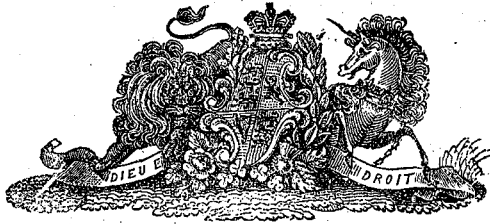


# PROVINCE OF NELSON.



## THE THISTLE ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE  
REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 3.

### ANALYSIS:

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"><li>1. Occupiers of Land failing to destroy Thistles, liable to Penalty.</li><li>2. How Notice to be served.</li><li>3. Where Ownership of Land cannot be ascertained, Notice to be published.</li><li>4. Persons entitled to possession of unoccupied Land failing to destroy Thistles, liable to Penalty.</li><li>5. Constable, or other authorized Person, may enter upon unoccupied Land after Notice having been given, and cut down Thistles. Expense so to be incurred to be determined by two Justices, and to be a Charge upon the Land, recoverable by Distress so soon as the Land is occupied.</li></ol> | <ol style="list-style-type: none"><li>6. In cases of Dispute as to Liability, Land may be treated as Land the Ownership of which cannot be ascertained.</li><li>7. Road Board to destroy Thistles growing upon Roads under their charge; and in case of their neglecting to do so, the same may be treated as unoccupied Land.</li><li>8. Superintendent to apply Moneys voted for the purpose to Destruction of Thistles on Crown Lands.</li><li>9. Constable not to be liable to Action of Trespass.</li><li>10. Penalties recoverable summarily.</li><li>11. Short Title.<br/>Schedule.</li></ol> |
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*An ACT to prevent the Increase of Thistles.*

Title.

[Assented to 21st June, 1859.]

**W**HEREAS much inconvenience and loss are likely to arise to persons engaged in agricultural operations, by the increase of Thistles: Be it, therefore, enacted, by the Superintendent of the Province

Preamble.

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vince of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Occupiers of Land failing to destroy Thistles liable to Penalty.

1. Any person who, after having received fourteen days' notice in writing, shall fail to cut down or destroy any Thistles bearing flower-stems, and growing on land in his occupation, shall forfeit any sum not less than ten shillings nor exceeding forty shillings; and on any person neglecting to cut down or destroy such Thistles, after having received a second notice, it shall be lawful for the constable of the district, or any one authorized in that behalf, by authority in writing of two Justices of the Peace, to cut down any Thistles growing on such land; and the expense of so doing shall be recovered by action in a summary way.

How Notice to be served.

2. Such notice may be personally served by the constable of the district, or by the person giving such notice; and it shall be the duty of all constables to assist in carrying out the provisions of this Act.

Where Ownership of Land cannot be ascertained, Notice to be published.

3. When Thistles are permitted to grow upon unoccupied land, the ownership of which cannot be ascertained after reasonable inquiry, any one wishing to take proceedings under this Act shall publish twice in one of the newspapers of the Province a notice in form or to the effect of the Schedule A hereto annexed; and such publication in the newspaper shall be considered a lawful and sufficient notice, and the expense of such advertisement shall, upon the conviction of the offender, be returned to the party complaining.

Persons entitled to Possession of unoccupied Land failing to destroy Thistles liable to Penalty.

4. Every person entitled to the possession of unoccupied land upon which Thistles bearing flower-stems shall be found growing, who shall not cut down or destroy such Thistles, after notice so to do as required by this Act, shall be liable to a fine of not less than ten shillings nor more than forty shillings.

Constable, or other authorized person, may enter upon unoccupied Land, after Notice having been given, and cut down Thistles. Expense so incurred to be determined by two Justices, and to be a Charge upon the Land, recoverable by Distress so soon as the Land is occupied.

5. It shall be lawful for the constable of the district, or any one duly authorized in that behalf, by authority in writing of two Justices of the Peace, to enter upon any unoccupied land, or land the ownership of which cannot be ascertained, the required notice having first been given, and cause to be cut down, employing for that purpose such labour as he may find necessary, any Thistles growing thereon; and the expense of doing so shall be paid by the Superintendent out of the Provincial Treasury, from funds voted for that purpose; and the same may be recovered by distress upon the premises so soon as and at any time after the same may be occupied: Provided always that the expense incurred as aforesaid may be determined by any two Justices of the Peace having jurisdiction in the district in which the land is situate; and that, in all cases in which the land is private property or is held

shall thereupon be entitled to recover from such adjoining occupier one-half of the cost of cleansing or repairing such fence, in a summary way as aforesaid.

6. Provided always that no greater sum shall be recovered under the provisions of this Ordinance, in respect of the making or repairing of any such fence, than the sum of Sixteen Shillings per Chain in country districts, and Twenty Shillings per chain in the town of Nelson.

Limitation of amount to be recovered.

7. In the construction of this Ordinance, the term "sufficient fence" shall be deemed and taken to include all fences of the description in the Schedule hereunto annexed; and the word "occupier" shall be taken to include any person actually occupying any land, whether under or by virtue of a legal title thereto or otherwise.

Fences described in the Schedule to be deemed sufficient fences.

E. W. STAFFORD,  
Superintendent.

Passed the Provincial Council, on the twenty-fifth day of January, and assented to by His Honor the Superintendent, on behalf of His Excellency the Governor, on the eleventh day of February, in the year of our Lord one thousand eight hundred and fifty-four.

DONALD SINCLAIR,  
Speaker.

GEORGE WHITE,  
Clerk of the Council.

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## SCHEDULE.

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1. A ditch, not less than four feet wide at top, and three feet deep, with bank, posts, and one rail not less than four feet in height from the top of the ditch, the rail not to be more than one foot from the top of the bank.

2. A ditch, three feet wide at top by two and a half feet in depth, with bank, posts, and two rails, four and a-half feet high from the surface of the ground, the rails not to be more than ten inches apart.

3. Posts and four rails, four and a half feet high, the rails to be as near as possible equi-distant.

4. A paling fence, four and a-half feet high.

5. The posts in all the foregoing fences are not to be more than ten feet apart.

## SCHEDULE A.

Whereas certain Thistles bearing flowering stems are growing on unoccupied land in \_\_\_\_\_ district of \_\_\_\_\_ the owner of which land cannot be ascertained by me after reasonable inquiry, this is to give notice, that if the Thistles on such unoccupied land are not cut down or destroyed within seven days, the said Thistles shall be destroyed at the expense of the owner, as the law directs.