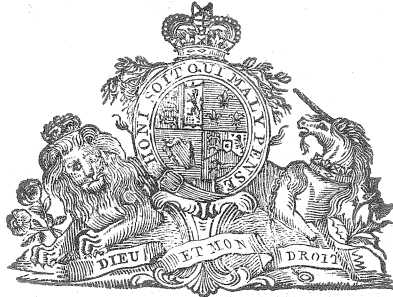


PROVINCE OF WELLINGTON.



THISTLE AMENDMENT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION III. No. 6.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none">1. Repeal of Thistle Act, Sess. I., No. 19.2. Penalty, after certain notice, for allowing Thistles to seed.3. Who competent to serve such notice.4. In the case of land so infected—the ownership of which cannot be ascertained—notice to be published in a newspaper.5. After such publication, if not remedied, Justices how to act.6. Portion of said land to be set out by Sheriff.7. Said Portion to be sold by Auction.8. With respect to Conveyance.9. Government to cause the eradication of Thistles within the limits of roads under its charge. | <ol style="list-style-type: none">10. Road Commissioners to do the same with respect to the limits of roads under their charges.11. In certain cases Superintendent may direct an expenditure for such purpose.12. Power to Constable to enter upon lands for the purpose of ascertaining the existence of Thistles thereon.13. Fines to be summarily recovered.14. Act to come into operation in any district by Proclamation. <p>Proviso with respect to Natives.
Schedule A.—Form of Notice.
Schedule B.—Form of Conveyance.</p> |
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[Assented to February 4th, 1856.]

AN ACT to Amend the Law relating to Thistles.

Title.

BE IT ENACTED by the Superintendent of the Province of Wellington, with the advice and consent of the Provincial Council thereof, that—

1. Act No. 19, Sess. 1, is hereby repealed.
2. Any person who shall fail to eradicate or cut down any obnoxious Thistles growing on land in his occupation, having seed stems, after he shall have received Fourteen days notice in writing, shall be liable to be fined any sum not less than Two shillings and sixpence, nor more than Twenty shillings.

Repeal of
Thistle Act,
Sess. I. No. 19.
Penalty after
certain notice
for allowing
Thistles to
seed.

Who competent to serve such notice.

3. It shall be competent for any one personally to serve such notice, or to require the constable of the district, or other person authorized by the Superintendent in that behalf, to do so; and it shall be the duty of such constable to assist personally in carrying this Act into operation.

In the case of land so infected the ownership of which cannot be ascertained notice to be published in a newspaper.

4. When obnoxious Thistles are permitted to grow on unoccupied land, the ownership of which cannot be ascertained by the informant after reasonable inquiry, he 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.

After such publication, if not remedied, justices how to act.

5. If the Thistles on such unoccupied land are not eradicated or cut down within one month after the date of the last publication of such notice, the sitting magistrate or magistrates shall on application made by the informant, authorize the said Thistles to be cut down or eradicated, and all expenses incurred shall be defrayed out of the proceeds of sale of a sufficient portion of the said land.

Portion of said land to be set out by Sheriff.

6. Such sufficient portion shall be set out by the Sheriff, having jurisdiction within the district.

Said portion to be sold by Auction.

7. Such land shall be sold by public auction.

With respect to conveyance.

8. A conveyance of land so sold in the form hereto annexed in Schedule B, signed by the Sheriff, shall vest the absolute property in such land in the purchaser free from all incumbrances and claims whatsoever.

Government to cause the eradication of Thistles within the limits of roads under its charge.

9. It shall be the duty of the Government to eradicate or cut down all obnoxious Thistles having seed stems growing within the limits of any road which is under its charge and maintenance, in all such districts as are proclaimed to be under the operations of this Act.

Road Commissioners to do the same with respect to the limits of roads under their charges.

10. On all Roads under the charge and maintenance of a Board of Commissioners under any Road Act, it shall be the duty of such Board to eradicate or cut down all such obnoxious Thistles having seed stems growing within the limits of such roads; provided the district in which

such Roads are situate is proclaimed to be under the operation of this Act.

11. Where obnoxious Thistles are growing on Government land in any district within which this Act is proclaimed, the Superintendent may direct such sum of money, out of any appropriation for such purpose by the Provincial Council, to be contributed towards their eradication as he may deem expedient.

In certain cases Superintendent may direct an expenditure for such purpose.

12. The Constable of the District, or other person authorized by the Superintendent in that behalf, may enter upon any land within the limits of a proclaimed district, for the purpose of ascertaining the existence of Thistles therein, and other the purposes of this Act, without being liable to any action of Trespass.

Power to constable to enter upon lands for the purpose of ascertaining the existence of Thistles thereon.

13. All fines imposed under authority of this Act, shall be recoverable in a summary way.

Fines to be summarily recovered.

14. The Superintendent, whenever it shall appear to him expedient to do so, may, by Proclamation, declare that this Act shall come into operation within any district, and by the same Proclamation declare the limits thereof. Provided always, that this Act shall not apply to any Aboriginal Native, except in such districts and to such extent therein, as the Superintendent may, by Proclamation, from time to time declare.

Act to come into operation in any district by Proclamation.

Proviso with respect to Natives.

SCHEDULE A.

WHEREAS, certain obnoxious Thistles having seed-stems, are growing on unoccupied land in District of _____ the owner of which land cannot be ascertained by me after reasonable enquiry :—

Schedule A. — Form of Notice.

THIS IS TO GIVE NOTICE, that if the Thistles having seed stems, on such unoccupied Land are not eradicated or cut down and destroyed within Seven days, the said Thistles will be destroyed at the expense of such Owner in terms of an Act of Provincial Council, Session III., No. 6.

SCHEDULE B.

Schedule B.—
Form of Con-
veyance.

WHEREAS, a sum of _____ was, in the month _____
of _____, One thousand Eight hundred and _____
, by _____, adjudged to
be paid by _____ as costs of destroying certain
obnoxious Thistles growing on his land, which said sum has not been
paid: AND, WHEREAS, by virtue of the provisions of an Act of the
Provincial Council, Session III., No. 6., the piece of land intended
to be hereby conveyed, was duly set out by _____, and put up
to sale by public auction by _____, at
on _____, at which sale _____, of
attended, and having bid the sum of _____ pounds for the
said piece of land, became the purchaser thereof at that price.

Now KNOW YE, That in consideration of the sum of _____
pounds, to me paid by the said _____ (the receipt
whereof is hereby acknowledged) I, the said
Sheriff for the district, by virtue of the powers in that behalf vested in
me by the said Act of Council, do hereby convey and assure unto the
said _____, all that piece of land, (description of
land)

to hold the same land and premises to the said
and his heirs, free from all claims, charges, and incumbrances
whatsoever.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this Twenty-
ninth day of January, in the year of our
Lord One thousand Eight hundred and
Fifty-six.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand,
this Fourth day of February, One thousand Eight hundred
and Fifty-six.

I. E. FEATHERSTON.
Superintendent.