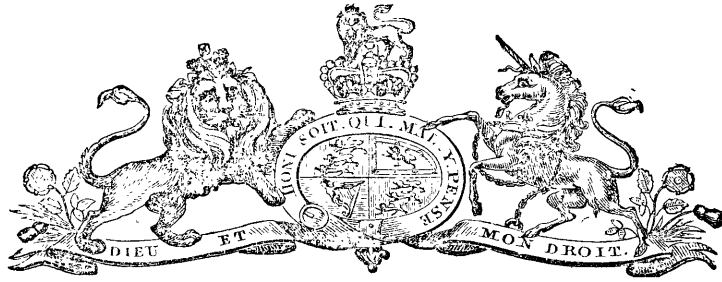


OTAGO, N. Z.



PENINSULA DISTRICT THISTLE PREVENTION
ORDINANCE, 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXXIV. No 495.

ANALYSIS.

- | | |
|---|---|
| <p>Title.
Preamble.
1. Penalty for not destroying Thistles after notice.
2. Where no occupier of land notice may be affixed on some conspicuous place on land.
3. If Thistles not destroyed within seven days parties may enter for the purpose of destroying them.</p> | <p>4. Persons authorised may enter upon lands to search for Thistles
5. Thistles growing upon Reserves may be eradicated.
6. Interpretation clause.
7. Short Title.
8. Commencement of Ordinance.</p> |
|---|---|

An Ordinance to make provision for the Eradication of Thistles in ^{Title.}
the Electoral District of the Province of Otago known as the
Peninsula Electoral District. [19TH JUNE, 1875.]

WHEREAS the plant known as the Thistle has increased to an alarming ^{Preamble.}
extent in that part of the Province of Otago known as the Peninsula
Electoral District and great injury and loss may be occasioned by allowing
it to spread and it is desirable to prevent the same :

BE IT THEREFORE ENACTED by the Superintendent of the Province of
Otago by and with the advice and consent of the Provincial Council thereof
as follows :—

1. If at any time after the passing of this Ordinance any owner lessee ^{Penalty for not de-}
or occupier of land within that part of the Province of Otago known as the ^{stroying Thistles after}
Peninsula Electoral District upon which land or upon the half of any road ^{notice.}
adjacent thereto any of the plants commonly known as the Thistle shall be
growing shall not within fourteen days after any notice in writing that such
Thistles are growing upon such land or upon such adjacent half of any road
signed by the Chairman of any Road Board within the said district shall
have been served upon such owner lessee or occupier or left for him at his
usual or last known place of abode effectually destroy all of the said plants
so known as the Thistle then growing and being upon such land or upon
such adjacent half of the road every such owner lessee or occupier being
convicted thereof shall be liable to a penalty not exceeding fifty pounds and
not less than five pounds to be recovered in a summary way : Provided that
it shall be lawful for any Justices before whom any conviction under this
Ordinance shall take place to suspend such conviction upon its being proved
to their satisfaction that the person so receiving such notice has used and is
using reasonable exertions to destroy such plants and that no information
shall be laid against any owner of lands until the provisions of this Ordinance
shall have been enforced against the occupier or lessee of such land

upon which such Thistles may or shall be found and that no second information against such owner or occupier or lessee shall be laid within thirty days after any previous conviction.

Where no occupier of land notice may be affixed on conspicuous place on land.

2. If there shall be no occupier or lessee of any land or such occupier or lessee or the owner of such land shall be unknown or absent from the said Province and such occupier lessee or owner shall have no known agent resident therein then such notice as aforesaid may be affixed in some conspicuous place upon such land and shall also be published in some newspaper circulating in the neighbourhood thereof and every notice so affixed and published shall be deemed and taken to be sufficient notice to the occupier lessee or owner of such land from the time of its being so affixed and published: Provided that it shall not be necessary for any such last mentioned notice to specify the name of any person as lessee or owner of the land therein referred to but such notice shall contain a description in general terms of the particular portion of the land intended to be affected thereby: Provided also that no owner of any land shall be liable to any payment beyond the expense of and occasioned by the destruction and eradication of the Thistles growing and being upon such land and upon such adjacent half of the road as herein provided together with costs of suit by reason merely of any notice having been so affixed as last aforesaid.

If Thistles not destroyed within seven days parties may enter for the purpose of destroying them.

3. If any such owner lessee or occupier shall for the space of seven days refuse or neglect to destroy the Thistles specified in any such notice it shall and may be lawful for any person authorised in writing in that behalf by the Chairman of any Road Board within the said district to destroy and eradicate the same and for that purpose with sufficient assistants to enter upon any lands in respect whereof any such notice shall have been given as aforesaid and every such person shall be entitled to recover from such owner lessee or occupier the expense of and attending such destruction and eradication.

Persons authorised may enter upon lands to search for Thistles.

4. It shall be lawful for any person authorised in writing in that behalf by the Chairman of any Road Board within the said district without notice to enter upon any lands whether enclosed or not for the purpose of ascertaining if any such Thistles are growing and being thereupon and no such person shall be deemed a trespasser by reason of such entry or be liable to any damage thereby occasioned unless the same was occasioned by such person wilfully and without necessity.

Thistles growing upon Reserves may be eradicated.

5. When any such Thistles shall be growing upon any lands which have been reserved for any public purpose it shall be lawful for the Superintendent to employ the necessary labourers and continue to destroy and eradicate the said Thistles and the expenses of the same shall be defrayed out of any vote of the Provincial Council for such purpose.

Interpretation clause.

6. In the construction of this Ordinance the words "plant commonly known as the Thistle" and the word "Thistle" shall be held to mean the plants known by the botanical names of *Carduus Marianus*, *Carduus Benedictus*, *Carduus Lauceolatus*, *Onopordum Acanthium*, and *Xanthium Spinosum*.

Short Title.

7. This Ordinance shall be termed and recited and referred to as the "Peninsula District Thistle Prevention Ordinance, 1875."

Commencement of Ordinance.

8. This Ordinance shall not come into force until a proclamation bringing it into operation shall be published in the Provincial Government *Gazette* and such Proclamation shall only be published on the petition of a majority of the electors for the time being on the roll of the said Peninsula District praying that this Ordinance may be brought into operation.