforcement

(iii) All other matters of detail necessary for carrying this and
 40 the Principal Act into effect

And all such regulations on being published in the Gazette shall have
 the full force of law.

16. Any person who shall commit a breach of any of the
 provisions of this Act or the Principal Act for which a penalty is not
 45 specially provided shall on conviction for every such offence incur a
 penalty not exceeding twenty pounds.

General penalty.

COMMONS REGULATION ACT AMENDMENT BILL (No. 3).

SCHEDULE of Amendments referred to in Message of 8th September, 1886.

Page 1, Title. *Omit* "purporting to have been made thereunder"

Page 1, Preamble, line 3. *Omit* "purporting to have been made under the authority of
"the said Act"

Page 1, clause 1, line 17. *Omit* "and"

Page 1, clause 1. At end of clause *add*

" 'Commoner' shall mean any person whose name is contained in the Com-
"moners' roll in force for the time being as hereinafter provided"

" 'Commoners' boundaries' shall mean the boundaries of the area notified
"in the Government Gazette within or in respect of which the persons
"entitled to the use of the Commons mentioned in the notification
"reside or hold the prescribed qualification" and

" 'Minister' shall mean the Minister charged with the administration of this
"and the Principal Act"

Page 2, clause 2. *Omit* clause 2 *insert* new clauses 2 and 3.

Page 2, clause 3. 4, line 58. *After* "Common" *omit* remainder of clause

Page 3, clause 5. 6. At end of clause *add* "the Governor may also appoint the first
"Trustees of every Common notified or set apart after the passing of
"this Act"

Page 3, clause 6. 7, line 22. *After* "removed" *insert* "from their office"

Page 3, clause 8. 9, line 44. *Omit* "the payment of such penalty shall not be" *insert* "no
"proceedings under this section shall be"

Page 3. *After* clause 8. 9, *insert* new clauses 10, 11, 12, 13, 14, and 15.

LETTER TO THE HONORABLE ATTORNEY GENERAL

RE: THE CASE OF THE UNITED STATES VS. THE DISTRICT OF COLUMBIA

TO THE HONORABLE ATTORNEY GENERAL, WASHINGTON, D. C.

DEAR MR. ATTORNEY GENERAL:

I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, however, unable to give you any definite answer at this time, as the matter is still under consideration.

I am, Sir, very respectfully,
Your obedient servant,
J. M. [Signature]

Very truly yours,
J. M. [Signature]

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, } *F. W. WEBB,*
Sydney, 5 August, 1886. } *Acting Clerk of Legislative Assembly.*

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

Legislative Council Chamber, } *JOHN J. CALVERT,*
Sydney, 8th September, 1886. } *Clerk of the Parliaments.*

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the "Commons Regulation Act of 1873"
and to validate certain appointments of Trustees ~~purporting~~
~~to have been made thereunder.~~

WHEREAS it is expedient to amend the "Commons Regulation Act of 1873" and to validate certain appointments of Trustees ^{Preamble.}
~~purporting to have been made under the authority of the said Act~~ 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 "Commons Regulation Act ^{Short title.}
Amendment Act of 1886" It shall be read and construed together with
the "Commons Regulation Act of 1873" hereinafter termed the
Principal Act and the said Acts may be collectively cited as the
"Commons Acts 1873-1886" For the purpose of interpreting this
Act the expression "instruments under the hand of the Governor" ^{Interpretation.}
contained in the preamble to the Principal Act shall be taken to
include and to have included all notifications reservations or dedica-
tions of Commons whether permanent or temporary or for pasturage
and the word "Governor" shall mean the Governor with the advice of
the Executive Council.

717—

"Commoner"

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

Commons Regulation Act Amendment (No. 3).

"Commoner" shall mean any person whose name is contained in the Commons' roll in force for the time being as hereinafter provided.

5 "Commoners' boundaries" shall mean the boundaries of the area notified in the Government Gazette within or in respect of which the persons entitled to the use of the Commons mentioned in the notification reside or hold the prescribed qualification and

10 "Minister" shall mean the Minister charged with the administration of this and the Principal Act.

2. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the Commons boundaries of such Common and declare that the residents within such boundaries shall be entitled to the use of such Common
 15 and may also alter or extend such boundaries. And subject to the Regulations in force with respect to any such Common every Commoner over the age of twenty-one years residing or occupying or owning land within such boundaries shall be entitled to all Commonable rights over such Common and to the right of voting at all elections of
 20 Trustees. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. Provided also that where Commonable rights are conferred by any deed of dedication upon any person or class of persons such rights shall not be
 25 cancelled by the notification under this Act of Commons boundaries or by the alteration of such boundaries.

Commoners boundaries may be made or altered.

2. The Trustees of every existing Common shall within six months after the passing of this Act and the Trustees of every Common notified or set apart after the passing of this Act shall within the like
 30 period after the notification or setting apart of such Common or such extended time in each case as the Minister may in any case allow make out a roll of the persons entitled to the use and enjoyment of such Common in accordance with the grant dedication or notification in the Gazette or with any proclamation or other declaration of the
 35 Governor and Executive Council relating to such Common. And no person whose name is not on such Commons' roll shall be entitled to exercise any of the rights of Commons under the "Commons Acts of 1873-1886" or any regulations made thereunder. All such rolls shall be made out revised published and otherwise dealt with in
 40 accordance with regulations to be made under this Act.

Commoners' roll.

3. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the boundaries within which rights of Commonage shall attach to such
 Common and may also alter or extend such boundaries and subject
 45 to the regulations in force with respect to any such Common all persons over the age of twenty-one years entitled to such right of Commonage shall be entitled to vote at all elections of Trustees for such Common. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any
 50 Commonable rights in respect of such land. No alteration of any such boundaries shall affect any right of Commonage vested at the time of such alteration.

Fixing and alteration of Commons' boundaries.

3. 4. If in any case it shall happen that no election for the Trustees of any Common has been held in terms of the Principal Act
 55 or that an insufficient number of Trustees has been elected or if from any cause there are no Trustees or an insufficient number of Trustees of any Common it shall be lawful for the Governor to appoint a sufficient number of Trustees for such Common. In the case of any new Common the Governor may appoint Trustees.

Where election fails the Governor may appoint Trustees.

Commons Regulation Act Amendment (No. 3).

4- 5. No person shall be eligible for election as Trustee of any Common who is not at the date of such election and who shall not for six months immediately preceding such date have been entitled to the use of such Common.

Persons who are not
Commoners not to be
eligible as Trustees.

5- 6. The Governor may appoint the Council of any Municipality to be by their corporate name the Trustees of any Common situate within the boundaries of or adjacent to such Municipality And upon the publication of such appointment in the *Gazette* such Council and its successors shall be the Trustees of such Common for all purposes of this and the Principal Act Where any such Common is situated in more than one Municipality the Governor may declare which Municipal Council shall be the Trustees of such Common or may appoint other Trustees therefor **The Governor may also appoint the first Trustees of every Common notified or set apart after the passing**

When Municipal
Councils to be
Trustees of
Commons.

15 of this Act.

6- 7. Upon proof to the satisfaction of the Governor that any Trustees neglect or refuse to exercise the powers vested in them for the protection of the Common or the Commoners rights or that they have permitted any person to occupy or enclose any portion of the Common or to divert the Common from the purpose for which it was granted the Governor may by notice in the *Gazette* declare that such Trustees have been removed **from their office** and every person or Corporation named in such notice shall thereupon cease to be a Trustee or Trustees of such Common as the case may be.

Disqualification of
Trustees.

7- 8. Every appointment of Trustees or a Trustee for any Common set apart as a Permanent or Temporary Common before the passing of this Act heretofore made by the Governor shall be deemed to be valid in law to all intents and purposes The Governor may by notice in the *Gazette* declare valid any election of Trustees the validity of which may be questionable by reason of some technical defect or irregularity in the mode of conducting the election or of convening a meeting to elect Trustees But nothing in this section contained shall affect any proceedings instituted or now pending in any Court in which the validity of any such appointment shall have been or shall be in question.

Validation of
appointments or
elections of Trustees

8- 9. Every Trustee of a Common whose term of office has expired shall hand over to his successor or to such person as the Minister charged with the administration of this and the Principal Act shall appoint all deeds books documents money and other property in his possession or control relating to the Common of which he was a Trustee and if any such Trustee shall refuse or neglect when called upon by such successor or Minister to hand over such deeds books documents money or property to such successor or person so appointed as aforesaid (as the case may be) such Trustee shall be liable to a penalty not exceeding fifty pounds but ~~the payment of such penalty shall not be~~ **no proceedings under this section shall be a bar to any proceedings to recover possession of any deed book document money or other property as aforesaid.**

Trustees to hand
over deeds books
&c.

10. The only rights to which a Commoner shall be entitled after the commencement of this Act in respect of any Common shall be the Common of pasturage of stock (including the right of watering such stock) upon the Common and with the permission of the Trustees of any Common and subject to the payment of such charges as they shall by their rules and regulations impose the right to take fallen timber or underwood from the Common but the Minister may subject to the payment of such charges as he shall impose grant a license to any person to take and remove from a Common soil stone or minerals or to cut and remove therefrom any timber.

Limitation of
Commoners'
rights.

11. Any bona fide carrier teamster traveller or drover shall have the right of pasturage upon any Common for the animals actually in use

Carriers' team-
sters' travellers'
and drovers'
privileges on
Commons.

Commons Regulation Act Amendment (No. 3).

use by him for carriage riding or droving during three days consecutively without charge and for such longer period as may be rendered necessary by rain or floods but after such period in either case such animals if still depasturing on the Common may be impounded by the Trustees thereof Provided however that the Trustees of a Common may in the case of any such animals and also in that of any travelling stock upon the payment to the Trustees of such fees as shall be prescribed by regulations under this Act allow such animals or stock to be depastured upon such Common for any time not exceeding one week within any period of six months.

12. Every drover of travelling stock taking such stock through or over or along any Common shall give the Trustees or herdsman thereof the like notice as he is by law required to give to any owner or occupier of land through or along which he intends to drive any stock.

Drovers to give Trustees or herdsman notice

13. At any meeting of Commoners five Commoners shall form a quorum and at any meeting of Trustees three Trustees shall form a quorum and if at any such meeting the votes are equal the chairman shall in addition to his vote as Commoner or Trustee (as the case may be) have also a casting vote.

Quorum of Commoners and Trustees and casting vote.

14. Any animal infected with any contagious or infectious disease found on a Common may be destroyed by order of the Trustees of such Common after notice describing with reasonable accuracy the animal intended to be destroyed shall have been exhibited for twenty-four hours at the police station nearest to the Common and given to the owner of such animal if known to the Trustees stating that it is their intention to destroy such animal and no such destruction shall entail any liability at common law or otherwise upon any person giving or acting under any such order.

As to infected animals found on Commons.

15. The Governor may in regard to any Common or class of Commons make regulations with respect to all or any of the following matters namely:—

Regulations.

(i) The payment of fees by teamsters travellers and drovers and travelling stock for extended pasturage and for the appropriation of such fees and the like with regard to license fees for removing soil stone or minerals and for cutting and removing timber from any Common

(ii) For their enforcement

(iii) All other matters of detail necessary for carrying this and the Principal Act into effect

And all such regulations on being published in the Gazette shall have the full force of law.

16. Any person who shall commit a breach of any of the provisions of this Act or the Principal Act for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding twenty pounds.

General penalty.

COMMONS REGULATION ACT AMENDMENT BILL (No. 3).

SCHEDULE of Amendments referred to in Message of 8th September, 1886.

- Page 1, Title. *Omit* "purporting to have been made thereunder"
- Page 1, Preamble, line 3. *Omit* "purporting to have been made under the authority of
"the said Act"
- Page 1, clause 1, line 17. *Omit* "and"
- Page 1, clause 1. At end of clause *add*
" 'Commoner' shall mean any person whose name is contained in the Com-
"moners' roll in force for the time being as hereinafter provided"
- " 'Commoners' boundaries' shall mean the boundaries of the area notified
"in the Government Gazette within or in respect of which the persons
"entitled to the use of the Commons mentioned in the notification
"reside or hold the prescribed qualification" and
- " 'Minister' shall mean the Minister charged with the administration of this
"and the Principal Act"
- Page 2, clause 2. *Omit* clause 2 *insert* new clauses 2 and 3.
- Page 2, clause 3. 4, line 58. *After* "Common" *omit* remainder of clause
- Page 3, clause 5. 6. At end of clause *add* "the Governor may also appoint the first
"Trustees of every Common notified or set apart after the passing of
"this Act"
- Page 3, clause 6. 7, line 22. *After* "removed" *insert* "from their office"
- Page 3, clause 8. 9, line 44. *Omit* "the payment of such penalty shall not be" *insert* "no
"proceedings under this section shall be"
- Page 3. *After* clause 8. 9, *insert* new clauses 10, 11, 12, 13, 14, and 15.
-

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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, 5 August, 1886.* }

F. W. WEBB,
Acting Clerk of Legislative Assembly.

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

*Legislative Council Chamber,
Sydney, 8th September, 1886.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the “Commons Regulation Act of 1873”
and to validate certain appointments of Trustees ~~purporting~~
~~to have been made thereunder.~~

WHEREAS it is expedient to amend the “Commons Regulation Preamble.
Act of 1873” and to validate certain appointments of Trustees
~~purporting to have been made under the authority of the said Act~~ Be
it therefore enacted by the Queen’s Most Excellent Majesty by and
5 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 “Commons Regulation Act Short title.
Amendment Act of 1886” It shall be read and construed together with
10 the “Commons Regulation Act of 1873” hereinafter termed the
Principal Act and the said Acts may be collectively cited as the
“Commons Acts 1873–1886” For the purpose of interpreting this
Act the expression “instruments under the hand of the Governor” Interpretation.
contained in the preamble to the Principal Act shall be taken to
15 include and to have included all notifications reservations or dedica-
tions of Commons whether permanent or temporary or for pasturage
and the word “Governor” shall mean the Governor with the advice of
the Executive Council.

717—

“Commoner”

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

Commons Regulation Act Amendment (No. 3).

"Commoner" shall mean any person whose name is contained in the Commoners' roll in force for the time being as hereinafter provided.

5 "Commoners' boundaries" shall mean the boundaries of the area notified in the Government Gazette within or in respect of which the persons entitled to the use of the Commons mentioned in the notification reside or hold the prescribed qualification and

10 "Minister" shall mean the Minister charged with the administration of this and the Principal Act.

2. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the Commoners boundaries of such Common and declare that the residents within such boundaries shall be entitled to the use of such Common and may also alter or extend such boundaries. And subject to the Regulations in force with respect to any such Common every Commoner over the age of twenty-one years residing or occupying or owning land within such boundaries shall be entitled to all Commonable rights over such Common and to the right of voting at all elections of Trustees. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. Provided also that where Commonable rights are conferred by any deed of dedication upon any person or class of persons such rights shall not be cancelled by the notification under this Act of Commoners boundaries or by the alteration of such boundaries.

2. The Trustees of every existing Common shall within six months after the passing of this Act and the Trustees of every Common notified or set apart after the passing of this Act shall within the like period after the notification or setting apart of such Common or such extended time in each case as the Minister may in any case allow make out a roll of the persons entitled to the use and enjoyment of such Common in accordance with the grant dedication or notification in the Gazette or with any proclamation or other declaration of the Governor and Executive Council relating to such Common. And no person whose name is not on such Commoners' roll shall be entitled to exercise any of the rights of Commoners under the "Commons Acts of 1873-1886" or any regulations made thereunder. All such rolls shall be made out revised published and otherwise dealt with in accordance with regulations to be made under this Act.

3. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the boundaries within which rights of Commonage shall attach to such Common and may also alter or extend such boundaries and subject to the regulations in force with respect to any such Common all persons over the age of twenty-one years entitled to such right of Commonage shall be entitled to vote at all elections of Trustees for such Common. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. No alteration of any such boundaries shall affect any right of Commonage vested at the time of such alteration.

3. 4. If in any case it shall happen that no election for the Trustees of any Common has been held in terms of the Principal Act or that an insufficient number of Trustees has been elected or if from any cause there are no Trustees or an insufficient number of Trustees of any Common it shall be lawful for the Governor to appoint a sufficient number of Trustees for such Common. In the case of any new Common the Governor may appoint Trustees.

Commoners boundaries may be made or altered.

Fixing and alteration of Commoners' boundaries.

Where election fails the Governor may appoint Trustees.

Commons Regulation Act Amendment (No. 3).

4. 5. No person shall be eligible for election as Trustee of any Common who is not at the date of such election and who shall not for six months immediately preceding such date have been entitled to the use of such Common.

Persons who are not
Commoners not to be
eligible as Trustees.

5. 6. The Governor may appoint the Council of any Municipality to be by their corporate name the Trustees of any Common situate within the boundaries of or adjacent to such Municipality And upon the publication of such appointment in the *Gazette* such Council and its successors shall be the Trustees of such Common for all purposes of this and the Principal Act Where any such Common is situated in more than one Municipality the Governor may declare which Municipal Council shall be the Trustees of such Common or may appoint other Trustees therefor The Governor may also appoint the first Trustees of every Common notified or set apart after the passing of this Act.

When Municipal
Councils to be
Trustees of
Commons.

6. 7. Upon proof to the satisfaction of the Governor that any Trustees neglect or refuse to exercise the powers vested in them for the protection of the Common or the Commoners rights or that they have permitted any person to occupy or enclose any portion of the Common or to divert the Common from the purpose for which it was granted the Governor may by notice in the *Gazette* declare that such Trustees have been removed from their office and every person or Corporation named in such notice shall thereupon cease to be a Trustee or Trustees of such Common as the case may be.

Disqualification of
Trustees.

7. 8. Every appointment of Trustees or a Trustee for any Common set apart as a Permanent or Temporary Common before the passing of this Act heretofore made by the Governor shall be deemed to be valid in law to all intents and purposes The Governor may by notice in the *Gazette* declare valid any election of Trustees the validity of which may be questionable by reason of some technical defect or irregularity in the mode of conducting the election or of convening a meeting to elect Trustees But nothing in this section contained shall affect any proceedings instituted or now pending in any Court in which the validity of any such appointment shall have been or shall be in question.

Validation of
appointments or
elections of Trustees

8. 9. Every Trustee of a Common whose term of office has expired shall hand over to his successor or to such person as the Minister charged with the administration of this and the Principal Act shall appoint all deeds books documents money and other property in his possession or control relating to the Common of which he was a Trustee and if any such Trustee shall refuse or neglect when called upon by such successor or Minister to hand over such deeds books documents money or property to such successor or person so appointed as aforesaid (as the case may be) such Trustee shall be liable to a penalty not exceeding fifty pounds but the payment of such penalty shall not be no proceedings under this section shall be a bar to any proceedings to recover possession of any deed book document money or other property as aforesaid.

Trustees to hand
over deeds books
&c.

10. The only rights to which a Commoner shall be entitled after the commencement of this Act in respect of any Common shall be the Common of pasturage of stock (including the right of watering such stock) upon the Common and with the permission of the Trustees of any Common and subject to the payment of such charges as they shall by their rules and regulations impose the right to take fallen timber or underwood from the Common but the Minister may subject to the payment of such charges as he shall impose grant a license to any person to take and remove from a Common soil stone or minerals or to cut and remove therefrom any timber.

Limitation of
Commoners'
rights.

11. Any bona fide carrier teamster traveller or drover shall have the right of pasturage upon any Common for the animals actually in use

Carriers' team-
sters' travellers'
and drovers'
privileges on
Commons.

Commons Regulation Act Amendment (No. 3).

use by him for carriage riding or droving during three days consecutively without charge and for such longer period as may be rendered necessary by rain or floods but after such period in either case such animals if still depasturing on the Common may be impounded by the Trustees thereof. Provided however that the Trustees of a Common may in the case of any such animals and also in that of any travelling stock upon the payment to the Trustees of such fees as shall be prescribed by regulations under this Act allow such animals or stock to be depastured upon such Common for any time not exceeding one week within any period of six months.

12. Every drover of travelling stock taking such stock through or over or along any Common shall give the Trustees or herdsman thereof the like notice as he is by law required to give to any owner or occupier of land through or along which he intends to drive any stock.

Drovers to give Trustees or herdsman notice

13. At any meeting of Commoners five Commoners shall form a quorum and at any meeting of Trustees three Trustees shall form a quorum and if at any such meeting the votes are equal the chairman shall in addition to his vote as Commoner or Trustee (as the case may be) have also a casting vote.

Quorum of Commoners and Trustees and casting vote.

14. Any animal infected with any contagious or infectious disease found on a Common may be destroyed by order of the Trustees of such Common after notice describing with reasonable accuracy the animal intended to be destroyed shall have been exhibited for twenty-four hours at the police station nearest to the Common and given to the owner of such animal if known to the Trustees stating that it is their intention to destroy such animal and no such destruction shall entail any liability at common law or otherwise upon any person giving or acting under any such order.

As to infected animals found on Commons.

15. The Governor may in regard to any Common or class of Commons make regulations with respect to all or any of the following matters namely:—

Regulations.

(i) The payment of fees by teamsters travellers and drovers and travelling stock for extended pasturage and for the appropriation of such fees and the like with regard to license fees for removing soil stone or minerals and for cutting and removing timber from any Common

(ii) For their enforcement

(iii) All other matters of detail necessary for carrying this and the Principal Act into effect

And all such regulations on being published in the Gazette shall have the full force of law.

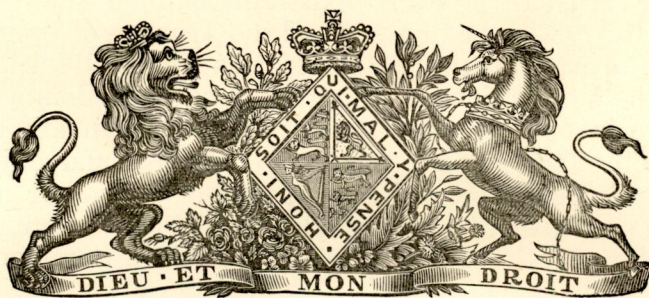
16. Any person who shall commit a breach of any of the provisions of this Act or the Principal Act for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding twenty pounds.

General penalty.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber, } F. W. WEBB,
Sydney, 16 September, 1886. } Acting Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. XV.

An Act to amend the "Commons Regulation Act of 1873"
and to validate certain appointments of Trustees.
[Assented to, 24th September, 1886.]

WHEREAS it is expedient to amend the "Commons Regulation Act of 1873" and to validate certain appointments of Trustees 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 "Commons Regulation Act Amendment Act of 1886" It shall be read and construed together with the "Commons Regulation Act of 1873" hereinafter termed the Principal Act and the said Acts may be collectively cited as the "Commons Acts 1873-1886" For the purpose of interpreting this Act the expression "instruments under the hand of the Governor" contained in the preamble to the Principal Act shall be taken to include and to have included all notifications reservations or dedications of Commons whether permanent or temporary or for pasturage

The word "Governor" shall mean the Governor with the advice of the Executive Council.

"Commoner" shall mean any person whose name is contained in the Commoners' roll in force for the time being as hereinafter provided.

"Commoners

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. M. SLATTERY,
Chairman of Committees of the Legislative Assembly.

Commons Regulation Act Amendment (No. 3).

“Commoners boundaries” shall mean the boundaries of the area notified in the *Government Gazette* within or in respect of which the persons entitled to the use of the Commons mentioned in the notification reside or hold the prescribed qualification and

“Minister” shall mean the Minister charged with the administration of this and the Principal Act.

Commoners roll.

2. The Trustees of every existing Common shall within six months after the passing of this Act and the Trustees of every Common notified or set apart after the passing of this Act shall within the like period after the notification or setting apart of such Common or such extended time in each case as the Minister may in any case allow make out a roll of the persons entitled to the use and enjoyment of such Common in accordance with the grant dedication or notification in the *Gazette* or with any proclamation or other declaration of the Governor and Executive Council relating to such Common. And no person whose name is not on such Commoners roll shall be entitled to exercise any of the rights of Commoners under the “Commons Acts of 1873–1886” or any regulations made thereunder. All such rolls shall be made out revised published and otherwise dealt with in accordance with regulations to be made under this Act.

Fixing and alteration of Commoners boundaries.

3. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the boundaries within which rights of Commonage shall attach to such Common and may also alter or extend such boundaries and subject to the regulations in force with respect to any such Common all persons over the age of twenty-one years entitled to such right of Commonage shall be entitled to vote at all elections of Trustees for such Common. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. No alteration of any such boundaries shall affect any right of Commonage vested at the time of such alteration.

Where election fails the Governor may appoint Trustees.

4. If in any case it shall happen that no election for the Trustees of any Common has been held in terms of the Principal Act or that an insufficient number of Trustees has been elected or if from any cause there are no Trustees or an insufficient number of Trustees of any Common it shall be lawful for the Governor to appoint a sufficient number of Trustees for such Common.

Persons who are not Commoners not to be eligible as Trustees.

5. No person shall be eligible for election as Trustee of any Common who is not at the date of such election and who shall not for six months immediately preceding such date have been entitled to the use of such Common.

When Municipal Councils to be Trustees of Commons.

6. The Governor may appoint the Council of any Municipality to be by their corporate name the Trustees of any Common situate within the boundaries of or adjacent to such Municipality. And upon the publication of such appointment in the *Gazette* such Council and its successors shall be the Trustees of such Common for all purposes of this and the Principal Act. Where any such Common is situated in more than one Municipality the Governor may declare which Municipal Council shall be the Trustees of such Common or may appoint other Trustees therefor. The Governor may also appoint the first Trustees of every Common notified or set apart after the passing of this Act.

Disqualification of Trustees.

7. Upon proof to the satisfaction of the Governor that any Trustees neglect or refuse to exercise the powers vested in them for the protection of the Common or the Commoners rights or that they have permitted any person to occupy or enclose any portion of the Common or to divert the Common from the purpose for which it was granted

Commons Regulation Act Amendment (No. 3).

granted the Governor may by notice in the *Gazette* declare that such Trustees have been removed from their office and every person or Corporation named in such notice shall thereupon cease to be a Trustee or Trustees of such Common as the case may be.

8. Every appointment of Trustees or a Trustee for any Common set apart as a Permanent or Temporary Common before the passing of this Act heretofore made by the Governor shall be deemed to be valid in law to all intents and purposes. The Governor may by notice in the *Gazette* declare valid any election of Trustees the validity of which may be questionable by reason of some technical defect or irregularity in the mode of conducting the election or of convening a meeting to elect Trustees. But nothing in this section contained shall affect any proceedings instituted or now pending in any Court in which the validity of any such appointment shall have been or shall be in question.

Validation of
appointments or
elections of Trustees

9. Every Trustee of a Common whose term of office has expired shall hand over to his successor or to such person as the Minister charged with the administration of this and the Principal Act shall appoint all deeds books documents money and other property in his possession or control relating to the Common of which he was a Trustee and if any such Trustee shall refuse or neglect when called upon by such successor or Minister to hand over such deeds books documents money or property to such successor or person so appointed as aforesaid (as the case may be) such Trustee shall be liable to a penalty not exceeding fifty pounds but no proceedings under this section shall be a bar to any proceedings to recover possession of any deed book document money or other property as aforesaid.

Trustees to hand
over deeds books
&c.

10. The only rights to which a Commoner shall be entitled after the commencement of this Act in respect of any Common shall be the Common of pasturage of stock (including the right of watering such stock) upon the Common and with the permission of the Trustees of any Common and subject to the payment of such charges as they shall by their rules and regulations impose the right to take fallen timber or underwood from the Common but the Minister may subject to the payment of such charges as he shall impose grant a license to any person to take and remove from a Common soil stone or minerals or to cut and remove therefrom any timber.

Limitation of
Commoners rights.

11. Any *bonâ fide* carrier teamster traveller or drover shall have the right of pasturage upon any Common for the animals actually in use by him for carriage riding or droving during three days consecutively without charge and for such longer period as may be rendered necessary by rain or floods but after such period in either case such animals if still depasturing on the Common may be impounded by the Trustees thereof. Provided however that the Trustees of a Common may in the case of any such animals and also in that of any travelling stock upon the payment to the Trustees of such fees as shall be prescribed by regulations under this Act allow such animals or stock to be depastured upon such Common for any time not exceeding one week within any period of six months.

Carriers teamsters
travellers and
drovers privileges on
Commons.

12. Every drover of travelling stock taking such stock through or over or along any Common shall give the Trustees or herdsman thereof the like notice as he is by law required to give to any owner or occupier of land through or along which he intends to drive any stock.

Drovers to give
Trustees or herdsman
notice.

13. At any meeting of Commoners five Commoners shall form a quorum and at any meeting of Trustees three Trustees shall form a quorum and if at any such meeting the votes are equal the chairman shall in addition to his vote as Commoner or Trustee (as the case may be) have also a casting vote.

Quorum of
Commoners and
Trustees and
casting vote.

Commons Regulation Act Amendment (No. 3).

As to infected
animals found on
Commons.

14. Any animal infected with any contagious or infectious disease found on a Common may be destroyed by order of the Trustees of such Common after notice describing with reasonable accuracy the animal intended to be destroyed shall have been exhibited for twenty-four hours at the police station nearest to the Common and given to the owner of such animal if known to the Trustees stating that it is their intention to destroy such animal and no such destruction shall entail any liability at common law or otherwise upon any person giving or acting under any such order.

Regulations.

15. The Governor may in regard to any Common or class of Commons make regulations with respect to all or any of the following matters namely :—

- (I) The payment of fees by teamsters travellers and drovers of travelling stock for extended pasturage and for the appropriation of such fees and the like with regard to license fees for removing soil stone or minerals and for cutting and removing timber from any Common
- (II) For their enforcement
- (III) All other matters of detail necessary for carrying this and the Principal Act into effect

And all such regulations on being published in the *Gazette* shall have the full force of law.

General penalty.

16. Any person who shall commit a breach of any of the provisions of this Act or the Principal Act for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding twenty pounds.

In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

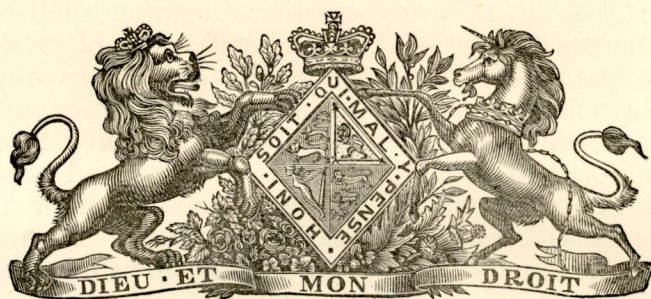
*Government House,
24th September, 1886.*

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 16 September, 1886. }*

*F. W. WEBB,
Acting Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. XV.

An Act to amend the "Commons Regulation Act of 1873"
and to validate certain appointments of Trustees.
[Assented to, 24th September, 1886.]

WHEREAS it is expedient to amend the "Commons Regulation Act of 1873" and to validate certain appointments of Trustees 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 "Commons Regulation Act Amendment Act of 1886" It shall be read and construed together with the "Commons Regulation Act of 1873" hereinafter termed the Principal Act and the said Acts may be collectively cited as the "Commons Acts 1873-1886" For the purpose of interpreting this Act the expression "instruments under the hand of the Governor" contained in the preamble to the Principal Act shall be taken to include and to have included all notifications reservations or dedications of Commons whether permanent or temporary or for pasturage

The word "Governor" shall mean the Governor with the advice of the Executive Council.

"Commoner" shall mean any person whose name is contained in the Commoners' roll in force for the time being as hereinafter provided.

"Commoners

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

*T. M. SLATTERY,
Chairman of Committees of the Legislative Assembly.*

Commons Regulation Act Amendment (No. 3).

“Commoners boundaries” shall mean the boundaries of the area notified in the *Government Gazette* within or in respect of which the persons entitled to the use of the Commons mentioned in the notification reside or hold the prescribed qualification and

“Minister” shall mean the Minister charged with the administration of this and the Principal Act.

Commoners roll.

2. The Trustees of every existing Common shall within six months after the passing of this Act and the Trustees of every Common notified or set apart after the passing of this Act shall within the like period after the notification or setting apart of such Common or such extended time in each case as the Minister may in any case allow make out a roll of the persons entitled to the use and enjoyment of such Common in accordance with the grant dedication or notification in the *Gazette* or with any proclamation or other declaration of the Governor and Executive Council relating to such Common. And no person whose name is not on such Commoners roll shall be entitled to exercise any of the rights of Commoners under the “Commons Acts of 1873–1886” or any regulations made thereunder. All such rolls shall be made out revised published and otherwise dealt with in accordance with regulations to be made under this Act.

Fixing and alteration of Commoners boundaries.

3. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the boundaries within which rights of Commonage shall attach to such Common and may also alter or extend such boundaries and subject to the regulations in force with respect to any such Common all persons over the age of twenty-one years entitled to such right of Commonage shall be entitled to vote at all elections of Trustees for such Common. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. No alteration of any such boundaries shall affect any right of Commonage vested at the time of such alteration.

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4. If in any case it shall happen that no election for the Trustees of any Common has been held in terms of the Principal Act or that an insufficient number of Trustees has been elected or if from any cause there are no Trustees or an insufficient number of Trustees of any Common it shall be lawful for the Governor to appoint a sufficient number of Trustees for such Common.

Persons who are not Commoners not to be eligible as Trustees.

5. No person shall be eligible for election as Trustee of any Common who is not at the date of such election and who shall not for six months immediately preceding such date have been entitled to the use of such Common.

When Municipal Councils to be Trustees of Commons.

6. The Governor may appoint the Council of any Municipality to be by their corporate name the Trustees of any Common situate within the boundaries of or adjacent to such Municipality. And upon the publication of such appointment in the *Gazette* such Council and its successors shall be the Trustees of such Common for all purposes of this and the Principal Act. Where any such Common is situated in more than one Municipality the Governor may declare which Municipal Council shall be the Trustees of such Common or may appoint other Trustees therefor. The Governor may also appoint the first Trustees of every Common notified or set apart after the passing of this Act.

Disqualification of Trustees.

7. Upon proof to the satisfaction of the Governor that any Trustees neglect or refuse to exercise the powers vested in them for the protection of the Common or the Commoners rights or that they have permitted any person to occupy or enclose any portion of the Common or to divert the Common from the purpose for which it was granted

Commons Regulation Act Amendment (No. 3).

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8. Every appointment of Trustees or a Trustee for any Common set apart as a Permanent or Temporary Common before the passing of this Act heretofore made by the Governor shall be deemed to be valid in law to all intents and purposes. The Governor may by notice in the *Gazette* declare valid any election of Trustees the validity of which may be questionable by reason of some technical defect or irregularity in the mode of conducting the election or of convening a meeting to elect Trustees. But nothing in this section contained shall affect any proceedings instituted or now pending in any Court in which the validity of any such appointment shall have been or shall be in question.

Validation of
appointments or
elections of Trustees

9. Every Trustee of a Common whose term of office has expired shall hand over to his successor or to such person as the Minister charged with the administration of this and the Principal Act shall appoint all deeds books documents money and other property in his possession or control relating to the Common of which he was a Trustee and if any such Trustee shall refuse or neglect when called upon by such successor or Minister to hand over such deeds books documents money or property to such successor or person so appointed as aforesaid (as the case may be) such Trustee shall be liable to a penalty not exceeding fifty pounds but no proceedings under this section shall be a bar to any proceedings to recover possession of any deed book document money or other property as aforesaid.

Trustees to hand
over deeds books
&c.

10. The only rights to which a Commoner shall be entitled after the commencement of this Act in respect of any Common shall be the Common of pasturage of stock (including the right of watering such stock) upon the Common and with the permission of the Trustees of any Common and subject to the payment of such charges as they shall by their rules and regulations impose the right to take fallen timber or underwood from the Common but the Minister may subject to the payment of such charges as he shall impose grant a license to any person to take and remove from a Common soil stone or minerals or to cut and remove therefrom any timber.

Limitation of
Commoners rights.

11. Any *bonâ fide* carrier teamster traveller or drover shall have the right of pasturage upon any Common for the animals actually in use by him for carriage riding or droving during three days consecutively without charge and for such longer period as may be rendered necessary by rain or floods but after such period in either case such animals if still depasturing on the Common may be impounded by the Trustees thereof. Provided however that the Trustees of a Common may in the case of any such animals and also in that of any travelling stock upon the payment to the Trustees of such fees as shall be prescribed by regulations under this Act allow such animals or stock to be depastured upon such Common for any time not exceeding one week within any period of six months.

Carriers teamsters
travellers and
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Commons.

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Drovers to give
Trustees or herdsman
notice.

13. At any meeting of Commoners five Commoners shall form a quorum and at any meeting of Trustees three Trustees shall form a quorum and if at any such meeting the votes are equal the chairman shall in addition to his vote as Commoner or Trustee (as the case may be) have also a casting vote.

Quorum of
Commoners and
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Commons Regulation Act Amendment (No. 3).

As to infected
animals found on
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14. Any animal infected with any contagious or infectious disease found on a Common may be destroyed by order of the Trustees of such Common after notice describing with reasonable accuracy the animal intended to be destroyed shall have been exhibited for twenty-four hours at the police station nearest to the Common and given to the owner of such animal if known to the Trustees stating that it is their intention to destroy such animal and no such destruction shall entail any liability at common law or otherwise upon any person giving or acting under any such order.

Regulations.

15. The Governor may in regard to any Common or class of Commons make regulations with respect to all or any of the following matters namely:—

(I) The payment of fees by teamsters travellers and drovers of travelling stock for extended pasturage and for the appropriation of such fees and the like with regard to license fees for removing soil stone or minerals and for cutting and removing timber from any Common

(II) For their enforcement

(III) All other matters of detail necessary for carrying this and the Principal Act into effect

And all such regulations on being published in the *Gazette* shall have the full force of law.

General penalty.

16. Any person who shall commit a breach of any of the provisions of this Act or the Principal Act for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding twenty pounds.

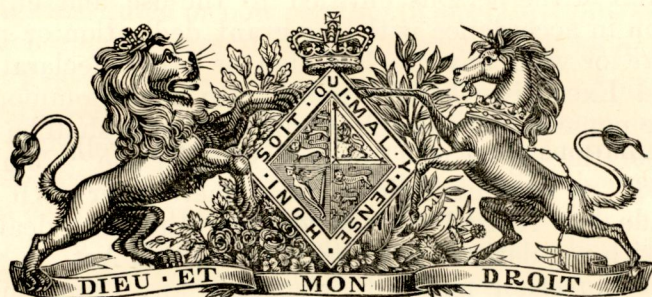
In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

Government House,

24th September, 1886.

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. XV.

An Act to amend the "Commons Regulation Act of 1873"
and to validate certain appointments of Trustees.
[Assented to, 24th September, 1886.]

WHEREAS it is expedient to amend the "Commons Regulation Act of 1873" and to validate certain appointments of Trustees 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 "Commons Regulation Act Amendment Act of 1886" It shall be read and construed together with the "Commons Regulation Act of 1873" hereinafter termed the Principal Act and the said Acts may be collectively cited as the "Commons Acts 1873-1886" For the purpose of interpreting this Act the expression "instruments under the hand of the Governor" contained in the preamble to the Principal Act shall be taken to include and to have included all notifications reservations or dedications of Commons whether permanent or temporary or for pasturage

The word "Governor" shall mean the Governor with the advice of the Executive Council.

"Commoner" shall mean any person whose name is contained in the Commoners' roll in force for the time being as hereinafter provided.

"Commoners

Commons Regulation Act Amendment (No. 3).

“Commoners boundaries” shall mean the boundaries of the area notified in the *Government Gazette* within or in respect of which the persons entitled to the use of the Commons mentioned in the notification reside or hold the prescribed qualification and

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Commoners roll.

2. The Trustees of every existing Common shall within six months after the passing of this Act and the Trustees of every Common notified or set apart after the passing of this Act shall within the like period after the notification or setting apart of such Common or such extended time in each case as the Minister may in any case allow make out a roll of the persons entitled to the use and enjoyment of such Common in accordance with the grant dedication or notification in the *Gazette* or with any proclamation or other declaration of the Governor and Executive Council relating to such Common. And no person whose name is not on such Commoners roll shall be entitled to exercise any of the rights of Commoners under the “Commons Acts of 1873–1886” or any regulations made thereunder. All such rolls shall be made out revised published and otherwise dealt with in accordance with regulations to be made under this Act.

Fixing and alteration of Commoners boundaries.

3. The Governor may with respect to any Common—whether dedicated or set apart before or after the passing of this Act—fix the boundaries within which rights of Commonage shall attach to such Common and may also alter or extend such boundaries and subject to the regulations in force with respect to any such Common all persons over the age of twenty-one years entitled to such right of Commonage shall be entitled to vote at all elections of Trustees for such Common. Provided however that where land is in the occupation of any person other than the owner thereof such owner shall not be entitled to any Commonable rights in respect of such land. No alteration of any such boundaries shall affect any right of Commonage vested at the time of such alteration.

Where election fails the Governor may appoint Trustees.

4. If in any case it shall happen that no election for the Trustees of any Common has been held in terms of the Principal Act or that an insufficient number of Trustees has been elected or if from any cause there are no Trustees or an insufficient number of Trustees of any Common it shall be lawful for the Governor to appoint a sufficient number of Trustees for such Common.

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5. No person shall be eligible for election as Trustee of any Common who is not at the date of such election and who shall not for six months immediately preceding such date have been entitled to the use of such Common.

When Municipal Councils to be Trustees of Commons.

6. The Governor may appoint the Council of any Municipality to be by their corporate name the Trustees of any Common situate within the boundaries of or adjacent to such Municipality. And upon the publication of such appointment in the *Gazette* such Council and its successors shall be the Trustees of such Common for all purposes of this and the Principal Act. Where any such Common is situated in more than one Municipality the Governor may declare which Municipal Council shall be the Trustees of such Common or may appoint other Trustees therefor. The Governor may also appoint the first Trustees of every Common notified or set apart after the passing of this Act.

Disqualification of Trustees.

7. Upon proof to the satisfaction of the Governor that any Trustees neglect or refuse to exercise the powers vested in them for the protection of the Common or the Commoners rights or that they have permitted any person to occupy or enclose any portion of the Common or to divert the Common from the purpose for which it was granted

Commons Regulation Act Amendment (No. 3).

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Trustees to hand
over deeds books
&c.

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Commons Regulation Act Amendment (No. 3).

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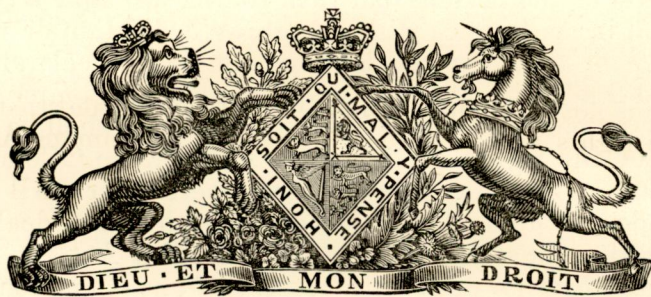
General penalty.

16. Any person who shall commit a breach of any of the provisions of this Act or the Principal Act for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding twenty pounds.

[3d.]

By Authority : THOMAS RICHARDS, Government Printer, Sydney, 1886.

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. XV.

An Act to amend the “Commons Regulation Act of 1873”
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[Assented to, 24th September, 1886.]

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Commoners roll.

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Fixing and alteration of Commoners boundaries.

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Where election fails the Governor may appoint Trustees.

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6. The Governor may appoint the Council of any Municipality to be by their corporate name the Trustees of any Common situate within the boundaries of or adjacent to such Municipality And upon the publication of such appointment in the *Gazette* such Council and its successors shall be the Trustees of such Common for all purposes of this and the Principal Act Where any such Common is situated in more than one Municipality the Governor may declare which Municipal Council shall be the Trustees of such Common or may appoint other Trustees therefor The Governor may also appoint the first Trustees of every Common notified or set apart after the passing of this Act.

Disqualification of Trustees.

7. Upon proof to the satisfaction of the Governor that any Trustees neglect or refuse to exercise the powers vested in them for the protection of the Common or the Commoners rights or that they have permitted any person to occupy or enclose any portion of the Common or to divert the Common from the purpose for which it was granted

Commons Regulation Act Amendment (No. 3).

granted the Governor may by notice in the *Gazette* declare that such Trustees have been removed from their office and every person or Corporation named in such notice shall thereupon cease to be a Trustee or Trustees of such Common as the case may be.

8. Every appointment of Trustees or a Trustee for any Common set apart as a Permanent or Temporary Common before the passing of this Act heretofore made by the Governor shall be deemed to be valid in law to all intents and purposes. The Governor may by notice in the *Gazette* declare valid any election of Trustees the validity of which may be questionable by reason of some technical defect or irregularity in the mode of conducting the election or of convening a meeting to elect Trustees. But nothing in this section contained shall affect any proceedings instituted or now pending in any Court in which the validity of any such appointment shall have been or shall be in question.

Validation of
appointments or
elections of Trustees

9. Every Trustee of a Common whose term of office has expired shall hand over to his successor or to such person as the Minister charged with the administration of this and the Principal Act shall appoint all deeds books documents money and other property in his possession or control relating to the Common of which he was a Trustee and if any such Trustee shall refuse or neglect when called upon by such successor or Minister to hand over such deeds books documents money or property to such successor or person so appointed as aforesaid (as the case may be) such Trustee shall be liable to a penalty not exceeding fifty pounds but no proceedings under this section shall be a bar to any proceedings to recover possession of any deed book document money or other property as aforesaid.

Trustees to hand
over deeds books
&c.

10. The only rights to which a Commoner shall be entitled after the commencement of this Act in respect of any Common shall be the Common of pasturage of stock (including the right of watering such stock) upon the Common and with the permission of the Trustees of any Common and subject to the payment of such charges as they shall by their rules and regulations impose the right to take fallen timber or underwood from the Common but the Minister may subject to the payment of such charges as he shall impose grant a license to any person to take and remove from a Common soil stone or minerals or to cut and remove therefrom any timber.

Limitation of
Commoners rights.

11. Any *bonâ fide* carrier teamster traveller or drover shall have the right of pasturage upon any Common for the animals actually in use by him for carriage riding or droving during three days consecutively without charge and for such longer period as may be rendered necessary by rain or floods but after such period in either case such animals if still depasturing on the Common may be impounded by the Trustees thereof. Provided however that the Trustees of a Common may in the case of any such animals and also in that of any travelling stock upon the payment to the Trustees of such fees as shall be prescribed by regulations under this Act allow such animals or stock to be depastured upon such Common for any time not exceeding one week within any period of six months.

Carriers teamsters
travellers and
drovers privileges on
Commons.

12. Every drover of travelling stock taking such stock through or over or along any Common shall give the Trustees or herdsman thereof the like notice as he is by law required to give to any owner or occupier of land through or along which he intends to drive any stock.

Drovers to give
Trustees or herdsman
notice.

13. At any meeting of Commoners five Commoners shall form a quorum and at any meeting of Trustees three Trustees shall form a quorum and if at any such meeting the votes are equal the chairman shall in addition to his vote as Commoner or Trustee (as the case may be) have also a casting vote.

Quorum of
Commoners and
Trustees and
casting vote.

Commons Regulation Act Amendment (No. 3).

As to infected
animals found on
Commons.

14. Any animal infected with any contagious or infectious disease found on a Common may be destroyed by order of the Trustees of such Common after notice describing with reasonable accuracy the animal intended to be destroyed shall have been exhibited for twenty-four hours at the police station nearest to the Common and given to the owner of such animal if known to the Trustees stating that it is their intention to destroy such animal and no such destruction shall entail any liability at common law or otherwise upon any person giving or acting under any such order.

Regulations.

15. The Governor may in regard to any Common or class of Commons make regulations with respect to all or any of the following matters namely :—

(I) The payment of fees by teamsters travellers and drovers of travelling stock for extended pasturage and for the appropriation of such fees and the like with regard to license fees for removing soil stone or minerals and for cutting and removing timber from any Common

(II) For their enforcement

(III) All other matters of detail necessary for carrying this and the Principal Act into effect

And all such regulations on being published in the *Gazette* shall have the full force of law.

General penalty.

16. Any person who shall commit a breach of any of the provisions of this Act or the Principal Act for which a penalty is not specially provided shall on conviction for every such offence incur a penalty not exceeding twenty pounds.

[3d.]

By Authority : THOMAS RICHARDS, Government Printer, Sydney, 1886.