

## SUPPLEMENTARY ORDER PAPER.

## HOUSE OF REPRESENTATIVES.

Wednesday, the 6th day of June, 1888.

## CALIFORNIAN THISTLE BILL.

Mr. HUTCHISON, in Committee, to move the following amendments and new clauses:—

To amend both titles by striking out the word "Californian" and inserting in each instance after the word "Thistle," in lines 2 and 6, the words "and other Noxious Growths."

To strike out clause 2 to clause 20, both inclusive, with the view of inserting in lieu thereof the following new clauses:—

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

"Local authority" means the Council or Board having the administration of the affairs of a borough, town, district, county, or road district, and, in respect of all other lands, means the Minister of Lands;

"Noxious growth" means the plants commonly known as the Californian thistle, the Canadian thistle, the variegated and hybrid thistles, and such other growths as may by Order in Council be from time to time declared to be within the operation of this Act;

"Occupier" includes the owner of any land where such land shall not be in actual occupation, and, in respect of land under the control of a River Board, shall mean such Board, and in respect of all Crown and Native lands which are not in actual occupation, and of all lands of which no occupier or owner can be found, means the Minister of Lands.

Service of any notice shall be deemed to be effected if the notice be posted through the post office addressed to the last known address of the person named therein, and if a copy of such notice be fixed to some conspicuous place on the land.

3. If any local authority shall resolve that any noxious growth, then being in any part of the district over which such local authority has control, is detrimental to the general interests of the district, it shall be lawful for such local authority, by notice in writing served on the occupier of the land where such noxious growth shall be, to call upon such occupier to proceed, within one month, to cut down and destroy, and thereafter with all reasonable and proper despatch to eradicate, all such noxious growths as are specified in such notice.

4. Every occupier making wilful default in compliance with such notice shall be liable on conviction to a penalty not exceeding *one pound* per diem during which such default shall continue.

5. It shall be lawful for any local authority, by its officers and servants, at any time after the expiration of a notice to that effect served upon the occupier of any land, not less than twenty-four hours before, to enter upon any land referred to in such notice, but so that every such entry shall be between the hours of eight o'clock in the forenoon and five o'clock in the afternoon, for the purpose of viewing the same, and, in the event of the terms of any notice under the third section of this Act not having, or having only partially, been complied with, to proceed to cut down and destroy, and thereafter, from time to time but always within the hours aforesaid, to return for the purpose of eradicating all such noxious growths as were the subject of such default.

Any person obstructing or in any way interfering with any officer or servant of any local authority acting under the preceding section shall be liable on conviction to a penalty not exceeding *five* pounds.

6. The reasonable expenses incurred by any local authority in cutting down, destroying, or eradicating, as aforesaid, any noxious growth, shall be a debt due by the occupier to such local authority, and may be recovered in any proceedings for a breach of any of the provisions of this Act, or may be sued for separately in any Court of competent jurisdiction.

7. All proceedings for the recovery of penalties hereunder shall be by summary procedure under "The Justices of the Peace Act, 1882."

8. Every person convicted of a breach of any of the provisions of this Act shall have a right of appeal notwithstanding that the penalty or sum ordered to be paid shall not exceed five pounds.

9. Every final order made, and final judgment recovered, under this Act, may be dealt with as if it were a judgment for rates under "The Rating Act, 1882," and for such purpose every local authority in whose favour such order or judgment is made or recovered shall have all the rights of a "local body" under the said Act.

10. The Governor may, by Order in Council, determine that any noxious growth in any district or districts, to be named in such Order, is detrimental to the general interests of such district or districts, and thereupon it shall be the duty of the local authority or authorities forthwith to put in operation the provisions of this Act for the speedy eradication of such noxious growth; and, in the event of any such local authority refusing, or, for any cause whatsoever, neglecting forthwith to put in operation, or of promptly pursuing, the measures hereinbefore mentioned for the destruction and eradication of such noxious growth, then the Minister of Lands shall have and exercise all the powers of such local authority as hereinbefore specified, and every such local authority shall be liable to the Minister of Lands for all expenses incurred in carrying the provisions of this Act as aforesaid into operation.

11. It shall be the duty of the local authority in every district in which any noxious growth shall be declared by its own resolution, or by Order in Council, to be detrimental to the general interests of the district, to cut down, destroy, and eradicate all such noxious growths on all roads and waste places in such district; and, if for any cause whatsoever default shall occur under this section, the Minister of Lands shall have and exercise all the powers under this Act as if such local authority were the occupier of such roads and waste places.

12. Any default which is the subject of a final conviction shall, in the event of the land being held under a lease or any agreement by way of demise, be deemed to be a breach of the implied or any modified covenant by the lessee to keep the demised property in good and tenantable repair; and, in the event of the land being held under any other tenancy, such final conviction shall be deemed to be a ground of forfeiture entitling the landlord to sue for the recovery of possession and for damages as if upon the breach of a covenant to keep the land in good and tenantable repair.

13. Every local authority shall from time to time set apart and contribute out of its funds such sum or sums as may be necessary for the purpose of giving effect to this Act.

14. This Act shall come into operation on the *first* day of *September* next.

CORONERS ACT AMENDMENT BILL.

Mr. Buxton, in Committee, to move the following new clause:

Notwithstanding anything to the contrary in any Act contained, it shall be lawful to hold any inquest upon Sunday whenever, in the opinion of the Coroner or person acting as such, it shall be expedient to hold the same on such day.