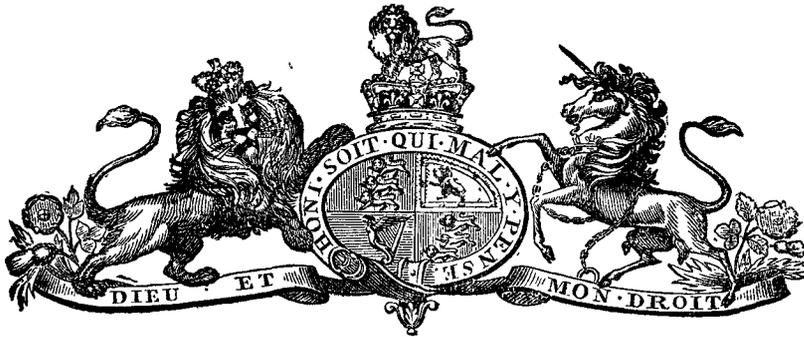


NEW ZEALAND.



QUADRAGESIMO

VICTORIÆ REGINÆ.

No. LXIII.

ANALYSIS.

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AN ACT to provide for the Destruction of Rabbits in Title.
New Zealand. [30th October, 1876.]

WHEREAS it is expedient to make provision for the destruction Preamble.
of rabbits in New Zealand :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act shall be "The Rabbit Nuisance Short Title.
Act, 1876."

2. In this Act, if not inconsistent with the context, the following Interpretation.
terms shall have the meanings hereafter respectively assigned to them, viz.,—

"Trustees" shall mean the trustees for the time being for the district for which they have been elected.

"Landowner" shall extend to and include the owner, occupier, or the resident agent of the owners of any property situate within the district, of not less than one hundred acres in extent.

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“District” shall mean a district duly proclaimed for the purposes of this Act.

“Rate” shall mean a rate duly made under and for the purposes of this Act.

When a thing is required to be “publicly notified,” or when “public notice” of anything is to be given, it is meant that a notice thereof shall be published in some newspaper circulating in the district in which such thing arises or to which it relates.

“Gazetted” means published in the New Zealand Government *Gazette*.

Districts may be proclaimed.

3. The Governor in Council may, on the receipt of a petition duly signed by not less than ten landowners residing within any district proposed to be proclaimed under this Act, praying that such district may be declared a rabbit district under this Act, cause the prayer and substance of such petition to be gazetted and publicly notified, and, unless a counter petition by an equal or greater number of landowners to the contrary is received by the Governor within thirty days from the date of such publication, the Governor may, by Proclamation, constitute and declare the area described by such petition to be a district for the purposes of this Act by some specific name.

Governor may alter or abolish districts.

4. The Governor may from time to time by Proclamation—

Alter and redefine the boundaries of any district ;

Assign to any district a new name in the place of the name theretofore assigned to any district ;

Abolish any district.

Proclamation of district and election of Trustees.

5. When any portion of the colony is proclaimed by the Governor in Council to be a district for the purposes of this Act, the Governor shall in such Proclamation direct that, at a time and place therein named, there shall be held within the said district a meeting of the landowners of such district for the purpose of electing either three or five persons to be the Trustees of such district for the purposes of this Act, and such election shall be held accordingly.

Governor may make regulations for elections.

6. It shall be lawful for the Governor, by Proclamation to be published in the *Gazette*, to make provision for the appointment of Returning Officers, and for ascertaining and certifying the qualification of persons claiming to vote, and for issuing executing and returning the necessary writs for election of such Trustees, and for taking the poll thereat, and otherwise for insuring the orderly effective and impartial conduct of such elections.

Landowners entitled to one vote.

7. All persons being landowners within the district shall be entitled to one vote each in the election of Trustees.

Trustees to be elected annually.

8. The Trustees of each district shall hold office till the first of March in the year following their appointment. On the first of March in each year there shall be held at some convenient place a meeting of landowners, for the purpose of electing Trustees for the ensuing year.

Rates may be levied.

9. It shall be lawful for the Trustees to levy in each year, for the purposes of this Act, a rate on all holdings of landowners not exceeding one halfpenny per acre.

Trustees' powers.

10. The Trustees are hereby empowered to do all such acts and things as may appear to them proper and necessary to be done to insure the destruction of rabbits in the district, and for that purpose may, out of moneys received by them by virtue of this Act, offer rewards or bonuses for the destruction of such animals.

Rabbits to be destroyed on notice, or entry to be made.

11. If the Trustees shall have reason to believe that there are rabbits in a wild state upon any lands within the district, and that the owner or occupier of such lands neglects or refuses to destroy the same, the said Trustees shall by notice in writing require him or his authorized

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agent on his behalf to do so; and if after ten days such notice be neglected or not complied with, or no efficient steps be taken to carry out such notice, then it shall be lawful for any person authorized in writing in that behalf by the Trustees to enter upon the said lands and to use all such means, excluding poison without the owner's consent, and take all such measures as may be necessary for taking or destroying any rabbits which may be found upon such lands, and all such persons may take away and remove from the said lands the said rabbits or any part thereof: Provided that nothing herein contained shall exempt any person acting in pursuance of the powers hereby conferred from any liability for damage occasioned by his wilful act or default.

Proviso.

12. It shall be lawful for any person authorized in writing in that behalf by the Trustees, after having given notice, to enter upon any lands within such district at any reasonable hour in the day-time, whether enclosed or not, for the purpose of ascertaining if any rabbits are thereupon, and no such person shall be deemed a trespasser by reason of such entry, or be liable for any damage thereby occasioned, unless the same was occasioned by such person wilfully and without necessity: Provided that any person so authorized shall exhibit such written authority if required to do so, and, if being required he shall fail to exhibit such authority, then he shall be liable to be deemed and to be dealt with as a trespasser.

Persons authorized may enter upon lands to search for rabbits.

13. The Trustees shall from time to time appoint any of the Trustees, who may be willing to act in such capacity, as treasurer, and any person, whether a Trustee or not, to be a collector of rates.

Treasurer and Collector to be appointed.

14. The Trustees shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under authority of this Act, and of the several purposes for which such sums of money shall have been received and paid; which books shall at all reasonable times be open to the inspection of any Trustee or landowner without fee or reward; and the persons aforesaid, or any of them, may take copies of or extracts from the said books gratis, and any person having the custody of the said books who does not on the reasonable demand of any person as aforesaid permit him to inspect the said books, or to take such copies or extracts therefrom as aforesaid, shall for every such offence incur a penalty not exceeding five pounds.

Accounts to be kept and open for inspection.

15: All moneys received by the Treasurer of the Trustees shall be paid by him monthly into some one of the public banks of the colony to the account of the Trustees of the district, and no part of such moneys shall be drawn out of such bank except by cheque, signed by the Treasurer and countersigned by one of the Trustees.

Moneys to be paid into bank.

16. The accounts of the Trustees for the past year shall be audited in the month of January each year by an Auditor to be appointed by the Governor.

Audit.

17. The Trustees of every district shall, before the end of the second week of January in each year, cause the accounts of the Trustees for the past year, up to and including the last day of December, to be balanced, and also a full and true statement and account to be drawn out of the amount of all rates made and levied and of all moneys received and expended during the past year, and also of all debts then owing by and to the Trustees; and such statement and account, signed by the Chairman and one Trustee at least, shall be submitted by such Chairman to the Auditor.

Statement of accounts to be annually prepared.

18. The Treasurer of every district shall forthwith after such audit make out and cause to be printed a full abstract of the accounts for the year as audited, and a copy of the said abstract shall be gazetted within one month after the same have been audited.

Publication of accounts.

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Appropriation.

19. All moneys whatsoever levied received or recovered under the authority of this Act shall be at the sole and absolute disposal of the Trustees, to be by them applied in such manner as they see fit for the purpose of destroying rabbits in such district, and generally in carrying out and effectuating the purpose of this Act in the district, and to no other purpose.

Obstructing Trustees.

20. If any person wilfully obstructs hinders or interrupts, or causes or procures to be obstructed hindered or interrupted, the Trustees, or any person duly employed or authorized by the Trustees, or in the exercise of any power or authority vested in the Trustees or any of the persons aforesaid by this Act, or threatens or assaults or uses abusive language to any of the persons aforesaid whilst in the performance or execution of his duty under this Act, every such person shall for every such offence, if not otherwise specially provided for, incur a penalty not exceeding twenty pounds: Provided that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at law by any of the persons aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any law or usage to the contrary notwithstanding.

Offences to be dealt with summarily.

21. All offences against this Act, and all penalties and sums of money imposed or made payable by this Act, shall, where no other mode of proceeding is by law provided, be heard and determined and recovered in a summary way by and before any two or more Justices of the Peace, or in any Resident Magistrate's Court.

Dogs not to be taxed.

22. All dogs kept by the Trustees or duly certified by them as kept solely for the purpose of destroying rabbits shall be exempt from fee or charge on registration under any Act or Ordinance in force within the district.

Negligent landowners liable for costs.

23. Whenever under the provisions of this Act the Trustees, by themselves or their duly authorized agents, shall have entered upon lands for the destruction of rabbits, which destruction has been neglected by the landowners of the same, the landowners having so neglected shall be liable to the Trustees for the net cost incurred from time to time in the process; the amount so due may be recovered by the Trustees in any Court of competent jurisdiction.

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