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This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
13th August, 1886.

Hon. Mr. Tole.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

RABBIT NUISANCE ACT 1882 AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title. Act, 1882, made perpetual.</p> <p>2. Repeals.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">DESTRUCTION OF RABBITS.</p> <p>3. Authority to enter upon land for cleaning sheep deemed to include authority to destroy rabbits thereon.</p> <p>4. Inspector to provide for simultaneous action in destroying rabbits.</p> <p>5. Penalty for removing live rabbits.</p> <p>6. Maximum penalty increased to £100.</p> <p>7. Appeal when penalty exceeds £10.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">PREVENTION OF SPREAD OF RABBITS.</p> <p>8. Governor in Council may proclaim districts. Governor may alter, amalgamate, or abolish districts.</p> <p>9. Board of Trustees. Regulation of elections. Election of first Trustees. Duration of their office.</p> <p>10. Returning Officer to make out "stockowners' list."</p> <p>11. Objections. Revised list to form the roll.</p> <p>12. Person on roll to be deemed "stockowner," and entitled to vote.</p> <p>13. Number of votes.</p> <p>14. Who incapable of being Trustees.</p> <p>15. Triennial election of Trustees after the first. Notice of election to be gazetted.</p> <p>16. Chairman and Treasurer, Secretary, &c.</p> <p>17. Meetings of Board. Quorum. Powers of full Board.</p> <p>18. Board to administer Act, and may appoint Inspector.</p> <p>19. Principal Act to apply within district under Board same as elsewhere.</p>	<p>20. Board to destroy rabbits, and may erect fences to prevent their spread.</p> <p>21. Occupation of land. Erection of fences.</p> <p>22. Rate. Name of stockowner appearing on roll evidence of liability to pay rate.</p> <p>23. Invalidity of rate not to bar its recovery.</p> <p>24. Subsidy to be paid out of Consolidated Fund.</p> <p>25. Moneys coming to Board how to be expended.</p> <p>26. Accounts.</p> <p>27. Moneys received to be paid into bank. Audit of accounts. Statement of accounts to be annually prepared. Publication of accounts.</p> <p>28. Penalty for obstructing Board or their servants.</p> <p>29. Governor may remedy defects in Act by regulations published in <i>Gazette</i>.</p> <p>30. On failure by Board to carry out Act, Governor may decree Act shall cease to be in operation.</p> <p style="text-align: center;">PART III.</p> <p style="text-align: center;">LOCAL ADMINISTRATION.</p> <p>31. Governor in Council may proclaim county as a district.</p> <p>32. Board of Trustees. Election of first Trustees. Duration of their office.</p> <p>33. Triennial election of Trustees after the first. Not to be gazetted.</p> <p>34. Functions and powers of Trustees.</p> <p>35. Board to destroy rabbits.</p> <p>36. Rate. Valuation roll of county to be in force.</p> <p>37. Invalidity of rate not to bar its recovery.</p> <p>38. Subsidy to be paid out of Consolidated Fund.</p> <p>39. Moneys coming to Board how to be expended.</p> <p>40. Accounts and audit.</p> <p>41. Boroughs and town districts excluded.</p>
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A BILL INTITULED

AN ACT to amend "The Rabbit Nuisance Act, 1882."

Title.

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

5 1. The Short Title of this Act is "The Rabbit Nuisance Act 1882 Amendment Act, 1886." It shall be read and construed together with "The Rabbit Nuisance Act, 1882" (herein referred to as "the said Act").

Short Title.
Act, 1882, made
perpetual.

10 The said Act shall remain in force until repealed by Act of the General Assembly.

2. Sections twenty-seven and forty of the said Act are hereby repealed.

Repeals.

20 "The Rabbit Nuisance Act 1882 Continuance Act, 1885," is hereby repealed.

PART I.

DESTRUCTION OF RABBITS.

3. Whenever, under the authority of section thirty-three of "The Sheep Act, 1878," any Inspector has heretofore entered, No. 121—3.

Authority to enter
upon land for
cleaning sheep

deemed to include authority to destroy rabbits thereon.

or shall hereafter enter, into possession of any sheep for the purpose of taking steps to clean the same, and for such purposes has entered or shall enter upon the run and premises on which such sheep are kept, and has found or shall find such run to be deserted or abandoned, such Inspector shall be deemed, under the authority aforesaid, to have been and shall be authorized to enter into possession of the said run and premises for the additional purpose of destroying the rabbits thereon, and to have been and to be authorized, without giving any previous notice thereof to the owner of the said run, to take all necessary steps for the destruction of such rabbits, in the same manner as he is authorized, under section eleven of the said Act, to enter upon private land for the destruction of rabbits thereon when the owner of the land has failed to comply with a notice to destroy such rabbits. 5 10

All expenses heretofore incurred or which may hereafter be incurred in respect to or towards the destruction of the rabbits upon any such deserted or abandoned run shall be paid by the owner of the run, and may be recovered from him in the same manner as the expenses incident to the destruction of rabbits by the Inspector as aforesaid on private land may be recovered from the owner of such land. 15 20

The sections of the said Act, numbered from eleven to twenty-four, both inclusive, shall apply and shall be deemed to have applied for the purposes of this section, and shall be read as if the word "run" had been inserted therein respectively instead of the words "private land" occurring therein. 25

Inspector to provide for simultaneous action in destroying rabbits.

4. Every Inspector is hereby required to serve notices when required under section eight of the said Act in such manner as will insure a simultaneous action on the part of owners of land in the same part of the country for the destruction of rabbits thereon; and he shall also, as far as possible, regulate the administration of the said Act in manner that like action shall be taken about the same time for the destruction of rabbits on Crown lands in the same part of the country as the lands first mentioned. 30

Penalty for removing live rabbits.

5. Any person who shall remove any live rabbits from any place to another in the colony, and then shall set them loose or permit them to be set loose there, shall be deemed to have set such rabbits loose within the meaning of section thirty-three of the said Act, and shall be liable to the penalties therein mentioned. 35

Any person who shall be found with live rabbits in his possession shall also be liable to the penalties mentioned in the aforesaid section thirty-three, ~~unless he shall prove to the satisfaction of the Court or Justices that such possession was justified, and not contrary to the intentions of the said Act.~~ 40

Maximum penalty increased to £100.

6. Sections nine and ten of the said Act are hereby respectively amended by the substitution of the words "one hundred pounds" in the place of the words "twenty pounds," where the last-mentioned words occur in the said sections. 45

It shall be competent to any person who may be fined under the aforesaid sections to produce evidence in mitigation of the penalty inflicted, and the Court or Justices may reduce the amount of any penalty if they think fit, not being less than the minimum fixed in the aforesaid sections respectively. 50

Appeal when penalty exceeds £10.

7. Where any penalty exceeding ten pounds is inflicted, the person liable to pay the same shall have the same right of appeal 55

therefrom as is provided by "The Justices of the Peace Act, 1882," in respect to appeals from Justices in their summary jurisdiction when a sum of money exceeding five pounds has been ordered by them to be paid.

PART II.

PREVENTION OF SPREAD OF RABBITS.

8. The Governor from time to time, by Order in Council,—

(1.) May, on petition in that behalf from a majority of the stock-owners therein, constitute and declare any part or parts of the colony, to be defined in such Order in Council, a district for the purposes of this Part of this Act by some specific name; and

(2.) May alter and redefine the boundaries of any district, or amalgamate any two or more such districts or portions thereof respectively into one new district; or assign to any district a new name in the place of the name theretofore assigned to any district; or abolish any district.

9. For every district constituted under this *Part of this Act* there shall be a Board of five Trustees (herein referred to as "the Board"), to be elected in the manner hereinafter directed.

Immediately on the constitution of a district "The Regulation of Local Elections Act, 1876," shall be in force in such district.

(1.) The Governor shall appoint such Inspector under the said Act or other person as he shall think fit to be the Returning Officer to hold the first election of Trustees, and shall appoint the day or days for such elections.

(2.) The Governor shall appoint the day for the first election of the Trustees, and shall have full power to do all things of what kind soever necessary to provide for bringing this Part of this Act into operation in such district, according to the true intent and purpose thereof.

(3.) The Trustees elected at such first election shall hold office until the month of November in the year following the year in which they are elected, or until the election of their successors at the first triennial election held as hereinafter mentioned.

10. The Returning Officer forthwith on his appointment, and thereafter, on or before the thirty-first day of August in every year, shall cause to be made out a list, to be called the "stockowners' list," of every stockowner *or manager in charge of stock* in the district *owning more than five hundred sheep or one hundred head of cattle respectively*, with the number of sheep or cattle owned by such stockowner *or manager*, and shall deposit such list, or a true copy thereof, at the office of the Resident Magistrate's Court in the most central place in the district for inspection without fee; and shall publicly notify the place where the said list is deposited as aforesaid, and in such notice shall also notify the day and place on and at which the Resident Magistrate of such Court will sit to hear objections, and finally revise such list.

Struck out.

For the purpose of making out such list the Chief Inspector of Sheep within the district shall, upon application being made by the Returning Officer, furnish a copy of the last return previous to the date of such request of the sheep and lambs made to him under "The Sheep Act, 1878," by the several sheepowners in the district.

New paragraph.

For the purpose of making out such list every such stockowner or manager shall, on demand in writing from the Returning Officer, deliver, or cause to be delivered to such officer, a written return of the number of cattle of all ages, as well as of sheep and lambs of each sex

Governor in Council may proclaim districts.

Governor may alter, amalgamate, or abolish districts.

Board of Trustees.

Regulation of elections.

Election of first Trustees.

Duration of their office.

Returning Officer to make out "stockowners' list."

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exceeding three months old owned by him or in his charge on the thirty-first day of May preceding the date of such demand, every person refusing or neglecting to deliver or cause to be delivered such return as aforesaid, or who shall make a false return, shall be liable to a penalty not exceeding *twenty* pounds.

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Objections. Revised list to form the roll.

11. Any person who considers himself aggrieved by reason of the insertion or incorrectness of any matter in any such list or the omission of any matter therefrom, may object as herein provided.

(1.) The Resident Magistrate aforesaid, on the day fixed for hearing objections, shall hear and determine all objections, and may alter the list in respect of anything objected to, by correcting anything therein, or by inserting any matter therein, or erasing any matter therefrom, which it is proved to their satisfaction ought to be altered, inserted, or erased, as the case may be; and his decision shall be final and without appeal.

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(2.) The list, when so corrected, shall be signed by the Magistrate hearing such objections, and when so signed shall, for the purpose of this Part of this Act, be conclusive evidence that the persons named therein are stockowners, and of the number of sheep or cattle owned by them respectively, and such list shall come into force immediately after the same is so signed, and shall be the roll of stockowners for the district until a new roll comes into force in like manner.

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Person on roll to be deemed "stock-owner," and entitled to vote.

12. Every person whose name, and every body, company, or society, whether incorporated or not, the name whereof appears on the above-mentioned roll of stockowners, shall be deemed to be a "stock-owner" within the meaning of this Part of this Act; and shall be an elector, and entitled to vote in the election of Trustees, and, every such person as aforesaid if of full age, shall be qualified to be elected as a Trustee, subject as hereinafter mentioned.

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Number of votes.

13. Each stockowner shall have a number of votes for all the purposes of this Part of this Act regulated by the number of sheep or cattle appearing opposite to the name of such stockowner in the said roll. Such number shall be regulated as follows: Each stockowner owning—

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- (1.) Five hundred and less than five thousand sheep shall have one vote;
- (2.) Five thousand and less than ten thousand sheep shall have two votes;
- (3.) Ten thousand and less than twenty thousand sheep shall have three votes;
- (4.) Twenty thousand and less than thirty thousand sheep shall have four votes;
- (5.) More than thirty thousand sheep shall have five votes.

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No stockowner shall have more than five votes.

For the purpose of regulating the number of votes, one head of cattle shall be deemed to be equal to five sheep.

Who incapable of being Trustees.

14. The following persons shall be incapable of being or of being elected to be Trustees, that is to say,—

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- (1.) A bankrupt or insolvent who has not obtained his final order of discharge;
- (2.) Any person attainted of treason, or convicted of felony, perjury, or of any infamous crime;
- (3.) Any person of unsound mind;
- (4.) Any person pursuing the occupation of destroying rabbits.

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Triennial election of Trustees after the first.

15. On the first Monday in the month of November in the year following the year in which the first Trustees for any district are elected, and on the same day in each succeeding third year there-

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after, the electors of a district shall elect five persons to be members of the Board of Trustees of the district, who shall hold office till the election of their successors.

5 (1.) If at any such appointed day no election is held, or if at any election of Trustees no persons are duly elected as such, or if a less number is elected than by law required to be elected, then the Governor may appoint such and so many as are qualified to be such Trustees as the occasion may require.

10 (2.) If any Trustee shall die, or by writing addressed to the Chairman shall resign his office as such Trustee, or shall cease to reside permanently in the colony, or shall absent himself from four consecutive meetings of the Board without leave being granted, or shall otherwise become
15 incapable to act as such Trustee, the Governor may appoint a person in lieu of the Trustee so dying, resigning, ceasing to reside, absenting himself, or otherwise becoming incapable to act as aforesaid; and the person so appointed shall hold office as Trustee for the period or residue of the
20 period his predecessor in such office would have held the same had he remained a member.

Notice of every election or appointment of a Trustee shall be gazetted, and the *Gazette* containing such notice shall be conclusive evidence that the person, notice of whose election or appointment is gazetted, has been duly elected or appointed a Trustee. Notice of election to be gazetted.

25 **16.** The Board shall from time to time appoint any one of their number who may be willing to act in such capacity as Chairman, who shall have a casting as well as a deliberative vote, who shall hold office until the appointment of his successor, and some Trustee as
30 Treasurer, and may from time to time appoint a Secretary and such persons as collectors of rates, or in other capacities as they think necessary. Chairman and Treasurer, Secretary, &c.

17. The Chairman or any two Trustees may, by giving seven days' public notice, or by notice in writing delivered to each of the
35 Trustees, convene a meeting of the Board. Meetings of Board.

All acts, matters, and things authorized by this Part of this Act to be done and performed by the Board of a district may be done and performed by any three of the members thereof at a duly-convened meeting. Quorum.

40 Nothing done at any meeting of the Board shall be held to be irregular or illegal if all the members of the Board are present, or afterwards confirm the proceedings of such meeting; or if such meeting shall have been called by notices, signed by the Secretary, posted to the members of the Board not less than seven days before
45 such meeting specifying the time and place of such meeting. Powers of full Board.

18. The Board shall have the ~~exclusive~~ charge of the administration of the said Act within any part of the colony district where this Part of this Act is brought into operation, ~~and the powers of Inspectors not appointed by the said Board shall cease to be exercised therein.~~ *Provided, however, that the powers of the Chief Inspector shall not be*
50 *deemed to be revoked within such district.* Board to administer Act, and may appoint Inspector.

The Board may from time to time appoint any person to be an Inspector under this Part of this Act, and every person so appointed shall have the same powers and be deemed to be an Inspector under
55 the said Act, *subject to the supervision of the Chief Inspector.*

Principal Act to apply within district under Board same as elsewhere.

19. All provisions of the said Act, and of the First Part of this Act, shall be in full operation within any part of the colony constituted a district under this Part of this Act, saving as in this Part of this Act is specially provided in respect to the administration of the said Act in such district, and shall apply and be construed for this purpose *mutatis mutandis*. 5

Board to destroy rabbits, and may erect fences to prevent their spread.

20. The Board 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, or to prevent the increase of rabbits therein, and for that purpose may, out of moneys received by them by virtue of this Part of this Act, offer rewards or bonuses for the destruction of such rabbits, or pay for the erection and maintenance of protective fences. 10

Occupation of land. Erection of fences.

21. For the purposes of this Part of this Act, it shall be lawful for the Board to erect rabbit-proof fences upon any lands whatever and wherever they shall think most convenient, and after not less than seven days' written notice of their intention being sent to the owner of the lands to enter upon and occupy, without paying any compensation for the same, a sufficiency of such lands for the erection of any such fence, together with land not exceeding six feet in width on each side along the entire length of such fence for the purpose, if necessary, of erecting protecting fences, and to clear the bush for a width not exceeding twelve feet on each side along the entire length of such fence. 15 20

And for any of the purposes aforesaid, or for maintaining, repairing, or removing any such fence, the Board by any of the members thereof, or their servants, shall have the right at all times of free ingress, egress, and regress from any such lands. 25

New Paragraph.

Rabbit-proof fences on private lands to come under Fencing Act.

Any person who may choose, at his own cost, to erect any rabbit-proof fence on the boundary between his land and the adjoining land belonging to any other person, or to convert any existing fence on such boundary into a rabbit-proof fence, shall be at liberty to do so; and such fence when erected or converted shall be deemed to be a sufficient fence within the meaning of any Fencing Act for the time being in force within the district wherein such fence is situate, and the said law shall apply in all respects in relation to such fence and to the maintenance thereof, saving that no person shall be liable to contribute towards the maintenance thereof more than he would be liable to contribute for the maintenance of an ordinary sufficient fence under the said law. 30 35 40

Rate.

22. It shall be lawful for the Board, after not less than ten days' public notice by advertisement in a newspaper having general circulation within the district has been given of their intention, to levy in each year for the purposes of this Part of this Act a rate on all stockowners in the district, not exceeding one penny for every sheep, and five pence for every head of cattle owned by him, and may appoint a time and place for the payment of rates levied under this Part of this Act, and all rates not so paid may without further notice be recovered by the Board in any Court of competent jurisdiction. 45

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New paragraph.

Provided that it shall be the duty of the Board to levy rates which shall vary in the different parts of the district, having regard to the degree in which such different parts are affected by rabbits.

Differential rates.

The roll of stockowners hereinbefore required to be made up shall be conclusive evidence of the liability of stockowners for the rate payable on the number of sheep or cattle specified opposite to the names of stockowners respectively on such roll.

Name of stockowner appearing on roll evidence of liability to pay rate.

For the purpose of levying and collecting any rate under this Part of this Act every Board of Trustees constituted under this Part of this Act shall be deemed to be a local body within the meaning of "The Rating Act, 1882."

23. The invalidity of any rate or assessment as a whole shall not avail to prevent the recovery of the rate, unless such invalidity be on the ground that such rate is a rate at a greater amount per head of sheep or cattle than the Board is empowered to levy.

Invalidity of rate not to bar its recovery.

24. There shall be issued and paid out of the Consolidated Fund during each financial year, commencing with the first day of April, in the year one thousand eight hundred and eighty-seven, to the Board of each district wherein this Part of this Act is in operation, a sum equal to the amount received by such Board in such year by way of rates levied under this Part of this Act, but not exceeding the amount so receivable on a rate of one penny for every sheep or five pence for every head of cattle in respect whereof the rate has been levied: Provided that the total amount to be so issued and paid during each financial year shall not, under any circumstances, exceed the sum of ten thousand pounds.

Subsidy to be paid out of Consolidated Fund.

25. All moneys whatsoever levied, received, or recovered under the authority of this Part of this Act shall be at the sole and absolute disposal of the Board, to be by them applied in such manner as they see fit for the erection and maintenance of such fences, in such parts of the district under their jurisdiction, to prevent the incursion of rabbits, and for the purpose of destroying rabbits in such district, and generally in carrying out the purpose of the said Act and this Part of this Act in the district, and to no other purpose.

Moneys coming to Board how to be expended.

26. The Board 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 Part 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 stockowner 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.

27. All moneys received by the Treasurer of the Board shall be paid by him into some one of the public banks of the colony to the account of the Board 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 a member of the Board.

Moneys received to be paid into bank.

Audit of accounts.

(1.) The accounts of the Board for the past year shall be audited in the month of January in each year by an Auditor to be appointed by the Governor.

Statement of accounts to be annually prepared.

(2.) The Board of every district shall, before the end of the second week in January in each year, cause the accounts of the Board 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 prepared 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 Board; and such statement and account, signed by the Chairman and one other member of the Board at least, shall be submitted by such Chairman to the Auditor. 5 10

Publication of accounts.

(3.) The Treasurer of every district shall forthwith after such audit make out and cause to be printed and published, in any newspaper circulating in the district, a full abstract of the accounts for the year as audited. 15

Penalty for obstructing Board or their servants.

28. If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Board or any person duly employed or authorized by the Board, or in the exercise of any power or authority vested in the Board 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 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. 20 25

Governor may remedy defects in Act by regulations published in *Gazette*.

29. In all cases in which no provision or no sufficient provision is, in the opinion of the Governor, made by this Part of this Act, it shall be lawful for the Governor from time to time, for the purpose of facilitating or more effectually carrying into execution any of the objects of this Part of this Act, to make and prescribe all such regulations and orders, either general or applicable to particular cases only, as he shall think fit, and such regulations and orders from time to time to revoke or alter as to the Governor shall appear requisite. 30

All such regulations and orders shall be published in the *Gazette*, and, being so published, shall have the force of law at the expiration of fourteen days after such publication. 35

On failure by Board to carry out Act Governor may decree Act shall cease to be in operation.

30. If the Chief Inspector of any sheep district within which any such part of the colony as aforesaid is included shall report to the Governor that the Board are not taking the necessary steps to secure the destruction of rabbits or the prevention of their incursion into the district, the Governor, by Order in Council, may decree that this Part of this Act shall cease to be in operation in such part of the district as from a day to be fixed therein, and thereupon the Board shall absolutely cease to exercise any rights or powers under this Part of this Act, and the said Act shall also thereupon be revived in full operation within such part of the colony. 40 45

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PART III.

LOCAL ADMINISTRATION.

31. The Governor from time to time, by Order in Council, may, on petition in that behalf from a majority of the county electors therein, constitute and declare any county wherein Part II. of this Act is not in force to be a county district or district for the purposes of this Part of this Act.

Governor in Council may proclaim county as a district.

Parts II. and III. of this Act shall not at any time be in force in the same part of the colony at the same time.

32. For every county constituted a district under this Part of this Act there shall be a Board of Trustees (herein referred to as "the Board"), to consist of as many members as there are ridings in the county, who shall be elected in the manner hereinafter directed, one Trustee and no more being elected for each riding.

Board of Trustees.

Immediately on the constitution of such county as a district, "The Regulation of Local Elections Act, 1876," and "The Rating Act, 1882," shall be in force respectively in such district and in the same manner, and shall apply therein to the same degree as the said Acts apply in respect to the county as such.

(1.) The Governor shall appoint such Inspector under the said Act or other person as he shall think fit to be the Returning Officer to hold the first election of Trustees.

Election of first Trustees.

(2.) The Governor shall appoint the day for the first election of the Trustees, and shall have full power to do all things of what kind soever necessary to provide for bringing this Part of this Act into operation in such county, according to the true intent and purpose thereof.

(3.) The rolls of the county electors for the several ridings for the time being in force shall be the rolls to be used at such first election, and at every subsequent election.

(4.) The Trustees elected at such first election shall hold office until the month of November in the year following the year in which they are elected, or until the election of their successors at the first triennial election held as hereinafter mentioned.

Duration of their office.

All provisions relating to the qualifications, disqualifications, and voting at elections for members of a County Council shall apply, *mutatis mutandis*, and be in force in respect to elections of Trustees for a county under this Part of this Act.

33. On the first Monday in the month of November in the year following the year in which the first Trustees for any county district are elected, and on the same day in each succeeding third year thereafter, the electors of a county district shall elect the required number of persons to be members of the Board of Trustees of such district, who shall hold office till the election of their successors.

Triennial election of Trustees after the first.

(1.) If at any such appointed day no election is held, or if at any election of Trustees no persons are duly elected as such, or if a less number is elected than by law required to be elected, then the Governor may appoint such and so many as are qualified to be such Trustees as the occasion may require.

(2.) If any Trustee shall die, or by writing addressed to the Chairman shall resign his office as such Trustee, or shall cease to reside permanently in the colony, or shall absent himself from four consecutive meetings of the Board without leave being granted, or shall otherwise become incapable to act as such Trustee, an election shall be held of a person in lieu of the Trustee so dying, resigning, ceasing to reside, absenting himself, or otherwise becoming incapable to act as aforesaid; and the person so elected shall hold office as Trustee for the period or residue of the period his predecessor in such office would have held the same had he remained a member. 5

Notice of election to be gazetted.

Notice of every election of a Trustee shall be gazetted, and the *Gazette* containing such notice shall be conclusive evidence that the person, notice of whose election is gazetted, has been duly elected a Trustee. 15

Functions and powers of Trustees.

34. Sections *sixteen* to *nineteen*, both inclusive, of this Act shall apply to every Board of Trustees elected under this Part of this Act in the same manner as they apply to Trustees elected under Part II. hereof. 20

Board to destroy rabbits.

35. The Board 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, or to prevent the increase of rabbits therein, and for that purpose may, out of moneys received by them by virtue of this Part of this Act, offer rewards or bonuses for the destruction of such rabbits. 25

Rate.

36. It shall be lawful for the Board, after not less than ten days' public notice by advertisement in a newspaper having general circulation within the district has been given of their intention, to levy in each year for the purposes of this Part of this Act a rate not exceeding *three-sixteenths of a penny* in the pound on the rateable value in the county, and may appoint a time and place for the payment of rates levied under this Part of this Act, and all rates not so paid may without further notice be recovered by the Board in any Court of competent jurisdiction. 30

Valuation roll of county to be in force.

The valuation roll and rate books for the time being in force within the county shall be the valuation roll and rate books for the county as a district under this Act, and shall be conclusive evidence of the liability of the persons whose names are therein respectively for the rate to be levied as aforesaid. 35

Invalidity of rate not to bar its recovery.

For the purpose of levying any rate under this Part of this Act the Board shall be deemed to be a local body within the meaning of "The Rating Act, 1882." 40

37. The invalidity of any rate or assessment as a whole shall not avail to prevent the recovery of the rate, unless such invalidity be on the ground that such rate is a rate at a greater amount than the Board is empowered to levy. 45

Subsidy to be paid out of Consolidated Fund.

38. There shall be issued and paid out of the Consolidated Fund during each financial year, commencing with the first day of April, in the year one thousand eight hundred and eighty-seven, to the Board of each district wherein this Part of this Act is in operation, a sum equal to the amount received by such Board in such year by 50

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way of rates levied under this Part of this Act, but not exceeding the amount so receivable on a rate of *three-sixteenths of a penny* in the pound as hereinabove mentioned :

5 Provided that the total amount to be so issued and paid during each financial year shall not, under any circumstances, exceed the sum of five thousand pounds.

10 **39.** All moneys whatsoever levied, received, or recovered under the authority of this Part of this Act shall be at the sole and absolute disposal of the Board, 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 the administration and purposes of the said Act and this Act in the district, and to no other purpose.

Moneys coming to Board how to be expended.

15 **40.** Sections *twenty-six to twenty-nine*, both inclusive, of this Act, and section *thirty*, so far as it is applicable, shall apply to every Board elected under this Part of this Act in the same manner as they apply to Trustees elected under Part II. thereof.

Accounts and audit.

41. Boroughs and town districts are hereby excluded from the operation of *Parts II. and III.* of this Act.

Boroughs and town districts excluded.