

and special ; and the neglect or omission to elect members of such Board shall not affect the powers of such Receiver.

4. All the rates within the district that are liable under such mortgage for ^{Rates to vest in} the principal and interest secured thereby, and that are specified in the order of ^{Receiver.} the Judge in that behalf, shall, from the date of such order, vest in the Receiver, and shall cease to be vested in the Board,

5. Every such Receiver shall, before entering on his office, give such security ^{Receiver to give} for the faithful discharge of the duties thereof as the Judge ^{security.} directs.

6. All moneys received by the Receiver shall be applied only under the order ^{Application of money} of a Judge of the Supreme Court, as follows : — ^{by Receiver.}

- (1.) In payment of the expenses of the application and order :
- (2.) In payment of such remuneration to the Receiver, and of such expenses of his office, as the Judge directs :
- (3.) In the payment of the principal and interest of the loan or loans in respect of which the Receiver is appointed :
- (4.) The residue, after payment of the above, in payment into such bank as the Judge directs to the credit of the Board; and the Receiver shall account for all such moneys as the Judge directs,

7. When all the principal and interest of the loan or loans in respect of ^{When loan paid,} which the Receiver was appointed, or at any time by an order of a Judge of the ^{Receiver's powers} Supreme Court upon the application of the Board, the powers of the Receiver ^{to cease..} shall cease and shall revert in the Board, and the Receiver shall forthwith pay any moneys in his hands to the Board, or as the Judge directs.

8. This Act, which shall be read as part of the said Act, shall, ^{Application of this} on the ^{Act.} passing hereof, apply to the West Taieri River Board of Conservators constituted under the said Act, and shall not apply to any other Board constituted under the said Act unless such Board pass a resolution, which shall be published in the *New Zealand Gazette*, declaring that this Act shall apply to such Board.

1881, No. 6.

AN ACT better to provide for the Abatement of the Rabbit Nuisance.

RABBIT NUISANCE.

[19th September, 1881.]

BE IT 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 is " The Rabbit Nuisance Act, 1881."
2. In this Act, if not inconsistent with the context,—
 - "Borough" means a borough constituted under " The Municipal Corporations Act, 1876," and includes Port Chalmers and Winton, in Otago :
 - "Crown lands" means all lands the property of or vested in Her Majesty, and includes public reserves, the property or vested as aforesaid :
 - "Native lands" means all lands held by Natives according to their customs and usages, and includes Native reserves held as aforesaid :
 - "Natives" means aboriginal natives, including half-castes or their descendants by aboriginal natives :
 - "Inspector" means an Inspector appointed under this Act :
 - "Landowner" extends to and includes the owner, the occupier, or the resident agent of the owners of any lands, inclusive of Crown lands and Native lands, situate within a district ; and also includes corporate

Short Title.
Interpretation.

bodies, and bodies of trustees in whom are vested any lands within a district :

“ Holding ” means the land held by a landowner :

“ District ” means a district constituted under this Act :

“ Rate ” means a rate made under and for the purposes of this Act :

“ Public notice ” or “ publicly notified ” means a notice published in some newspaper circulating in the district in which the matter to be notified arises or to which it relates, or, where there is no such newspaper in general circulation, printed placards containing the notice affixed to public places in the district.

RABBIT DISTRICTS.

Districts to be defined.

3. The Governor may from time to time, by Order in Council, constitute and declare any part or parts of the colony, to be defined in such Order in Council, a district for the purposes of this Act by some specific name ; and may, from time to time, alter and redefine or abolish any district ; and also may assign to any district a new name in the place of the name theretofore assigned to any district.

Borough excluded, Specified unoccupied Native lands and Crown lands to be subject to Act.

No part of a borough shall be included in any such district.

4. The Governor shall from time to time, by Order in Council, declare and define the area of Native lands and unoccupied Crown lands respectively in each district which shall be deemed to be subject to the provisions of this Act.

Native lands occupied by Natives shall, for the purposes of this Act, be deemed to be unoccupied Native lands.

Exempted Native lands and Crown lands.

5. All unoccupied Crown lands and Native lands respectively situate within any district, but outside the area to be defined as aforesaid by the Governor, shall be excluded from the operation of this Act.

Appointment of Inspectors.

6. The Governor may from time to time appoint so many persons as he shall think fit to be Inspectors under this Act, and such other officers as he may deem necessary, and from time to time assign any district or part of any district to any Inspector.

Any Inspector may be appointed to act within more districts than one.

Notice of every appointment of an Inspector shall be gazetted, and the *Gazette* containing such notice shall be conclusive evidence that the person, notice of whose appointment is gazetted, has been duly appointed an Inspector,

RATE.

Annual rate may be levied.

7. The Governor may, for the purposes of this Act, levy in each year a rate on all holdings within a district, of not exceeding one farthing per acre :

Provided that for all holdings of one hundred and twenty acres and under, the rate shall be two shillings and sixpence per holding.

Landowners' lists for rating purposes.

8. For the purpose of levying such rate, and forming a landowners' list, the Inspector—

(1.) 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 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 Council and Road Boards within the district shall, upon application being made by the Inspector, furnish a list of all ratepayers within the district, and of the extent of the land in their occupation :

(2.) Shall, not less than thirty days before levying any rate, publicly notify **Notice of rate.**
the place where such list is deposited, the amount of rate intended to
be levied, the time when and the place where such rate is payable,
and the person to whom such rate is to be paid :

9. All rates payable under this Act shall be paid at such times, in such **Rates may be recovered by Inspector.**
manner, and to such persons as may be prescribed by regulations; and any
rate payable as aforesaid shall, in case the same be not paid at the appointed
time, be a debt owing by the landowner to the Crown, and may be sued for
and be recovered by the Inspector in any Court of competent jurisdiction in
the manner provided by "The Rating Act, 1876," for which purpose Inspectors
shall be deemed to be local bodies within the meaning of the said Act.

10. Any person who considers himself aggrieved by reason of the unfairness **Objections to rate.**
or **incorrectness** of any landowners' list, or by reason of the insertion or incor-
rectness of any matter therein, or omission of any matter therefrom, may lodge
a statement in writing of his objection with the Inspector before the expiry
of the thirty days' notice hereinbefore mentioned.

In the absence of any objection in writing, so lodged, the list will be deemed
to be correct.

Any objections which may be lodged shall be determined by the Resident
Magistrate of the district, who shall appoint a place and time for hearing the
same, and whose decision shall be final.

Where there is more than one Resident Magistrate in a district, the Governor
shall declare which of them shall exercise this jurisdiction.

11. The Governor shall by warrant under his hand, from time to time, **Colonial Treasurer to pay composition for Crown and Native lands subject to Act.**
direct the Colonial Treasurer to pay in respect of all unoccupied Crown lands
and Native lands within any district declared to be subject to this Act, such gross
sum as the Governor shall think to be a fair composition in lieu of the amount
for which such lands would be rated under this Act.

And such sums shall be paid by the Colonial Treasurer, from time to time,
out of moneys appropriated for that purpose by the General Assembly, to the
credit of the separate fund. hereinbefore mentioned.

12. Crown lands held or occupied by other persons than Her Majesty, and **Occupier of Crown lands or Native lands liable.**
Native lands held or occupied by other persons than Natives, under lease or other-
wise, shall be **rateable** under this Act, and the tenant or occupier of such lands
respectively shall be liable for such rate as owner under "The Rating Act, 1876."

13. All rates and composition moneys received under this Act shall be paid **Appropriation of rates.**
into the Public Account, and form a separate fund, to be applied exclusively
towards paying the salaries of officers and the general expenses incident to the
administration of this Act ; and such fund shall be operated on only in such
manner as may be prescribed by regulations.

POWERS AND DUTIES OF INSPECTORS.

14. The Inspectors are hereby empowered to do all such acts and things as **Inspectors may take all necessary steps, &c., for destruction of rabbits.**
may appear to them proper and necessary to be done to insure the destruction
of rabbits in the district.

15. The Inspectors shall have full power and authority to enter freely upon **Inspectors to have free entry on Crown and Native lands, and to destroy rabbits thereon.**
all unoccupied Crown lands and Native lands declared by the Governor to be
subject to this Act, and take all necessary steps for destroying any rabbits
running wild thereon ; and the cost incident thereto shall be defrayed out of
such moneys as may be appropriated for the purpose by the General Assembly. **Payment of cost thereof.**

For the purposes of this Act, the Inspectors shall be deemed to be the
owners of such lands respectively : Provided that a general notice of the effect

of this section shall be given to the Native occupiers of any such land before entry is made thereon.

Landowners required to destroy rabbits.

16. If the Inspector 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 Inspector shall by notice in writing, delivered personally or affixed to some conspicuous place upon such lands, require him or his authorized agent on his behalf to do so.

Penalty for neglecting to destroy rabbits.

17. If any landowner, within seven days after receiving from the Inspector notice to destroy the rabbits upon his holding, fails or refuses to take efficient steps to destroy such rabbits, he shall be liable to a penalty of not less than one pound nor more than twenty pounds for each complete period of seven days that he shall so neglect or refuse to destroy such rabbits :

Provided that, if a second conviction for such offence be had against the same landowner within one month, the minimum penalty shall be five pounds in respect of a holding less than five hundred acres, and ten pounds if the holding be five hundred acres or more,

In any proceeding for the recovery of a penalty under this section, the onus of proving his exemption from such penalty shall be upon the defendant.

Inspector may cause rabbits to be destroyed at cost of landowner neglecting to do so.

18. If any such notice as aforesaid be neglected or not complied with, or no satisfactory evidence is adduced that efficient steps are being taken to carry out the purport of the same, then, after ten days from the service of the notice, any person or persons authorized in writing in that behalf by the Inspector may at any reasonable hour enter upon the lands the subject of the notice, and may use all such means and take all such measures as may be necessary for taking or destroying any rabbits which may be found upon such lands.

Over and above any penalty to which he may have rendered himself liable for having so neglected any notice as aforesaid, the landowner shall be liable to the Inspector for the net cost incurred from time to time in the process of destroying such rabbits ; and the amount so due may be recovered by the Inspector in a summary manner.

Entry upon lands to ascertain existence of rabbits.

19. Within any district, the Inspector, and, in any part of the colony not included within any district, any Resident Magistrate upon the application of any Inspector, may respectively by writing under their hands authorize any person at any reasonable hour to enter upon any land, whether enclosed or not, after having given twenty-four hours' notice to the landowner, for the purpose of ascertaining if there are rabbits running at large thereupon, and to use all such means and to take all such measures as may be necessary for destroying any such rabbits as may be found there.

Authorized persons not to be deemed trespassers.

20. No person authorized as aforesaid to enter upon any lands for taking and destroying rabbits thereon 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 :

And any such person may take away and remove from the said lands the said rabbits or any part thereof :

Provided that any person so authorized shall exhibit his 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.

Penalty for obstructing Inspectors, &c.

21. If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Inspector or any person duly employed or authorized by the Inspector in the exercise of any power or authority vested in the Inspector, 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 :

And no proceeding for the recovery of 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.

MISCELLANEOUS.

22. All dogs duly certified by the Inspector as kept solely for the purpose of destroying rabbits shall be exempt from fee or charge on registration under any Act in force within the district. Rabbit-catchers' dogs exempt from tax.

23. If any person shall knowingly and wilfully liberate in any part of the colony any rabbit, the person so offending shall 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. Penalty for liberating live rabbits.

24. The Governor may from time to time, by Order in Council, declare any animals, the importation whereof is not prohibited by any Act in force relating to the protection of animals, to be natural enemies of the rabbit, and by any such order may prescribe that any such animals shall be deemed to be protected under this Act. Animals, being enemies of the rabbit, protected.

25. Any person who shall be convicted of destroying or catching ferrets, weasels, or other such animals as may from time to time be declared to be the natural enemies of the rabbit, without the permission of the landowner upon whose land such animals have been destroyed or caught, and, in the case of Crown lands, without the consent of any Inspector, shall be liable to a penalty not exceeding ten pounds, or in default to imprisonment for any term not exceeding fourteen days. Penalty for destroying animals protected.

26. 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. Offences may be dealt with summarily.

27. In all cases in which no provision or no sufficient provision is, in the opinion of the Governor, made by this Act, the Governor may from time to time, for the purpose of facilitating or more effectually carrying into execution any of the objects of this Act, and for regulating the duties of all persons employed therein, make and prescribe all such regulations, either general or applicable to particular cases or districts, or parts of districts only, as he shall think fit. Governor may make regulations for administration of Act.

All such regulations shall be gazetted, and shall have the force of law at the expiration of fourteen days after such publication.

28. All fines and penalties received under this Act shall be paid into the Public Account, and form part of the Consolidated Fund. Penalties to go to Consolidated Fund.

The Governor shall from time to time prescribe regulations for the due keeping and auditing of accounts of all expenses incident to the administration of this Act, and of the application of all moneys received as rates, or composition in lieu thereof, and for the presentation of the same to the General Assembly when in session. Accounts, &c., to be kept and audited, and submitted to Parliament.

Repeal of "Rabbit Nuisance Act, 1880."

29. "The Rabbit Nuisance Act, 1880," is hereby repealed : Provided that all districts constituted under the said Act shall be deemed to be constituted under this Act ; and the Trustees of such districts shall respectively remain in office until the appointment of Inspectors under this Act for the said districts respectively.

1881, No. 7.

POST OFFICE.

AN ACT to consolidate the Law regulating the Postal Service.

[19th September, 1881.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.

1. The Short Title of this Act is "The Post Office Act, 1881."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Athenaeum," kc.

"Athenaeum," "mechanics' institute," "hospital," "public library," and "lunatic asylum," include all institutions commonly so described ;

In case any doubt shall arise as to whether any institution comes within such description the question shall be decided by the **Postmaster-General** :

"Foreign port."

"Foreign port" means any port not included within the boundaries of New Zealand :

"Letter."

"Letter" includes post letters and packets, post-cards, newspapers, books of every kind, and every packet or paper which by any regulation is directed to be treated as a letter :

"Mail."

"Mail" includes every vessel and conveyance of any kind by which post letters are carried, and any person or animal employed in conveying or delivering post letters :

"Mail-bag."

"Mail-bag" means a mail of letters, or a box or parcel, or any other envelope or covering in which post letters are conveyed, whether it does or does not contain post letters :

"Master."

"Master" of a vessel means the person having or taking the charge or command of a vessel :

"Newspaper exchanges."

"Newspaper exchanges" means newspapers (as hereinafter defined) forwarded from the office of one newspaper to the office of any other newspaper :

"Officer."

"Officer" includes the person for the time being executing the functions of that officer :

"Port."

"Port" includes any harbour, river, or roadstead, being a port of entry, and any other navigable water :

"Postage."

"Postage" means the duty chargeable for the transmission of letters by post :

"Postage label."

"Postage label" means any piece of paper or other substance or material whatsoever having thereon the stamp, mark, or impression of any die, plate, or other instrument made or used by or under the direction of the Postmaster-General for the purpose of denoting or expressing any of the rates or duties of postage to be charged under or by virtue of the Post Office Acts :

"Post letter."

"Post letter" means any letter or packet transmitted by the post, and a letter shall be deemed a post letter from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed ; and the delivery to a letter-carrier or other person