

THISTLE ORDINANCE, 1862.

26 VICT. No. 25.

AN ORDINANCE for discouraging the growth and spread of noxious
Thistles. [27TH DECEMBER, 1862.]

BE IT ENACTED :

II. It shall be lawful for the Superintendent from time to time Superintendent
by Proclamation in the Provincial Government Gazette to declare may proclaim
that this Ordinance shall come into operation within any district and districts.
thereby to proclaim the limits of the district.

III. Any person who shall fail to cut down and use every possible Penalty after cer-
means to eradicate and destroy any noxious thistles growing on land tain notice for
belonging to him or in his occupation situate within any district allowing thistles
within which the said Superintendent shall by any such Proclama- to grow.
tion as aforesaid declare that this Ordinance shall come into opera-
tion after he shall have received seven days' notice in writing as
hereinafter mentioned shall be liable to be fined any sum not less
than ten shillings or more than thirty shillings for every day that
such thistles shall be permitted to grow.

IV. The occupier or owner of any land abutting on a road who Penalty for per-
shall after notice as aforesaid permit the said thistles to grow on mitting thistles to
the half of such road adjacent to his land and bounded by the middle grow on road.
line of the road shall be liable to the like penalty as if he had suffered
the said thistles to grow on land in his tenure or possession.

V. It shall be lawful for the owner or occupier of any land Persons who may
within any such district or for any person to be appointed by the serve notice.
said Superintendent for that purpose to serve a notice in the form or to
the effect in the Schedule A to this Ordinance annexed by delivering
the same personally or by leaving the same at the last known resi-
dence of the person owning or occupying the land within any such
district whereon any such thistles shall be growing.

VI. In case any such thistles shall be growing upon any unoccu- In case no occu-
pied land or upon land the ownership of which cannot be ascertained pier notice to be
then it shall be lawful for the owner or occupier of any land within published.
such district or for any person who shall be appointed by the said

Superintendent for that purpose to cause a notice to be published in two consecutive numbers of at least one newspaper published within the Province of Southland in the form or to the effect in the Schedule B to this Ordinance annexed.

If thistles not destroyed Justices may make order.

VII. If the thistles upon any such land as last mentioned shall not be cut down and as far as possible eradicated and destroyed within ten days from the date of the last publication of such notice it shall be lawful for any Resident Magistrate or two Justices of the Peace having jurisdiction within the district to make an order authorising any person or persons to be therein named to enter into or upon such land and eradicate or destroy all noxious thistles growing thereon: And in case it shall be proved on oath to the satisfaction of any such Resident Magistrate or any two such Justices that any costs have been incurred in eradicating or destroying such thistles it shall be lawful for the said Resident Magistrate or Justices to make an order under his or their hands for the repayment of such costs to the person or persons who shall have incurred the same which order shall be filed with the clerk of the Resident Magistrate's Court sitting at Invercargill.

Penalty for allowing thistles to run to seed.

VIII. The occupier of any land upon which shall be found any noxious thistles which shall have run to seed shall be liable to a penalty of not less than five pounds and not more than twenty pounds.

Costs ordered to be charged on land.

IX. Any person who shall enter upon the occupation of any land in respect of which any such order shall have been made as aforesaid and continue in occupation thereof for one week after the amount so ordered to be paid shall have been demanded shall be liable to pay the same to the person or persons named in such order or to any one of them.

X. [Superintendent may direct expenditure of money appropriated for that purpose in eradicating thistles on waste lands.]

Power to appoint persons to enter upon lands.

XI. It shall be lawful for the Superintendent to authorise any person or persons to enter upon any land situated within any such district for the purpose of ascertaining the existence of such thistles therein and eradicating or destroying the same and no person when acting under such authority shall be deemed a trespasser.

SCHEDULE A.

To Mr.

TAKE NOTICE, that there are certain noxious Thistles growing upon land within the district now in your occupation, and that unless you cut down and as far as possible use every means to eradicate or destroy the same within seven days from the service hereof upon you, I shall proceed against you under the Thistle Ordinance, 1862, for the penalty inflicted by the said Ordinance.

Dated this day of 186 .

[Signature.]

N.B.—The land referred to in the above Notice is situated [describe the situation of the land.]

SCHEDULE B.

WHEREAS certain noxious Thistles are growing on land in _____ district, the owner of which land cannot be ascertained by me after reasonable inquiry :

This is to give notice, that if the Thistles on such land are not cut down and as far as possible every means used to eradicate or destroy the same within the time limited by the Thistle Ordinance, 1862, the Thistles will be destroyed according to the provisions of the said Ordinance, and an order applied for under the said Ordinance to charge the expenses on the said land.

[Signature.]

N.B.—The land referred to in the above Notice is situated [*describe the situation of the land.*]

