

*Hon. Colonel Whitmore.*

## Rabbit Nuisance.

### ANALYSIS.

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## AN ACT to provide for the Destruction of Rabbits in Title. New Zealand.

**W**HEREAS 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, 1878."

2. "The Rabbit Nuisance Act, 1876," and "The Rabbit Nuisance Repeal clause.  
Act Amendment Act, 1877," are hereby repealed: Provided  
10 that all districts constituted under the said Acts shall be districts under  
this Act, and the Trustees of such districts shall remain in office until  
the appointment of their successors under this Act, and that such  
repeal shall not affect anything done, appointment or instrument  
made, regulations issued, right or privilege accrued, offence committed,  
15 forfeiture liability or penalty incurred, action prosecution or proceeding  
commenced, under the authority or against the provisions of such Acts  
before the passing of this Act.

## Interpretation.

3. In this Act, if not inconsistent with the context, the following 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. 5

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

“District” shall mean a district duly proclaimed for the purposes of this Act. 10

“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, or, where there is no such newspaper in general circulation, then that printed placards containing the notice shall be affixed to public places in the district. 15 20

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

## RABBIT DISTRICTS.

Power to Governor in Council to create districts.

4. The Governor may from time to time, by Order in Council, constitute and declare any part or parts of the colony to be defined such Order in Council for the purposes of this Act by some specific name. Immediately on the constitution of a district “The Regulation of Local Elections Act, 1876,” shall be in force in such district. 25

Governor may alter or abolish districts.

5. The Governor may from time to time by Order in Council— 30  
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.

Trustees.

6. For every district constituted under this Act there shall be five Trustees, to be elected in the manner hereinafter directed. 35

Who shall be incapable of being Trustees.

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

- (1.) A bankrupt or insolvent who has not obtained his final order of discharge: 40
- (2.) Any person attainted of treason, or convicted of felony, perjury, or of any infamous crime:
- (3.) Any person of unsound mind.

Provisions for bringing Act into force when district constituted.

8. When any district is constituted the following provisions for bringing this Act into operation therein shall apply:— 45

- ~~(1.) The Governor shall appoint some person to make up a roll of electors as nearly as may be according to the provisions of this Act; and the roll so made up shall be deemed to be the electors' roll until a fresh roll is made as by this Act provided.~~
- (2.) (1.) The Governor shall appoint a Returning Officer to hold the first election of Trustees, and shall appoint the day or days for such elections. 50
- (3.) (2.) The Governor shall appoint the day for the first meeting of the Trustees, and shall have full power to do all things of what kind soever necessary to provide for bringing this Act into operation in such district, according to the true intent and purpose of this Act; and at such first meeting every landowner in such district whose name appears on any ratepayers' list in such district as the owner of not less than one hundred acres shall be an elector, and entitled to one vote in the election of one Trustee 55 60

10. The Trustees of each district shall hold office till the appointment of their successors; but on the first Monday in the month of March ~~in each~~ *in the year one thousand eight hundred and eighty, and in each succeeding year*, the electors of a district shall elect five  
5 persons to be Trustees of the district for the ensuing year.

Trustees to be elected annually.

11. If at any election of Trustees held under the said Act no persons are duly elected as such Trustees, 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  
10 the occasion may require.

Power to appoint members in case of failure to elect.

12. 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 district, or shall absent himself from four consecutive meetings of such Trustees *without leave being granted*, or  
15 shall otherwise become 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 period his predecessor in such office would  
20 have held the same had he remained a member.

Provisions for filling vacancies in office of Trustee.

13. ~~It shall be lawful for~~ The Trustees ~~to~~ *shall* levy ~~in each in the first year for the purposes after the coming into operation of this Act~~ a rate on all holdings of landowners ~~not exceeding of one halfpenny per acre, and in each subsequent year may levy a rate not exceeding one~~  
25 *halfpenny per acre.*

Rates may be levied.

(1.) For the purpose of levying such rate and forming a landowners' list, the Trustees shall in every year cause to be made out a list, to be called the "landowners' list," of every landowner in the district, with the quantity of land held, occupied, or owned by such landowner, and shall  
30 deposit such list, or a true copy thereof, in some convenient place in the district for inspection without fee. *For the purpose of making out such list the County and Road Boards within the district shall, upon application being made by the Trustees, furnish a list of all ratepayers within the district, and of the extent of their holdings.*

(2.) The Trustees shall, not less than ten days before making any rate, publicly notify their intention to make such rate, and the place where such landowners' list is deposited as aforesaid, and in such notice shall appoint a day and place on and at which they will sit to hear objections, and finally complete such list and levy the rate: *Provided that in the case of pastoral tenants under the Crown, whose leases expire within five years of the levying of such rate, the amount to be paid in respect thereof shall be one-half of such rate.*  
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14. Any person who considers himself aggrieved by reason of the unfairness or incorrectness of any such list, or by reason of the insertion or incorrectness of any matter therein, or the omission of any matter  
50 therefrom, may object as herein provided.

Objections to voters' list.

15. The Trustees, or a majority of them, 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,  
55 which it is proved to their satisfaction ought to be altered, inserted, or erased, as the case may be. The decision of the Trustees shall be final and without appeal. The list, when so corrected, shall be signed by the Trustees hearing such objections, or the majority of them, and when so signed, shall, for the purposes of this Act, be conclusive  
60 evidence that the persons named therein are landowners, and of the

Trustees to hear and determine objections.

quantity of land held, occupied, or owned by such landowners, and such list shall come into force immediately after the same is so signed, and shall be the landowners' list for the district until a new landowners' list comes into force in like manner.

Trustees' powers. 16. 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. 5

Rabbits to be destroyed on notice entry to be made. 17. 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 agent on his behalf to do so; and if after ten days such notice be neglected or not complied with, or no *satisfactory evidence is adduced* that efficient steps *be are being* taken to carry out such notice, then it shall be lawful for any person or persons 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~~ *except with the landowner'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. 10 15 20 25

Persons authorized to enter upon lands search for rabbits. 18. 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. 30 35

Chairman, Treasurer, and collector to be appointed. 19. The Trustees shall from time to time appoint any of the Trustees who may be willing to act in such capacity as Chairman, and some other Trustee as Treasurer, and any person, whether a Trustee or not, to be a collector of rates. The Chairman or any two Trustees may, by giving seven days' public notice, or by notice in writing delivered to each of the Trustees, convene a meeting of Trustees. *The Trustees may appoint a time and place for the payment of rates levied under this Act, and all rates not so paid may without further notice be recovered by the Trustees in any Court of competent jurisdiction.* 40 45

Accounts to be kept, and open for inspection. 20. 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. 50 55

Moneys received to be paid into bank. 21. All moneys received by the Treasurer of the Trustees shall be paid by him monthly into some one of the public banks of the 60

such moneys shall be drawn out of such bank except by cheque, signed by the Treasurer and countersigned by one of the Trustees.

22. 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.

23. 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 a true statement and account to be drawn out 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 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.

24. 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.

25. 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.

Appropriation.

26. 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.

Obstructing Trustees.

27. 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.

Dogs not to be taxed.

28. 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, and realized by the sale, if necessary, of any sheep or cattle depasturing on the land.

Negligent landowners liable for costs.

29. 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.

Gazette notice to be evidence.

30. All Acts authorized by this Act to be done and performed by the whole of the Trustees of a district, may be done and performed by any three of them present at a duly convened meeting.

Quorum.

31. It shall be lawful for the Colonial Treasurer to issue and pay, out of moneys appropriated for that purpose by the General Assembly, to any person, for every rabbit skin exported from the colony by such

Bonus to be paid for rabbit skins exported.

person, the sum of one halfpenny per skin: Provided that such person shall first prove to the satisfaction of the principal officer of Customs at the port where such skin is exported that the skin exported is that of a rabbit taken or destroyed within a district constituted under the said Act or this Act.

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Governor may make regulations.

~~28.~~ **32.** The Governor may from time to time make and revoke regulations prescribing the mode of proving any claim as aforesaid, and the terms and conditions under and subject to which claims shall be made and paid.

*New clause.*

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GENERAL PROVISIONS.

Provision for destroying rabbits outside of rabbit districts.

**33.** In any part of the colony not included within any district proclaimed under this Act it shall be lawful for any person authorized in writing in that behalf by a Resident Magistrate or two Justices of the Peace, at any reasonable hour of the daytime, to enter upon any land, whether enclosed or not, after having given twenty-four hours' notice to the owner or occupier thereof, for the purpose of ascertaining if there are rabbits in a wild state thereupon, and to use all such means, excluding poison, except with the consent of the occupier, and to take all such measures as may be necessary for destroying any such rabbits as may be found there; and any such person may take away and remove from the said lands the said rabbits or any part thereof, 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 so required, he shall fail to exhibit such authority, then he shall be liable to be deemed and to be dealt with as a trespasser.

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Penalty for introducing rabbits into the colony.

~~29.~~ **34.** If any person shall knowingly and wilfully liberate in any part of the colony any live rabbit or rabbits, the person so offending shall upon conviction before any two Justices, and at their discretion, be liable to be committed to gaol with or without hard labour for any term not exceeding six months, or to forfeit and pay a penalty not exceeding *fifty* pounds.

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Offences to be dealt with summarily.

~~30.~~ **35.** 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.

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Governor may remedy defects.

~~35.~~ **36.** In all cases in which no provision or no sufficient provision is, in the opinion of the Governor, made by 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 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 to be requisite.

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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 ten days after such publication.

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