

T A S M A N I A.

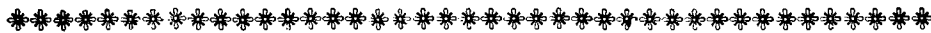


1887.

ANNO QUINQUAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 32.



AN ACT to make better provision for the A.D. 1887.
Destruction of Rabbits. [20 December, 1887.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

- 1 This Act may be cited as “The Rabbits Destruction Act, 1887.” Short title.
- 2 This Act shall come into force and take effect on the First day of *January*, 1888. Commencement of Act.
- 3 In this Act, unless the context otherwise determines— Interpretation.
 - “Crown Land” means Waste Lands of the Crown :
 - “Landholder” shall extend to and include the owner of any property situate within the Rabbit District of the annual value of not less than Ten Pounds, or the occupier of any property situate within the Rabbit District of the annual value of not less than Twenty Pounds :
 - “District” shall mean a District proclaimed a Rabbit District under this Act :
 - “Board” shall mean any Board elected or appointed in or for any Rabbit District under the provisions of this Act :
 - “Occupier” includes the owner of any unoccupied land ; and the following persons shall be deemed to be the “occupier” for the purposes of this Act :—

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- (a) Every person in possession of any Crown Land under any contract for the purchase thereof :
- (b) Every person occupying any Crown Land for pastoral purposes :
- (c) Every person in charge of any land where the occupier of such land shall be absent from *Tasmania* :

“Inspector” means any Inspector appointed by any Board for the purposes of this Act :

“Sheep” includes Rams, Wethers, Ewes, and Lambs :

“Cattle” includes Bull, Ox, Cow, Steer, Heifer, or Calf :

“Horses” include Horse, Mare, Colt, Filly, or Foal :

“Writing” includes printing, or partly writing and partly printing :

“Prescribed” means prescribed by Regulations made under this Act :

Where reference is made to the giving or service of notice, it shall mean service in any one of the following modes :—

- (a) Personally upon the person to whom the notice is addressed :
- (b) By sending the notice to such person through the post addressed to his usual or last known place of abode or business in *Tasmania* :
- (c) If the whereabouts or usual or last known place of abode or business in *Tasmania* of the person to whom such notice is addressed is not known to the Inspector issuing such notice, by inserting the same once in the *Hobart Gazette*, and three times in a newspaper published either in the City of *Hobart* or Town of *Launceston*, and by fixing the notice upon some conspicuous place on the land affected by such notice, or on some public road abutting thereon :

Where the name of an occupier is unknown to any Inspector issuing a notice or suing under this Act, the notice may be addressed to the occupier as such without mentioning his name, and similarly the occupier may be sued by the Inspector or person authorised, and judgment given against him as such, without specifying his name.

Application of Act.

4 Nothing in this Act contained shall apply to *Franklin* Island, but, with the foregoing exception, the powers conferred by this Act may be exercised by any Inspector in any part of *Tasmania*.

Districts to be proclaimed.

5 The Governor in Council is hereby empowered from time to time to declare by Proclamation in the *Gazette* any portion of *Tasmania* described or defined in such Proclamation as and to be a Rabbit District under this Act.

Boundaries may be altered.

6 The Governor in Council shall have power to alter the boundary of any District if he shall think fit, upon the receipt of a petition praying for such alteration of any boundaries, and signed by a majority of the Landholders in such District, unless a counter petition signed by a majority of the Landholders whose lands will be affected by such altered boundary shall be received by him within the time hereinafter

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mentioned. Any petition praying for any alteration of the boundary of any District shall be published in the *Gazette*, and once in a newspaper published nearest to such District; and if, within Thirty days from the last publication of such notice no counter petition shall have been received, then the Governor in Council may forthwith proclaim the District with the new boundaries defined. A.D. 1887.

7 In every District the Landholders shall elect annually a Board consisting of Seven Members from among such Landholders; and when any District is proclaimed by the Governor in Council for the purposes of this Act, the Governor shall in such Proclamation direct that, at a time and place therein named, there shall be held within the said District a meeting of the Landholders for the purpose of electing from amongst such Landholders Seven persons as and to be the Board of such District for the purposes of this Act; and such election shall be held accordingly. Landholders to elect Board.

All subsequent Elections of any Board shall be held in the month of *February* in every year, and retiring Members shall at all times be eligible for re-election.

8 The voting at all elections shall be by ballot, and the election shall be otherwise conducted as the meeting shall determine. Voting by ballot.

9 All elections subsequent to the first election of any Board in any District shall be conducted as hereinbefore prescribed, except that it shall be the duty of the Board through its Chairman to convene the meeting of Landholders for the election of Members, by giving not less than Seven days' public notice in the District of the time and place at which such meeting shall be held. Subsequent elections of Members.

10 Any Four Members of the Board shall constitute a quorum for the transaction of business; and all questions considered at any meeting shall be decided by a majority of the votes of the Members present; and if there is an equal division of votes upon any question it shall be deemed to be lost. Quorum.
All questions decided by a majority.

11 If prior to the Fifteenth day of *February* in any year any Board shall fail to convene as aforesaid the Annual Meeting of Landholders for the election of Members, it shall be lawful for any Seven Landholders of the District to convene a meeting for the election of a Board by giving a similar notice of the time and place at which such meeting shall be held as is hereinbefore directed to be given of meetings to be convened by the Board; and in case no election of Members is held in any year in manner herein directed, the Members then in office shall continue in office until the day which is fixed in the month of *February* in the succeeding year for the Annual Meeting of Landholders, or until the election of new Members, and so from time to time. Landholders may convene meeting if Board fails to do so.

12—(1.) If within the time fixed by any such Proclamation as aforesaid for the election of a Board in any District, no such Board shall have been elected, it shall be lawful for the Governor in Council to extend the time during which such election may be held, or to appoint for such District such Board as he shall see fit to carry out the provisions of this Act. If no Board elected, Governor in Council may appoint Board.

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If Board refuse to act, Governor in Council may appoint Board.

Board to appoint officers.

Board may inspect or appoint Inspector.

Payment of officers.

Power of Board to levy a tax.

Returns to be furnished to Chairman of the Board.
39 Vict. No. 20.

Treasurer to open a banking account, and submit accounts for audit.

Governor in Council may authorise additional tax.

Contribution not paid in time.

(2.) If any Board elected for any District shall neglect or refuse to carry out the provisions of this Act, it shall be lawful for the Governor in Council to appoint such Board as he shall see fit to carry out the provisions of this Act in such District.

13 Every Board at their first meeting after election shall appoint a Chairman, a Secretary, a Collector, and a Treasurer, and shall have power within their own District to do all things necessary for carrying out the provisions of this Act; and in the absence of the Chairman from any meeting of the Board the Members present shall elect a Chairman from those present, who shall preside at such meeting.

14 Every Board shall in their collective capacity, or by delegating their powers to one or more of their members, exercise any or all of the functions of an Inspector as hereinafter provided; and may, as often and for such period as they may deem necessary, appoint an Inspector or Inspectors for their own District; and the Chief Inspector of Sheep shall be the Chief Inspector for the purposes of this Act.

15 No member of the Board shall receive any payment for his services; but an Inspector or Collector, not being a Member of the Board, may be paid, out of the moneys at the disposal of the Board, such salary or allowance as the Board shall determine.

16 Every Board shall have the power to levy annually a tax not exceeding one Half-penny for every sheep, and Two pence per head for all horses and cattle in the District, and every owner of such sheep or horses or cattle shall pay such tax to the Collector of the Board, who shall pay it over to the Treasurer of the Board; and such tax shall be payable on the First day of *March* in every year.

Provided, that no owner of less than Three head of horses or cattle shall be liable to pay the tax imposed on horses and cattle.

17 The returns delivered to the Chief Inspector of Sheep under Section Thirteen of "The Scab Act, 1875," shall, notwithstanding anything to the contrary in that Act, include the number of horses and cattle in the possession of the persons making such return on the First day of *January* in each year. Such returns shall hereafter be in the form of Schedule 1, and shall be available to the Board for the purpose of assessing the tax under this Act.

18 The Treasurer of every Board shall open a banking account, and shall submit all his accounts to the inspection of the Government Auditor as often as he shall be required to do so.

19 If at any time the Fund raised by the Board per annum should prove insufficient to defray all lawful charges thereon, it shall be lawful for the Governor in Council, on the petition of the Board, to authorise the levy of an additional tax, not exceeding one Half-penny for every sheep, and Two Pence per head for every horse and head of cattle as aforesaid, for the purpose of making good the amount of such deficiency.

20 Every occupier who omits to pay the contribution due from him within Two months after the same becomes due in any year, shall pay an additional amount equal to one-fourth part of such contribution; and

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if any occupier after the expiration of the said Two months omits or refuses to pay the contribution payable by him, then it shall be lawful for any Collector to sue for and recover such contribution, together with such additional amount, at any time not being more than One year after the time when such contribution should have been paid.

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21 Any Inspector, or any person authorised as aforesaid by the Board, may from time to time at all reasonable hours enter upon the lands of any person for the purpose of seeing whether there are rabbits on such land, and shall have free right of ingress, egress, and regress into, over, and across such land for such purpose.

Power of entry
on private land.

22 Any Inspector, or any person authorised in writing by any Board, may from time to time at all reasonable hours enter upon any Crown land for the purpose of seeing whether there are rabbits on such Crown land, and shall have free right of ingress, egress, and regress into, over, and across such Crown land for such purpose.

Power of entry
on Crown lands.

23 Any Inspector, or any person so authorised as aforesaid, may from time to time enter upon any Crown land and also upon the roads bounding or intersecting such land, and use all such means and take all such measures, and do and perform all and every such acts and things as may to him appear proper or necessary to ensure the destruction of the rabbits upon such land; and all expenses incurred by the Inspector or any person authorised as aforesaid shall be defrayed out of the Consolidated Revenue Fund: Provided always, that the power hereby conferred of entering upon roads and destroying the rabbits thereon shall not be deemed to authorise the doing of any act which shall in any way permanently injure such road.

Power to destroy
rabbits on Crown
lands.

24 Any duly authorised Inspector may serve or cause to be served upon the occupier of any land on which he believes there are rabbits a notice in writing in the form in the Schedule (2.) or to the like effect, requiring such occupier forthwith to destroy the rabbits on such land; and may take away and remove, if thought expedient, from the said land the said rabbits, or any part thereof.

Inspector may
serve notice on
occupier to destroy
rabbits.

25 If within Fourteen days after the service of such notice such occupier do not commence to do all such acts, deeds, matters and things as may be necessary to destroy the rabbits on the land mentioned in such notice, and having so commenced do not continue such action until such rabbits are destroyed, he shall be liable to a penalty of not less than One Pound and not exceeding Twenty-five Pounds. In any prosecution under this Section the occupier shall be competent to give evidence on his own behalf.

Penalty for
neglect to comply
with notice.

26 If any occupier shall neglect or fail to comply with any notice as aforesaid to destroy rabbits, then, in addition to or in lieu of proceedings for the recovery of a penalty as aforesaid, any Inspector, or any person authorised by the Board, may enter upon the land mentioned in such notice, and use all such means, and take all such measures, and do and perform all and every such acts or things as to him may appear proper or necessary to be done to ensure the destruction of the rabbits upon the land mentioned in such notice; and shall have free right of ingress, egress, and regress into, over, and across such land for such period as may in his opinion be necessary for destroying such rabbits.

In addition to
penalty, Inspector
may enter upon
private land and
destroy rabbits.

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Power to withdraw from lands after entering to clear.

27 If after the expiration of Fourteen days as aforesaid such Inspector or other duly authorised person shall be satisfied that such occupier is doing all such acts, deeds, matters, and things as may be necessary to destroy the rabbits on the land mentioned in such notice, and is continuing such action, such Inspector may from time to time postpone entering upon such land, or, in the event of his having entered upon such land for the purpose of clearing the same of rabbits, may withdraw from such land upon the occupier paying all costs, charges, and expenses incurred by the Inspector up to the time of such withdrawal.

Recovery of expenses incurred by Inspector.

28 Where any such Inspector or duly authorised person shall have incurred any costs, charges, and expenses in taking or destroying the rabbits found upon the lands of any person, the amount of all such costs, charges, and expenses shall be recoverable from such person, with costs, by such Inspector or duly authorised person, in his own name, by action or plaint in any Court of competent jurisdiction.

The amount of all such costs, charges, and expenses shall be ascertained by any Two Justices, who shall sign the same in token of their allowance thereof; and in any proceeding to recover the amount thereof it shall be sufficient to produce the allowance of the same, purporting to be signed by Two or more Justices, and such allowance shall be *prima facie* evidence that the costs, charges, and expenses so allowed were actually and lawfully incurred by such Inspector as aforesaid, and the onus of proving the contrary shall be upon the defendant.

Recovery of expenses where owner or occupier unknown.

29 Where any Inspector or other duly authorised person shall have incurred any costs, charges, and expenses in taking or destroying rabbits upon any land (not being Crown land) the owner or occupier whereof is unknown or cannot be found, such Inspector shall proceed *ex parte*, in manner hereinbefore directed, to recover the amount of such costs, charges, and expenses, and the amount so recovered shall be and remain a charge upon the property in respect of which such amount has been recovered, and payment of such amount may be enforced at any future time as if the then occupier had himself been liable to pay such amount in the first instance; and the production of the receipt for such amount paid by or recovered from any such occupier for any amount due before the commencement of his occupancy shall be a discharge for the amount so paid or recovered in payment of rent to the owner, and such owner shall be entitled to recover from the person who was occupier when such amount became payable the proportion of the amount to which such occupier was liable as money paid to his use.

Occupier, if tenant, may recover proportion of expenses from owner.

30 Where the occupier of any land being the tenant thereof—

Shall have incurred any expenses in destroying the rabbits on such land; or

Shall have paid under this Act any sum of money on account of any costs, charges, and expenses incurred by an Inspector under this Act, or any sum of money on account of any costs, charges, and expenses incurred as aforesaid shall have been recovered from such tenant,

he shall be entitled to recover from his landlord the proportion of such costs, charges, and expenses or sum of money hereinafter specified; that is to say,—

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In the case of a tenancy from year to year, or where the unexpired term of lease shall not exceed One year, Four-fifths of any such costs, charges, and expenses or sum of money : A.D. 1887.

Where such unexpired term exceeds One year but shall not exceed Three years, Three-fifths of any such costs, charges, and expenses or sum of money :

And where such unexpired term exceeds Three years, Two-fifths of any such costs, charges, and expenses or sum of money :

And such occupier shall be entitled to recover from his landlord an amount not exceeding the proportion hereinbefore mentioned of the sum paid by or recovered from him as money paid to the use of the landlord, or the same may be deducted from or set off against the rent then due or thereafter to become due ; and if any dispute shall arise as to the amount which such occupier shall be entitled to recover, such amount shall be ascertained by Two Justices in the mode hereinbefore prescribed in respect of costs, charges, and expenses incurred by an Inspector : Provided that nothing herein contained shall affect the liability of a tenant to his landlord under any agreement for the payment of any sum of money under this Act by the tenant.

31 Where any person in the lawful occupation of any pastoral Crown land shall expend any sum or sums of money in taking or destroying the rabbits being in or upon such land, or such person shall pay to an Inspector any costs, charges, and expenses incurred by such Inspector for the like purpose, or such Inspector shall recover such costs, charges, and expenses from such person, it shall be lawful for the Treasurer, out of the Consolidated Revenue Fund, upon the production to him of such proof of such payment or recovery as the Treasurer may require, to pay to such person one-half of all sums of money expended or paid or recovered from such person as hereinbefore mentioned : Provided that no such occupier shall be entitled to receive or recover any larger sum than he has already paid for rent of such Crown land during the current year. Half expenses incurred by pastoral Crown tenant to be defrayed out of Consolidated Revenue Fund.

32 It shall not be lawful for the Treasurer to pay any moneys under the last preceding Section of this Act unless the accounts furnished by the person applying for the same shall be verified by a statutory declaration made before a Justice of the Peace by such person in the form in the Schedule (3.). Accounts to be verified.

33 The description of any land required to be inserted in any notice hereunder need not define the land referred to therein, but shall be sufficient if it make such reference to the land either by name or by boundaries or otherwise as to allow of no reasonable doubt as to what land is referred to. As to description of lands in notices.

34 All references to land herein or in any notice hereunder shall be deemed to extend to the roads bounding or intersecting such land, and any Inspector or other person having power hereunder to enter upon private land and destroy rabbits thereon shall be deemed to have power to enter upon the roads bounding or intersecting such land, and destroy the rabbits thereon ; Provided always, that the powers hereby conferred of entering upon roads and destroying the rabbits thereon shall not be deemed to authorise the doing of any act which shall in any way permanently injure such road. References to land to include bounding and intersecting roads.

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Inspector, &c.
not deemed
a trespasser.

35 No Inspector or person authorised by the Board shall be deemed a trespasser or be liable for any damage occasioned by him in the exercise of the authorities, powers, and discretion vested in him by this Act or any of them, unless such damage shall have been occasioned by or under the authority of such person otherwise than in the reasonable exercise of the powers conferred upon him by or under this Act: Provided always, that before any poison is laid on the land of any occupier by an Inspector or person authorised, such Inspector or person shall give to the occupier of such land Seven days' notice in writing stating where such poison is to be laid.

Governor in
Council may
declare any
animal to be
natural enemy of
rabbit.

36 The Governor in Council may from time to time, by Proclamation, declare any animal to be a natural enemy of the rabbit, and prohibit, within certain proclaimed districts, the killing or capturing of any such animal without a special permit in that behalf, and may from time to time alter and revoke any such Proclamation.

Penalty for
killing, &c. any
such animal.

37 Any person who shall capture, or sell, or dispose of, or kill any native cat (*Dasyurus viverrimus*), tiger cat (*Dasyurus maculatus*), domestic cat, or the progeny thereof, or any animal proclaimed as aforesaid to be a natural enemy of the rabbit, without a permit signed by an Inspector so to do, or in whose possession or on whose premises any such animal shall be found by any Inspector or by any constable, unless such person shall prove that the animal so killed, sold, or in his possession was lawfully in his possession, or that the same was on his premises without his knowledge or consent, shall be liable to a penalty of not less than Two and not exceeding Ten Pounds. Nothing hereinbefore contained shall apply to any person who kills any wild or domestic cat then being in or upon any building or premises occupied by such person, but proof thereof shall lie upon him.

No penalty for
setting domestic
cats at large in
proclaimed
districts.
42 Vict. No. 24.

38 No person shall be liable to any penalty if such person shall set at large, or attempt to set at large, or be concerned in setting at large in any such proclaimed district as aforesaid, any domestic cat, anything contained in the Twenty-fourth Section of "The Game Protection Act, 1879," to the contrary notwithstanding.

Penalties for
personating
Inspector, &c.

39 Any person who shall falsely represent himself to be or shall personate an Inspector, or a person authorised by an Inspector under this Act, in any manner whatsoever, shall be guilty of a Misdemeanor, and shall on conviction be liable to be imprisoned for any term not exceeding Twelve months, and shall, in addition to such imprisonment, be liable to forfeit and pay a penalty of not less than Twenty Pounds and not exceeding One hundred Pounds.

Obstructing
Inspector, &c.

40 If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, any Inspector, or any person duly employed or authorised by an Inspector under this Act in the exercise of any power or authority vested in an Inspector or any of the persons aforesaid by this Act, or threatens, or assaults, or uses improper or abusive language to any Inspector or any of the persons aforesaid, every person so offending shall for any such offence, if not otherwise specially provided for, forfeit and pay a penalty not exceeding Twenty Pounds: Provided, that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar

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to any action at Law by any Inspector or 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. A.D. 1887.

41 If any Inspector wilfully violates or omits to comply with, or neglects or refuses to enforce any Regulation, he shall be liable to a penalty not exceeding Ten Pounds. Penalty on Inspector for breach of Regulations.

42 The Governor in Council may from time to time make, and from time to time rescind and alter, Regulations for defining the duties of the Chief Inspector, and carrying out the provisions of this Act relating to the destruction of rabbits on Crown lands, and for controlling the expenses of such destruction; and the Governor in Council may, by any Regulation, prescribe a penalty not exceeding Five Pounds for breach of or non-compliance with any such Regulation. Regulations.

All Regulations shall be published in the *Gazette*, and in one newspaper published in *Hobart* and in one newspaper published in *Launceston*, and thereupon shall have the force of Law; and copies thereof shall be laid before both Houses of Parliament forthwith, if sitting, and if not sitting then within Fourteen days after the commencement of the next Session.

43 If any person knowingly sets at large, or attempts to set at large, or is concerned in setting at large any live rabbits, every person so offending shall, for every rabbit so set at large or attempted to be set at large, forfeit and pay a penalty not exceeding Twenty Pounds. Penalty for setting rabbits at large.

44 Any person who shall destroy, injure, alter, or remove any notice signed by an Inspector or person authorised, and placed or exhibited upon any land, or who shall destroy, injure, remove, or interfere with any trap, snare, poison, matter, or thing used or required for the taking or destruction of rabbits which shall be placed upon any such lands by the occupier thereof or by any Inspector or person authorised as aforesaid, shall be liable to a penalty not exceeding Twenty Pounds. Penalty for interfering with notices, &c.

45 Proof that there are on any land burrows showing signs of having been recently used by rabbits, or other signs of the presence of rabbits, shall be deemed to be proof of the existence of rabbits on such land, and proof that such signs are not being diminished on any land shall be *prima facie* evidence that the occupier thereof is neglecting to do all such acts, deeds, matters, and things as are necessary to destroy the rabbits on such land. Proof of existence of rabbits, and of occupier's default.

46 Every occupier of land shall, in the months of *January, April, July, and October* in every year, furnish full and accurate information in writing under the hand of such occupier, in the form in the Schedule (4.) or to the like effect; and any Board may require such occupier to furnish any other information which may be deemed necessary to enable such Board to ascertain if the provisions of this Act have been complied with by the occupier; and any such information furnished to the Board purporting to be signed by any such occupier shall be *prima facie* evidence of the facts therein set forth; and if any occupier fails, neglects, or refuses to comply with the provisions of this Section he shall be liable to a penalty not exceeding Five Pounds. Occupier to furnish information. Schedule.

Every such occupier who wilfully makes any false report under this Section shall be liable to a penalty not exceeding Fifty Pounds.

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Valuation Roll
evidence of
occupation or
ownership.

47 In any proceedings under this Act for any breach of or non-compliance with the provisions thereof, a copy of the *Hobart Gazette* containing any Valuation or Assessment Roll then in force, in which the name of the defendant shall appear as occupier or owner of any land in respect of which such proceedings may be taken, shall, on production only and without any proof, be deemed sufficient *prima facie* evidence that such person was at the time alleged in the information the occupier or owner of such land ; and the onus of proving that he was not at the time alleged such occupier or owner shall in all cases rest on the defendant, who shall be competent and compellable to give evidence in any such proceedings, any Statute or Rule of Law to the contrary notwithstanding.

Offences to be
dealt with sum-
marily.

19 Vict. No. 8.

48 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, determined, and recovered in a summary way in the mode prescribed by *The Magistrates Summary Procedure Act*.

Any information for an offence against this Act may be laid before any Justice of the Peace, and may be heard and determined in any place, whether such place shall be situate within or without the district in which the offence is alleged to have been committed.

47 Vict. No. 7.
48 Vict. No. 1.

The term "District" used in this Section means a District under and for the purposes of "The District Justices Act."

Appeal from
penalties.

19 Vict. No. 10.

49 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act which is recoverable in a summary manner, may, unless otherwise expressly provided, appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

Appropriation of
penalties.

50 All expenses recovered by any Board, and all penalties imposed and recovered under this Act, shall be paid into the Fund of the District in which such expenses were incurred or such penalties were incurred.

No fees payable by
person instituting
proceedings.

51 No fee or fees shall be payable under *The Magistrates Summary Procedure Act* or otherwise by any person in respect of any proceedings instituted by such person against any other person for costs, charges, and expenses or penalties under this Act, or for any breach of or non-compliance with the provisions of this Act.

Persons acting
under Act entitled
to notice of action,
&c.

52 No action shall lie against any person for anything done in pursuance of this Act unless notice in writing of such action, and of the cause thereof, is given to the defendant One month at least before the commencement of the action, and such action is commenced within Three months after the cause of action has accrued ; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence ; and no plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after such action brought, together with the costs incurred up to that time ; and if a verdict passes for the defendant, or if the plaintiff becomes nonsuit or discontinues such action, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by Law in other cases ; and though a verdict is given

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for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Judge before whom the case is tried certifies his approbation of the action and the verdict obtained thereupon. A.D. 1887.

53 The Acts specified in the Schedule (5.) are hereby repealed: Repeal of Acts.
 Provided that such repeal shall not affect—

- i. Anything duly done before this Act comes into force and takes effect :
- ii. Any liability accruing before this Act comes into force and takes effect :
- iii. Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into force and takes effect :
- iv. The institution of any legal proceeding, or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or other punishment as aforesaid.

SCHEDULE

(1.)

THE RABBITS DESTRUCTION ACT, 1887.

Sect. 17.

RETURN of Number of Sheep, Horses, or Cattle by Owner to Chief Inspector or other person duly authorised, to be declared to before a Justice of the Peace.

RETURN of Number of Sheep, Horses, or Cattle owned by the undersigned on the 1st day of *January*, 188 .

Name of Run : Name and Address of Owner and Per- son in charge.	Sheep, with number of each descrip- tion.	Cattle, with number of each descrip- tion.	Horses, with number of each descrip- tion.	Brands and other marks.	Payments, and how made.	Remarks.
	Rams Breeding ewes Lambs Maiden ewes Wethers TOTAL	Bulls Cows Calves Heifers Bullocks and steers TOTAL	Sires Mares Foals Fillies Geldings TOTAL	Sheep Cattle Horses	£ s. d. Gold Notes Cheques Silver Copper P.O.O. Stamps TOTAL	

I, _____ of _____ do hereby solemnly and sincerely declare that the above Return contains a just and true account of the several matters therein set forth, all which matters I conscientiously believe to be true; and I make this declaration under the provisions of "The Statutory Declarations Act, 1837."

Owner.

Taken before me this _____ day of _____ 188

J.P.

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Sect. 24.

(2.)

"THE RABBITS DESTRUCTION ACT, 1887."

Notice to destroy Rabbits.

To [name of occupier to whom addressed] of [address].

Take notice that I, the undersigned, an Inspector under the above Act, hereby require you forthwith to destroy the rabbits upon the following lands [here describe lands].

Dated at this day of 18

[Signature.]

[Designation.]

[Postal address.]

N.B.—Your attention is directed to the Twenty-fifth and Twenty-sixth Sections of the said Act printed on the back hereof.

On neglect or failure to comply with this notice, in addition to the penalties prescribed by these Sections, the destruction of the rabbits upon your land may be effected by the Government at your expense.

Sect. 32.

(3.)

I, _____ of _____ do hereby solemnly and sincerely declare that the sums above mentioned have been actually expended by me for the purposes hereinbefore set forth, all which matters I conscientiously believe to be true; and I make this declaration under the provisions of "The Statutory Declarations Act, 1837."

Taken before me this _____ day of _____ 18

*Occupier.**J.P.*

Sect. 46.

(4.)

REPORT BY OCCUPIER.

REPORT of the persons employed and means used for the destruction of rabbits by _____ of _____ during the Three months ending 31st day of _____ December, [or, as the case may be], 188

1. The number of persons either wholly or partly employed destroying rabbits.

2. How each person carried out work of destroying—

1. Hunting.
2. Trapping.
3. Shooting.
4. Poisoning.
5. Fumigating.
6. Digging out.

3. The time each person has been actually employed destroying rabbits.

4. Number of rabbits known or believed to be destroyed.

5. The poison used.

6. Any other information which it would be advantageous to give or to publish.

*A.B.*Witness—*C.D.*

Sect. 53.

(5.)

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
46 Vict. No. 35	"The Rabbits Destruction Act, 1882."	The whole Act.
47 Vict. No. 15	"The Rabbits Destruction Act, 1883."	The whole Act.
48 Vict. No. 7	"The Rabbits Destruction Act, 1884."	The whole Act.

WILLIAM THOMAS STRUTT,
GOVERNMENT PRINTER, TASMANIA.