

**PASTURES PROTECTION (AMENDMENT)
ACT.**

Act No. 21, 1943.

George VI.
No. 21, 1943. An Act to amend the Pastures Protection Act, 1934, as amended by subsequent Acts, in certain respects; and for purposes connected therewith. [Assented to, 5th July, 1943.]

BE

BE it enacted by the King's Most Excellent Majesty, No. 21, 1943.
 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. (1) This Act may be cited as the "Pastures Protection (Amendment) Act, 1943." Short title and citation.

(2) The Pastures Protection Act, 1934, as amended by subsequent Acts and by this Act, may be cited as the "Pastures Protection Act, 1934-1943."

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Pastures Protection Act, 1934, as amended by subsequent Acts, is amended— Amendment of Act No. 35, 1934.

(a) (i) by omitting from the definition of "Earmark" in section four the words "cut out of" and by inserting in lieu thereof the words "made by cutting"; Sec. 4. (Interpretation.)

(ii) by omitting from the definition of "Holding" in the same section the words "collection of adjacent lands constituting and" and by inserting in lieu thereof the words "any collection of lands which are contiguous to each other or separated only by roads, rivers, creeks or watercourses and which constitute and are";

(iii) by omitting from the definition of "Public watering-place" in the same section the word "reserve" and by inserting in lieu thereof the word "land";

(iv) by inserting in the definition of "Travelling stock" in the same section after the words "means stock" the word "moved";

(b) by omitting from subsection one of section five the word "proclamation" where lastly occurring and by inserting in lieu thereof the word "notification"; Sec. 5. (Constitution of pastures protection districts.)

(c) (i) by omitting from subsection six of section six the words "cause an election to be held" and by inserting in lieu thereof the words "direct the board to hold an election"; Sec. 6. (Board.)

(ii)

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(ii) by inserting in subsection seven of the same section after the word "month" where firstly occurring the words "or within such longer period as the Minister may approve";

(iii) by omitting from the same subsection the words "A chairman or deputy-chairman shall hold office until his successor is elected" and by inserting in lieu thereof the words "Subject to this Act a chairman or deputy chairman shall hold office for one year";

Sec. 8.
(Extra-ordinary vacancy.)

(d) (i) by omitting from paragraph (d) of subsection one of section eight the words "or misdemeanour";

(ii) by inserting after paragraph (f) of the same subsection the following word and new paragraph:—

"or

(g) ceases to hold the qualification specified in paragraph (a) or in paragraph (b) of subsection three of section twelve of this Act";

(iii) by omitting from subsection five of the same section the word "Governor" and by inserting in lieu thereof the word "Minister";

Sec. 11.
(Division of districts.)

(e) (i) by omitting from subsection one of section eleven the words "has not been exempted" and by inserting in lieu thereof the words "is not exempt";

(ii) by inserting in subsection two of the same section after the word "section" the words "and may on the like application and in the like manner cancel any such exemption";

(iii) by omitting from the same subsection the word "Governor" and by inserting in lieu thereof the word "Minister";

(iv) by omitting from the same subsection the words "by the same or a subsequent like notification" and by inserting in lieu thereof the words "and in the like manner";

(f)

- (f) by inserting immediately after subsection three of section twelve the following new subsection:—

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Sec. 12.

(Qualifications.)

(3A) Where a district is divided into divisions a person may be nominated for one division only.

- (g) (i) by inserting in section twenty-one after the word "determine" the words—

Sec. 21.

(Inspectors.)

"The Governor may dismiss any inspector of stock.

The Minister may for any cause which he deems sufficient temporarily suspend any inspector of stock. Where, following the suspension of any such inspector, he is subsequently dismissed he shall, unless the Governor otherwise directs, forfeit all salary except such as may have been due before his suspension."

- (ii) by omitting from the same section wherever occurring the words and figures "Workers' Compensation Act, 1926-1929" and by inserting in lieu thereof the words and figures "Workers' Compensation Act, 1926-1942";

- (h) by inserting in section twenty-two after the words "vacancy is made" the words "Where for any reason it is desirable to appoint a person to act temporarily as an inspector of stock the Minister may appoint a suitable and qualified person, or a person who has retired from the office of inspector of stock to act temporarily as inspector of stock."

Sec. 22.

(Temporary inspector.)

- (i) (i) by inserting in section twenty-four after the word "secretary" wherever occurring the words "rabbit inspectors";

Sec. 24.

(Other officers.)

- (ii) by omitting from subsection one of the same section the words "or the Minister" and by inserting in lieu thereof the words "with the approval of the Minister. The board may for any cause which it deems sufficient temporarily suspend the secretary. Where, following the suspension of the secretary, he is subsequently dismissed, he shall, unless the

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the board otherwise directs, forfeit all salary except such as may have been due before his suspension."

Further
amendment of
Act No. 35,
1934.

3. The Pastures Protection Act, 1934, as amended by subsequent Acts, is further amended—

Sec. 27.
(Liability
for rates.)

(a) (i) by omitting subsection two of section twenty-seven and by inserting in lieu thereof the following new subsection:—

(2) A board may by resolution decide to grant in any year a rebate of rate in accordance with this section to occupiers of ratable land who make application for such rebate within the time fixed by the board.

(ii) by omitting from subsection three of the same section the words "The board shall grant" and by inserting in lieu thereof the words "Where a board decides to grant a rebate of rate in accordance with this section the rebate shall be";

Sec. 30.
(Amount
of rate.)

(b) (i) by inserting in subsection one of section thirty after the word "stock" where firstly occurring the words "shown in the return furnished in pursuance of the provisions of section thirty-nine of this Act as being";

(ii) by omitting from subsection two of the same section the words "the rate shall" and by inserting in lieu thereof the words "or if the return required to be furnished in pursuance of the provisions of section thirty-nine of this Act is not furnished to the secretary of the board by the prescribed date the rate may";

(iii) by omitting from subsection four of the same section the words "two-thirds of a penny per head in the case of sheep" and by inserting in lieu thereof the words "one half-penny per head in the case of sheep and the rate made by a board for large stock and for sheep shall bear the same proportion to each other as the proportion the maximum rate prescribed by this subsection for large stock bears to the maximum rate so prescribed for sheep";

(iv)

(iv) by inserting at the end of the same section No. 21, 1943. the following new subsection:—

(5) Where the rate calculated in accordance with this section is less than two shillings, the rate which shall be levied shall be two shillings.

- (c) by omitting from subsection two of section Sec. 34. thirty-four the word “Auditor-General” and (Remission of rate.) by inserting in lieu thereof the word “Minister”;
- (d) by omitting from subsection one of section Sec. 39. thirty-nine the words “stock including” and by (Returns of land and stock.) inserting in lieu thereof the words “all stock upon such land and”.

4. The Pastures Protection Act, 1934, as amended by Further amendment of Act No. 35, 1934. subsequent Acts, is further amended—

- (a) (i) by omitting from subsection three of section Sec. 41. forty-one the words and figures “Forestry (Control of travelling stock and camping reserves.) Act, 1916-1933” wherever occurring and by inserting in lieu thereof the words and figures “Forestry Act, 1916-1935”;
- (ii) by omitting from subsection four of the same section the words “for Lands”;
- (iii) by omitting from the same subsection the words “such Minister” and by inserting in lieu thereof the words “the Minister”;
- (b) (i) by inserting in subsection four of section Sec. 43. forty-three after the word “rate” the words (Rate.) “or charge”;
- (ii) by inserting in subsection seven of the same section after the words “in respect of” the words “which or”;
- (iii) by omitting from the same subsection the Sec. 44. word “sixpence” and by inserting in lieu (Fee on working large stock.) thereof the words “one shilling”;
- (c) by omitting section forty-four;
- (d) (i) by omitting from section forty-five the Sec. 45. words “for a period not exceeding one year (Grazing permits.) or such greater period as may in a particular case be approved by the Minister”;
- (ii)

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Sec. 48.
(Permits,
licenses, and
travelling
statements.)

(ii) by inserting at the end of the same section the words "Every such grazing permit shall be subject to the approval of the Minister";

(e) (i) by omitting subparagraph (ii) of paragraph (a) of subsection one of section forty-eight and by inserting in lieu thereof the following subparagraph:—

(ii) in the case of working large stock of a carrier, drover or teamster a working large stock license in or to the effect of the prescribed form in respect of such stock has been issued by a board and is in force;

(ii) by omitting from paragraph (b) of subsection two of the same section the words "from one run to another of the same owner by the most direct route where such runs" and by inserting in lieu thereof the words "by the most direct route by their owner between two holdings occupied by him where such holdings";

(iii) by inserting next after paragraph (c) of the same subsection the following new paragraph:—

(d) in such other cases as may be prescribed;

(iv) by inserting next after subsection three of the same section the following new subsection:—

(3A) A working large stock license may be issued by a board to any carrier, drover or teamster in respect of any working large stock used by him. Any such license shall, unless sooner cancelled, remain in force for one year after the date of issue. Any such license shall be subject to such conditions as the board may think necessary.

The board may by notice in writing to the licensee cancel his license for any breach of the conditions of the license or of the provisions of this Act or the regulations.

(v)

- (v) by inserting in subsection six of the same section after the word "districts" the words "or circumstances";
- (f) (i) by omitting subsection one of section forty-nine and by inserting in lieu thereof the following subsection:—
- No. 21, 1943.
- Sec. 49.
(Stock starting from previous destination to pay charge.)
- (1) Where the owner of stock moves them on a journey in respect of which a permit or renewed permit under this Act is required and within one month after the stock have arrived at their destination he desires to move them to another destination he shall obtain a renewed permit for such subsequent journey.
- In respect of such subsequent journey there shall be paid by the owner of the stock a travelling charge at the rate prescribed, which shall not exceed twopence for every hundred sheep or ten head of large stock per mile for the distance to be travelled under the renewed permit.
- (ii) by omitting from subsection two of the same section the words "in his absence to";
- (iii) by omitting subsections three and four of the same section;
- (iv) by inserting in subsection six of the same section after the word "special" the words "and shall if so directed in any particular case by the Minister";
- (v) by inserting in the same subsection after the word "chairman" the words "or secretary";
- (vi) by inserting at the end of the same section the following new subsections:—
- (8) The regulations may prescribe the circumstances in which it shall not be necessary for a renewed permit to be obtained under this section.
- (9) Any person who moves any stock on a journey in respect of which a renewed permit is required by this section shall, if such permit has not been obtained, be liable to a penalty not exceeding fifty pounds.
- (g)

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Sec. 51.

(Travelling stock to be branded with letter "T.")

- (g) by omitting from section fifty-one the word "and" where firstly occurring and by inserting in lieu thereof the word "or";

Sec. 53.

(Stock not to be driven at night without consent.)

- (h) by omitting from section fifty-three the words "of the board" and by inserting in lieu thereof the words "or the secretary of the board or a member of the police force or a permit officer authorised in that behalf by the board";

Sec. 55.

(Stock travelling past holding: Notice to occupier.)

- (i) by omitting from paragraph (a) of section fifty-five the word "five" and by inserting in lieu thereof the word "one";

Sec. 57.

(Route.)

- (j) by omitting subsection one of section fifty-seven and by inserting in lieu thereof the following subsection:—

(1) All travelling stock shall be moved by the route specified in the permit, renewed permit or travelling statement which shall be the most direct route suitable for travelling stock leading to the place of destination.

Sec. 58.

(Rate of travel.)

- (k) (i) by inserting in subsection one of section fifty-eight before the word "When" the words "Subject to this Act";
- (ii) by inserting in subsection two of the same section after the figures "1923" the words "or from the day of any one such inspection until the day of any other such inspection";
- (iii) by inserting next after the same subsection the following new subsection:—

(2A) If, by reason of the condition of any stock, or by reason of any other circumstance which may be prescribed, it is impracticable to travel such stock the distance they are required to be travelled by subsection one of this section or the average distance referred to in subsection two of this section, it shall be a sufficient compliance with the requirements of this section if such stock are travelled such distance or such average distance, as the case may be, as is reasonable in the circumstances.

(iv)

- (iv) by omitting from paragraph (a) of sub-section three of the same section the words "or other unavoidable cause" and by inserting in lieu thereof the words "fire, flood or other similar cause";
- (1) (i) by inserting in section sixty-two after the word "stock" where firstly and thirdly occurring the words "or working large stock"; Sec. 62. (Permitting stock to remain on reserves.)
- (ii) by inserting in the same section after the words "travelling stock reserve" the words "under the control of the board";
- (m) (i) by inserting in subsection one of section sixty-five after the word "reserve" the words "under the control of the board"; Sec. 65. (Structures or fences on reserves.)
- (ii) by inserting at the end of the same section the following new subsection:—
- (4) The board may take down and remove from a travelling stock reserve any structure or fence erected thereon in contravention of subsection one of this section and may recover as a debt in any court of competent jurisdiction from the person who erected such structure or fence the cost of such taking down and removal;
- (n) by omitting from paragraph (d) of subsection one of section sixty-six the words "sufficient to enclose the stock, pigs or goats" and by inserting in lieu thereof the words "or other means of enclosure whether natural or artificial". Sec. 66. (Stock unlawfully on a travelling stock reserve.)
- 5.** The Pastures Protection Act, 1934, as amended by subsequent Acts, is further amended—
- (a) by inserting in paragraph (b) of subsection two of section seventy after the words "in that fund" the words "shall be met out of the Western Division Public Watering Places Fund, and where there are no moneys or not sufficient moneys in that fund"; Further amendment of Act No. 35, 1934. Sec. 70. (Improvement of public watering places.)
- (b) by inserting in section seventy-one after the word "Parliament" the words "A controlling authority may allow a caretaker to retain any charges received by him under this Part"; Sec. 71. (Caretaker.)
- (c)

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Sec. 72.
(Leases.)

- (c) by omitting from subsection one of section seventy-two the words "within the Western Division shall not let" and by inserting in lieu thereof the words "shall not grant or determine any lease of";

Sec. 78.
(Applica-
tion of
rents,
charges,
etc.)

- (d) (i) by inserting in subsection two of section seventy-eight before the words "Any charges" the words "Subject to this Act";
(ii) by inserting at the end of the same section the following new subsection:—

(3) The controlling authority of any public watering place in the Western Division shall, not later than the thirty-first day of January in each year, pay to the Minister all money in its Public Watering Places Fund in excess of the sum of one hundred pounds. The Minister shall cause all moneys paid to him under this subsection to be paid into a special account at the Treasury to be called the "Western Division Public Watering Places Fund." The moneys at credit of such fund shall be used as provided in section seventy of this Act for carrying out any works specified in that section.

Further
amendment
of Act No. 35,
1934.Sec. 81.
(Duty of
occupiers to
destroy
noxious
animals.)

6. The Pastures Protection Act, 1934, as amended by subsequent Acts, is further amended—

- (a) (i) by inserting in section eighty-one after the words "of any land" the words "fully and";
(ii) by omitting from the same section the words "and in accordance with the requirements of a board";

Sec. 82.
(Power to
require
destruc-
tion.)

- (b) (i) by omitting subsection one of section eighty-two;
(ii) by omitting from subsection two of the same section all words after the word "occupier" and by inserting in lieu thereof the words "or owner of land fully and continuously to suppress and destroy all noxious animals which are upon such land by any one or more of the prescribed methods specified in the order";

(iii)

- (iii) by inserting in subsection three of the same section after the word "occupier" the words "or owner"; No. 21, 1943.
 - (iv) by omitting paragraphs (a) and (b) of the same subsection and by inserting in lieu thereof the words "fails to comply with any of the requirements of any order given to him under subsection two of this section";
 - (v) by omitting from subsection four of the same section the words "any notice or order" and by inserting in lieu thereof the words "this Act or any order";
 - (vi) by inserting at the end of the same subsection the words "or owner";
 - (vii) by inserting in subsection five of the same section after the word "occupier" the words "or owner";
- (c) (i) by omitting from subsection one of section eighty-six the words "laid by" and by inserting in lieu thereof the words "imposed by or under"; Sec. 86.
(Meaning of land.)
- (ii) by inserting in the same subsection after the word "occupier" the words "or owner";
 - (iii) by inserting in the same subsection after the word "occupied" wherever occurring the words "or owned";
 - (iv) by inserting in subsection three of the same section after the word "occupier" the words "or owner";
- (d) by omitting from subsection one of section eighty-eight the word "dingoes" and by inserting in lieu thereof the words "native dogs"; Sec. 88.
(Bonus for scalps.)
- (e) by omitting from section eighty-nine the word "dingoes" and by inserting in lieu thereof the words "native dogs"; Sec. 89.
(Powers of board as to certificates and dealing with scalps.)
- (f) by omitting from subsection two of section ninety-one the words "one-third of a penny" and by inserting in lieu thereof the words "one farthing"; Sec. 91.
(Special rate.)

(g).

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Sec. 97.
 (Dingo destruction board.)

- (g) (i) by inserting in subsection three of section ninety-seven after the word "appointment" the following proviso:—

Provided that a member of the dingo destruction board appointed on the nomination of a pastures protection board whose district has, wholly or partly, been added to the dingo destruction district, shall hold office for a period expiring on the expiration by effluxion of time of the period of office of the other members of the dingo destruction board.

- (ii) by omitting from subsection five of the same section the words "of the period for which he was appointed" and by inserting in lieu thereof the words "by effluxion of time of the period of his office";

Sec. 104.
 (Special rate.)

- (h) by inserting at the end of subsection one of section one hundred and four the words "which is within the pastures protection district".

Further amendment of Act No. 85, 1934.

Sec. 109.
 (Supplying netting, etc.)

7. The Pastures Protection Act, 1934, as amended by subsequent Acts, is further amended—

- (a) (i) by inserting in subsection two of section one hundred and nine after the word "land" the words "(including any such owner who is the legal representative of a deceased person or a trustee)";

- (ii) by inserting at the end of the same subsection the words "or as the Minister may in any particular case approve.

Different forms of agreement may be prescribed or approved in the case of land held under the provisions of the Real Property Act, 1900, and in the case of land not so held."

- (iii) by inserting in subsection three of the same section after the word "determine" the words "or otherwise as may be provided by the agreement";

- (iv) by omitting from paragraph (a) of subsection four of the same section the words "shall be a charge on the holding of the owner"

owner” and by inserting in lieu thereof the words “and all other moneys secured or intended to be secured by the agreement shall until payment be a charge on the holding of the owner (whether a legal representative or trustee or otherwise)”;

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- (v) by inserting at the end of the same paragraph the following words:—

“For the purpose of giving full effect to the foregoing provisions of this paragraph any instrument securing moneys so charged on land held under the provisions of the Real Property Act, 1900, shall be entitled to priority over any other mortgage or encumbrance registered in respect of the same land as if such instrument had been registered in priority thereto.”

- (vi) by inserting next after the same subsection the following new subsections:—

(4A) Any moneys due and payable to the Minister in pursuance of any agreement made under this section may be recovered in any court of competent jurisdiction by the Minister to whom the administration of this Part is for the time being committed, and may be so recovered as a debt due to the Crown.

(4B) The Minister may release from the charge on a holding such portion of the holding as he may decide, and he may as a condition of such release require the payment to him of such part of the moneys secured by the agreement as he thinks fit.

This subsection shall apply to and in respect of a charge arising under this section and a charge which the Minister is authorised to enforce and realise by subsection four of section three of this Act.

- (b) by omitting section one hundred and ten;

Sec. 110.
(Boards to act
as agents for
Minister.)

(c)

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Sec. 112.
(Payment to
Minister by
adjoining
owner of cost
of netting
supplied.)

Sec. 118.
(Certificates
by Board
that fence is
rabbit-proof,
dog-proof or
marsupial-
proof.)

Sec. 125.
(Contribu-
tions—fence
between
public and
private
lands.)

Sec. 126.
(Fencing
reserves.)

(c) by omitting from subsection one of section one hundred and twelve the words “the board as agent for”;

(d) by omitting from subsection one of section one hundred and eighteen the words “the prescribed fees” and by inserting in lieu thereof the words “such fees and charges as it may determine which shall not exceed the fees and charges prescribed”;

(e) by inserting at the end of section one hundred and twenty-five the following new subsection:—

(4) Where the Crown has before or after the commencement of the Pastures Protection (Amendment) Act, 1943, erected or made rabbit-proof, dog-proof or marsupial proof a fence which forms a common boundary between public and private lands and no notice of demand has been given within the time prescribed by this Act it shall be the duty of the board of the district in which the whole or any part of the fence is situated, to maintain such fence or such part in good and proper condition.

The board may for the purpose of defraying any costs incurred in connection with the maintenance of any such fence or part levy a special rate on the occupiers of land within the district or within any part of the district approved by the Minister.

Such rate shall not exceed one-farthing per head of sheep or twopence per head of large stock.

The provisions of Part III of this Act shall, *mutatis mutandis*, apply to the making, calculation, notification, collection, payment and recovery of such special rate.

(f) (i) by omitting from subsection two of section one hundred and twenty-six the words “a rabbit-proof, dog-proof or marsupial-proof fence” and by inserting in lieu thereof the words “any fence”;

(ii)

- (ii) by omitting paragraphs (a) and (b) of subsection three of the same section and by inserting in lieu thereof the words "half the cost so incurred and also half the cost of maintenance if the board maintains the fence"; No. 21, 1943.
- (g) by inserting in section one hundred and forty after the word "and" where firstly occurring the words "in the case of land held under the provisions of the Real Property Act, 1900, an instrument securing the amount charged is registered under that Act, or in the case of land not so held"; Sec. 140.
(Effect of moneys being charged.)
- (h) by inserting in subsection one of section one hundred and forty-three after the words "marsupial-proof fence" the words "or a fence on the boundary of a travelling stock reserve". Sec. 143.
(Persons interfering with rabbit-proof, dog-proof and marsupial-proof fences.)
- 8.** The Pastures Protection Act, 1934, as amended by subsequent Acts, is further amended— Further amendment of Act No. 35, 1934.
- (a) by inserting at the end of section one hundred and forty-four the following new subsection:— Sec. 144.
(Sheep to be branded and ear-marked.)
- (2) The regulations may grant exemption from the operation of this section in such circumstances and subject to such conditions as may be prescribed.
- (b) by omitting section one hundred and fifty-six; Sec. 156.
(Directory and quarterly lists.)
- (c) by omitting from paragraph (i) of subsection one of section one hundred and fifty-seven the words "has been removed" and by inserting in lieu thereof the words "is missing"; Sec. 157.
(Offences.)
- (d) by inserting in Part VIII after section one hundred and fifty-seven the following new section:— New sec. 157A.
- 157A. (1) Any inspector or member of the police force or any person duly authorised in that behalf by a board may— Power to enter and inspect.
- (a) with or without assistance enter any land or premises for the purpose of inspecting any sheep or sheep skin or any

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any branding or earmarking instrument or any books, documents or records relating to dealings in sheep or sheep skins;

- (b) require the production of any sheep or sheep skin or any branding or earmarking instrument and take possession of the same; and
- (c) require any person to furnish information as to the ownership of any sheep, sheep skin or of any branding or earmarking instrument.

(2) Any person who hinders, obstructs or interferes with any person acting in pursuance of the powers and authorities conferred by this section or who neglects or refuses to produce such books, documents, records, sheep, or sheep skin or branding or earmarking instrument so required to be produced or to furnish the information required or furnishes false information shall be liable to a penalty not exceeding fifty pounds.

Sec. 163.
(Penalty.)

- (e) (i) by omitting from subsection one of section one hundred and sixty-three the words "wilfully gives any incorrect or misleading information with respect thereto" and by inserting in lieu thereof the words "wilfully or negligently gives any information which is false or misleading in any material particular, in any application, document or instrument made, executed or used for the purposes of this Act or the regulations";
- (ii) by inserting in subsection two of the same section after the word "Act" the words "or the regulations";

Sec. 169.
(Notices, etc., in Gazette to be recorded as evidence.)

- (f) by inserting at the end of subsection two of section one hundred and sixty-nine the following new paragraph:—
 - (k) the notification, dedication, reservation or declaration of any travelling stock reserve.

(g)

- (g) by inserting at the end of subsection one of section one hundred and seventy-one the following new paragraph:—
- (p) the use of travelling stock reserves.
- (h) by omitting from the matter relating to Part VIII in section two the figures "157" and by inserting in lieu thereof the figures and letter "157A."

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Sec. 171.

(Regulations.)

Sec. 2.

(Revision.)

