

## No. XXIX.

RABBIT.  
—

An Act to repeal the “Rabbit Nuisance Act of 1883”; to extend the jurisdictions of the Land Court and Local Land Boards; to amend the Crown Lands Acts of 1884 and 1889 in certain respects; to provide for the protection of lands devoted to public uses and vacant Crown Lands; to facilitate and encourage the erection of rabbit-proof fencing; to impose certain liabilities on the owners of lands in connection with rabbit-proof fencing already erected or hereafter to be erected; to make further provision for the destruction of rabbits; to impose certain penalties; and to amend the law in other respects. [20th December, 1890.]

**B**E it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the “Rabbit Act of 1890.”

Repeal.

2. The “Rabbit Nuisance Act of 1883” is hereby repealed, but such repeal shall not operate to revive the provisions of the “Pastures and Stock Protection Act” and the “Pastures and Stock Protection Act Amendment Act of 1881” so far as the same relate to rabbits; and all offences, penalties, and obligations heretofore committed and incurred under such “Rabbit Nuisance Act of 1883,” and all proceedings upon or for the levy of any assessment thereunder for the year

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year one thousand eight hundred and ninety or any previous year, may be tried, enforced, and carried to completion as if this Act had not been passed.

3. In this Act, unless the context otherwise requires—

Interpretation.

- “Board” means the Local Land Board of the Land District in which the lands in question are situate as such Board or District is from time to time constituted or defined under the Crown Lands Acts, or any Local Land Board appointed in accordance with the said Acts to act in place of such Board as aforesaid.
  - “Crown Lands Acts” means the “Crown Lands Acts of 1884,” and the “Crown Lands Act of 1889,” and any Act or Acts passed or to be passed for the amendment of the same or either of them.
  - “Governor” means the Governor with the advice of the Executive Council.
  - “Holding” means any land or aggregation of adjoining lands held under any tenure or tenures by the same owner or in his interest, together with all roads intersecting or bounding the same.
  - “Land Court” means the Land Court as constituted under the Crown Lands Acts.
  - “Minister” means the Minister for Lands for the time being, or any other Minister from time to time charged with the administration of this Act.
  - “Owner” means the person registered as the holder of any lease, license, or promise of lease or license from the Crown, or of any conditional purchase, or
    - the person lawfully holding under lease or license any lands reserved or dedicated for public uses or purposes, or
    - the person entitled to any land contracted, or to be contracted, to be granted by the Crown in fee for private purposes, or
    - the person entitled at law to an estate of freehold in possession in any land acquired, or to be acquired (whether by grant from the Crown or otherwise howsoever), for an estate in fee, for private purposes.
  - “Prescribed” means prescribed by this Act or any regulation to be made thereunder.
  - “Public Land” means Crown land not held under lease or license under the Crown Lands Acts or under any other Act authorizing the occupation or use of Crown lands, or
    - any lands reserved or dedicated for public uses or purposes (exclusive of roads), whether held by trustees or not, if such lands are not, for the time being, lawfully held under any lease or license.
  - “Private land” means any land which is not public land, or which is hereinafter expressly referred to as private land.
  - “Road” means a public road so constituted by reservation, proclamation, dedication, or otherwise howsoever.
- The intervention of a road or water-course (not being a permanent river) shall not prevent holdings or lands being held to be “adjoining.”

4. The Land Court and the Local Land Boards shall perform the duties respectively imposed upon it and them under this Act, and the respective jurisdictions of the said Court and of the said Boards are hereby extended accordingly.

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## 5. In all proceedings under this Act—

Powers conferred  
under Land Acts  
may be exercised.

(I) The Land Court and the Local Land Boards and the members and officers thereof shall have and may exercise every power and authority conferred or to be conferred upon it or them for the purposes of the Crown Lands Acts.

Procedure to be  
similar.

(II) The provisions of the said Acts in regulation of the procedure before a Board and upon appeals and references to the Land Court thereunder shall, so far as possible, be applied.

Appeal and  
reference to Land  
Court.

(III) Upon any proceeding being had before a Board, any person, whose interests are affected, may appeal, or the Board may make a reference, to the Land Court in the same manner and subject to the same conditions and provisions, as if such proceeding were a proceeding under the Crown Lands Acts.

Minister may refer  
to the Land Court.

(IV) The Minister may in the prescribed manner and within the prescribed time refer to the Land Court the decision or report of a Board in any case; and may appear before such Court as a party in any case of appeal or reference by counsel, attorney, or agent.

Finality of decisions

(V) If no such appeal or reference to the Land Court be made, the finding, order, or decision of a Board shall for all purposes of this Act be final and conclusive.

Board may award  
costs.

(VI) The Board shall have power to make such order as to the costs of any proceeding before such Board, as to it may seem just.

Minister to be  
responsible for  
public lands.

6. The Minister, by himself or his agents authorized in that behalf, may exercise all such powers and do all such things in respect of any public lands as he may deem to be reasonably necessary for the purposes of this Act, any statute, dedication, reservation, grant, or other act in the law to the contrary notwithstanding. And the same rights and liabilities as are by this Act conferred and imposed on any owner of a holding shall, subject to the provisions hereinafter contained, be conferred and imposed on the Minister in connection with all such public lands.

Expenditure by the  
Minister.

7. Out of any moneys made available by Parliament for the purposes of this Act the Minister shall have power from time to time to pay any contributions or other sums which under this Act he may be liable to pay, and to expend such amounts as may be required for the purpose of making any public lands rabbit-proof, or of destroying the rabbits on any such lands.

Suits by the  
Minister.

8. No suit, action, or other proceeding by or against the Minister in accordance with this Act shall be prejudiced or suspended, or abate, or require amendment merely because after the commencement thereof such Minister may have gone out of office, or because another Minister may have been appointed, or the office may, for the time being, be vacant; any such suit, action, or other proceeding may be brought by or against the Minister as such and by his official designation.

Railway Com-  
missioners to be  
responsible for lands  
vested in them.

9. For the purposes of this Act any lands vested or to be vested in the Railway Commissioners, for an estate in fee simple, shall be deemed to be private lands, and the said Commissioners shall, in respect thereof, be competent and liable to do and suffer all such acts and things as any owner of private lands is competent or liable to do or suffer under the provisions of this Act.

Lands acquired  
under private Acts to  
be private lands.

10. Any lands vested or taken, or to be vested or taken, in or by any person or persons, in virtue, or under the authority, of any private Act, shall be deemed to be private lands, and such person or persons, and his or their lawful assigns, shall, in respect thereof, be competent

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competent and liable to do and suffer all such acts and things as any owner of private lands is competent or liable to do or suffer under the provisions of this Act.

11. It shall be lawful for the Minister, for his information or guidance, to refer to the Board any question as to the proposed inclusion of public lands within a group of holdings as hereinafter provided, or as to any other matter necessary or proper to be determined for the administration of this Act; and such Board shall hear, examine, and report thereon to the Minister. Minister may refer to Board matters for report.

*Infested Districts.*

12. It shall be lawful for the Governor after thirty days notice in the *Gazette*, and in some local newspaper circulating in the district, of his intention to do so by proclamation in the *Gazette*, to declare any one or more Land Districts, or portion or portions thereof, which may in his opinion be over-run, or in danger of being over-run, by rabbits, to be rabbit-infested, and upon such proclamation the provisions hereinafter contained, as to rabbit-proof fences, shall become applicable to all lands situate therein. Provided that any such proclamation may in like manner be modified or revoked. Notification of infested districts.

13. For the purposes of this Act—

- (i) A rabbit-proof fence shall mean a substantial fence, hung with galvanized wire netting of a maximum mesh of one and a five-eighth inches, minimum width of thirty-six inches, with the wire of a minimum gauge of seventeen, or such other fence as the Local Land Board may sanction, and furnished with suitable gates and other appliances at necessary places where it crosses roads, water-courses, or public lands; the dimensions of such fences, the height above ground and the depth under ground of such fences and of the nettings attached thereto, and all other details in connection therewith, shall be as prescribed by regulations to be made under this Act: Provided always that any fence made before the passing of this Act, shall be taken to be a rabbit-proof fence within the meaning of this Act, if, in the opinion of the Board, it is reasonably sufficient for the purpose of excluding rabbits; or in any case where any repairs or modifications are, in the opinion of the Board, required to make any such fence reasonably sufficient for such purpose, the same shall be taken to be a rabbit-proof fence upon the effecting of such repairs or modifications. Rabbit-proof fences.
- (ii) Any holding or land shall be deemed to be rabbit-proof when the lines which were or are the actual, reputed, or accepted boundaries thereof, or any lines, which in the opinion of the Board were or are sufficiently approximate to such boundaries, have or shall be fenced with a rabbit-proof fence.

14. When any Crown Lands containing a rabbit-proof fence or portion thereof shall become the subject of any purchase or lease from the Crown, payment for such rabbit-proof fence or portion thereof shall be made in accordance with the provisions of the Crown Lands Acts; but this enactment shall be subject to the following qualifications:— Rabbit-proof fence to be an improvement.

- (i) Where any holding or group of holdings has been or shall be made rabbit-proof, the rabbit-proof fence shall be deemed to be an improvement distributed over the whole enclosed area of such holding or group of holdings (exclusive of any roads), so that every portion of such area shall be taken to be proportionately improved thereby.

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- (II) The amount so distributed in respect of the improvement shall, in all cases, be limited to one-half of the value of making the fence rabbit-proof. Provided always that if any portion of such rabbit-proof fence is upon or adjoining any land which becomes the subject of any purchase or lease from the Crown the purchaser or lessee thereof shall also be liable in respect of the fence itself.
- (III) No portion of the value of any rabbit-proof fence erected as a barrier fence at the public expense shall be deemed to be distributed in accordance with this section.

Notice of intention  
to fence occupation  
license or annual  
lease.

15. Any owner, whose holding consists wholly or in part of Crown Lands held under occupation license or annual lease, may give notice in the prescribed form to the Chairman of the Board that he intends to make such holding rabbit-proof; and in any case where notice as aforesaid shall have been given, and such holding shall have been made rabbit-proof in accordance with the terms thereof, such holding shall be deemed to have been made rabbit-proof as from the date of such notice, so far as regards the amount payable for improvements under this Act in connection with any lands, which may be withdrawn from the occupation license or annual lease by becoming the subject of any purchase or lease from the Crown after the date of such notice. Provided always, that the rabbit-proof fence shall be completed within one year from the date of such notice or within such further time as the Board on application may allow; and that the liability to pay any moneys under this Act in respect of such rabbit-proofing or any portion thereof shall be suspended, until such fence shall have been completed, or until the prescribed notice has been given to the Chairman that the intention to complete the same has been abandoned.

Notice of intention  
to bring occupation  
license or annual  
lease within a group.

16. The provisions of the last preceding section shall apply in cases where it is intended to include the lands held under occupation license or annual lease within a group.

Groups of holdings.

17. When any two or more owners of adjoining holdings shall enclose the whole or any portion or portions of such holdings with a continuous ring fence so that the same shall thereby be made rabbit-proof, the lands so enclosed belonging to such owners shall be grouped within the meaning of this Act, and the following provisions shall be applicable thereto—

- (I) Grouped lands shall be deemed to be a single holding so far as regards any contribution towards the cost or maintenance and repair of rabbit-proof fencing, payable under the provisions hereinafter contained, by or to the owners of adjoining holdings outside the group.
- (II) The liabilities of such owners as between themselves, in respect of sums expended or to be expended for the erection or repair of the ring fence, or of amounts paid or to be paid as contributions towards the cost or maintenance of any portion of such fence, shall in any case of dispute be apportioned by the Board in accordance with the respective areas of the holdings of such owners; and the amount declared by the Board to be payable by any such owner shall be a charge equally distributed over and upon all lands within his holding, and a purchaser of such holding or any portion thereof shall be bound to inquire as to the existence of any such charge.
- (III) The majority in number of the owners whose lands may for the time being constitute a group may, from time to time, by an instrument in the prescribed form, appoint any person to be the secretary of the group; and proceedings may

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may be taken by or against the secretary for the time being of a group, as nominal plaintiff or defendant representing all the owners of all grouped lands.

- (iv) If any part of a holding within a group shall be withdrawn from such holding, by reason of its becoming the subject of any purchase or lease from the Crown, or by reason of such holding being subdivided, the new holding created by such purchase, lease, or subdivision shall be a holding within, and forming part of, the group.
- (v) If any part or parts of a holding shall after such holding has been made rabbit-proof, be withdrawn therefrom by becoming the subject of any purchase or lease from the Crown, the new holding or holdings created by such purchase or lease shall form a group with the residue of the original holding.
- (vi) A holding shall not cease to form part of a group, by reason only of any change of ownership in respect of such holding or of any other holding within such group; but any owner may, with the permission of the Board and subject to any conditions which it may impose, detach his holding from the group of which it formed part if the boundaries of such holding shall have been made rabbit-proof.
- (vii) The Minister shall have power to agree that any public lands shall be included within a group.
- (viii) Any existing fence or portion thereof may be adopted so as to form part of the ring fence of any group: Provided always that any owner or part owner of such fence or portion, whose holding shall thereby be made part of the group, shall consent thereto.
- (ix) If at any time it be made to appear to the Board that a group of holdings is too large to allow the work of destroying rabbits being satisfactorily performed, and that the owners holding not less than one-half of the grouped lands desire that such group of holdings should be subdivided, it shall be lawful for the Board to authorize the subdivision of such group, and to determine the line or lines of subdivision. And the subdivision rabbit-proof fence or fences shall, in all respects, be dealt with as if the same formed part of the ring fence of such group.

18. When any lands in any proclaimed infested district are intersected, divided, or bounded by a road or travelling stock reserve or route or public lands, the Board may grant to the owner of such lands permission to carry a rabbit-proof fence across such road, reserve, route, or public lands: Provided always that rabbit-proof gates be erected at places where the fence crosses such road or route, unless the Board shall in any case dispense for the time being with the erection of the same. Any permission or dispensation granted under this section may be revoked by the Board upon reference by the Minister or application by any person interested.

Rabbit-proof fence may cross road.

19. The Minister may, by notification in the *Gazette* and in the local newspaper, declare any gate in a rabbit-proof fence (whether it be in a fence enclosing, dividing, or subdividing a holding or group of holdings) to be a public gate within the meaning of the Act thirty-nine Victoria number ten: Provided always that the words "public gate" have been painted thereon, as in the said Act provided.

Rabbit-proof gate may be declared a public gate.

20. When the boundaries of any holding or any portion of such boundaries shall have been made rabbit-proof, the owner of such holding shall be entitled to serve notice of demand and thereafter to enforce from the owner of any outside holding or lands (whether public or private) adjoining the rabbit-proof fence a contribution of one-half

Contributions towards the cost and maintenance of rabbit-proof fence.

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one-half the cost of making such boundaries rabbit-proof, and an annual contribution of one-half the cost of the maintenance and repair of the rabbit-proof fence, subject to the following provisions:—

- (I) Any contribution under this section shall only be payable in respect of so much of such fence as forms a common boundary-fence.
- (II) Any such contribution shall not be payable by the Minister in respect of a fence to be erected after the passing of this Act unless particulars of the proposed fence shall have been given to the Minister and he shall have approved of the erection of the same as proposed.
- (III) Nothing in the Crown Lands Acts shall relieve or exempt any owner from the liability to pay contributions under this Act; and the previous payment under the Crown Lands Acts or the Act nine George the Fourth number twelve of a contribution towards the cost of a fence which was not originally made rabbit-proof shall not prejudice any claim for a contribution towards the cost of making the same rabbit-proof.
- (IV) Any unpaid contribution or portion thereof shall, after the amount of such contribution has been assessed and determined by the Board, be a charge upon the holding in respect of which the same is payable, and a purchaser of such holding shall be bound to inquire as to the existence of any such charge.
- (V) No contribution shall be payable in any case where the Board shall be of opinion that a boundary fence has been made rabbit-proof not *bonâ fide* for the purpose of destroying or excluding rabbits.

Similar contributions payable for fences already erected.

Person not coming within group not entitled to contribution.

Board to determine amounts and settle disputes.

Power to raise money by mortgage.

21. The provisions of the last preceding section shall extend and apply to rabbit-proof fences erected, and to fences made rabbit-proof, before the passing of this Act.

22. When the external boundaries of any holding or group of holdings have already been, or shall hereafter be, made rabbit-proof, the owner or owners thereof shall not be liable to contribute towards the cost of erecting or maintaining and repairing a rabbit-proof fence round any holding or land situate within such external boundaries as aforesaid, or towards the cost of making any existing fence round such holding or land rabbit-proof.

23. The Board, upon application, shall assess and determine the amounts payable as contributions or otherwise under the provisions of this Act, and fix the periods within which and instalments by which the same are to be paid; and in all cases of dispute in reference to the erection or maintenance and repair of a rabbit-proof fence, the Board shall, on application by any person who is or will become liable to pay any contribution or other sum in respect of such fence, determine all questions in dispute, and make any order necessary or incident to the settlement thereof; and any such order shall be a sufficient authority and justification for entering upon any lands affected or protected, or to be affected or protected, by such fence, and doing such acts as may be necessary for carrying the same into effect.

24. It shall be lawful for any owner of a holding who holds the same as mortgagee to add to the mortgage debt any sums expended by, or recovered from, him for the erection or repair, or as a contribution towards the cost of the erection or repair of any rabbit-proof fence upon, near, or for the benefit of such holding; and it shall be lawful for any trustee of a holding to raise the sums required or recovered for any such purpose by mortgage of such holding, in the same way as if a power to mortgage had been contained in the instrument creating or declaring the trusts thereof.

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25. It shall be lawful for the Minister to serve notice of demand and thereafter to enforce from the owner of any holding, or the owners of any adjoining holdings, along any portion of the actual reputed or accepted boundary whereof a barrier fence has already been or shall hereafter be made or erected, the cost of the maintenance and repair of such barrier fence, in the same way as if the same were a rabbit-proof fence erected in accordance with this Act: Provided always that the Minister shall not be liable as a contributory in respect of any such fence. For the purposes of this section a barrier fence shall mean a rabbit-proof fence erected or made rabbit-proof at the public expense for the protection of any portion of New South Wales from the incursions of rabbits.

Contributions towards the repair of barrier fences.

*Destruction by owners and natural enemies.*

26. It shall be the duty of every owner and of every occupier of any private lands from time to time to suppress and destroy, by lawful means, and at his own cost, all rabbits which may from time to time be upon such lands, or upon any roads bounding or intersecting the same, or any part thereof.

Duty of occupiers and owners to destroy rabbits.

27. The Governor shall have power from time to time, by proclamation in the *Gazette*, to name a day on and from and after which the aforesaid duty shall in any part of New South Wales described in such proclamation be simultaneously commenced, continued, and performed by every such occupier and every such owner as aforesaid, and any such proclamation shall also be advertised in some newspaper published in the part of New South Wales to which such proclamation may relate.

Simultaneous destruction may be ordered.

28. Any occupier or owner as aforesaid who after the day so named fails to fully and continuously perform such duty as aforesaid to the best of his means and ability shall be liable to a penalty on the first conviction of not less than two nor more than ten pounds, and on the second conviction of not less than five nor more than twenty-five pounds, and on the third or any subsequent conviction of not less than thirty nor more than fifty pounds; and proof that any such duty is not being carried out shall be *prima facie* evidence that the occupier or owner of such lands has failed to fully and continuously perform such duty to the best of his means and ability.

Penalty for default.

Proof of existence of rabbits and of owners' default.

29. In any proceedings for the determination of the rent or license fee payable to the Crown for any Crown Lands, the fact that the carrying capacity, benefit, or profit of such lands has been diminished by reason of the existence of rabbits thereon shall not be taken into consideration or account unless it shall first have been made to appear that the owner of such lands has fully and continuously fulfilled the duty hereinbefore declared to the best of his means and ability.

When deterioration of land by reason of rabbits may be taken into account in determining rent of Crown Lands.

30. For the purpose of destroying or suppressing rabbits, any owner or occupier, at any time during the months of May, June, July, and August, without giving notice to any authority or person of his intention so to do, may, notwithstanding anything in any Act contained, burn or ignite any straw, stubble, grass, herbage, scrub, wood, or other inflammable material on his land, if he shall first have cleared of all inflammable substances a space of not less than twenty feet in breadth round the straw, stubble, grass, herbage, scrub, wood, or other inflammable material intended to be burnt or ignited.

Burning without notice during winter months.

31. The Governor may from time to time by proclamation in the *Gazette* and local newspaper declare any animal, bird, or reptile to be a natural enemy of the rabbit, and prohibit within districts to be specified in such proclamation the wounding, killing, or capturing, selling

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



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selling or disposing of any such animal, bird, or reptile 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.

32. Any person who without lawful authority (the proof of which shall be on the person claiming to have the same) wounds, kills, captures, or sells or disposes of any animal, bird, or reptile declared to be a natural enemy of the rabbit shall be liable to a penalty of not less than two nor more than twenty pounds.

*Provisions as to Inspectors.*

Appointment of  
Inspectors.

33. The Governor may appoint such persons as he may think necessary to be Inspectors under this Act.

Inspector may enter  
and search.

34. Any Inspector or any person authorized in writing by an Inspector may from time to time enter upon any holding or land at any time with or without assistants, dogs, horses, and vehicles in order to search whether any rabbits are on such land, and may remain thereon so long and do all such things as may be reasonable for making such search.

Penalties for  
personating In-  
spectors, &c.

35. Any person who falsely represents himself to be or personates an Inspector or authorized person under this Act in any manner whatsoever shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned with or without hard labour for any period not exceeding six months, or to forfeit and pay a penalty of not more than one hundred pounds, or both.

Penalty for wilfully  
obstructing, &c., any  
Inspector.

36. Any person who wilfully assaults, obstructs, hinders, or interrupts, or causes to be assaulted, obstructed, hindered, or interrupted, any Inspector or any authorized person in the exercise of any power or authority vested in him by this Act, shall for every such offence if not otherwise specially provided for be liable to a penalty not exceeding twenty pounds; and no proceeding for recovery of such penalty nor the payment thereof shall be a bar to any action at law 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.

*General Provisions.*

Penalty for putting  
rabbits over rabbit-  
proof fence, &c.

37. Any person who wilfully carries, drives, or passes any live rabbit through, under, or over any rabbit-proof fence or gate, or who wilfully leaves open any gate in a rabbit-proof fence, or who attempts to do any such act, or procures the same to be done, or who, without lawful authority (the proof of which shall be on the person claiming to have the same), wilfully destroys, injures, depresses, or removes any portion of a rabbit-proof fence or gate, or excavates under, or in any way tampers with, any portion of such fence or gate, so as thereby to enable rabbits to pass through, under, or over it, or who attempts to do any such act, or procures the same to be done, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding six months, or to pay a penalty not exceeding one hundred pounds, or both.

Penalty for malicious  
injury to rabbit-proof  
fence, &c.

38. A rabbit-proof fence or gate, as referred to in the last preceding section, shall mean a fence or gate which serves wholly or in part to exclude rabbits from any land, and it shall be immaterial whether or not such fence or gate is in accordance with the requirements of this Act, or situate in a Land District notified as rabbit-infested.

Meaning of rabbit-  
proof fence in  
previous section.

Penalty for inter-  
fering with traps, &c.

39. Any person who destroys, injures, removes, or interferes with any trap, snare, poison, matter, or thing used or required for the purpose of capturing or destroying of rabbits, which shall have been lawfully placed upon any land for such purpose shall be liable to a penalty not exceeding twenty pounds.

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40. Any person who without lawful authority (the proof of which shall be on the person claiming to have the same) wilfully liberates or has in his possession any live rabbit, or who attempts so to do, shall be liable to a penalty not exceeding one hundred pounds for every such offence. Penalty for keeping, liberating, &c., rabbits.

41. Nothing in this Act contained shall be construed to prohibit any person in any city, town, or village from keeping live rabbits in any cage or similar enclosure with the permission of the Minister first had and obtained. Permission to keep rabbits.

42. Wherever there are more owners than one of any holding, and one of such owners is, under this Act, in any way compelled to pay the cost of destroying the rabbits thereon, or to pay any contribution in respect of a rabbit-proof fence, he may, in any Court of competent jurisdiction, sue for and recover from the other owner or owners of such holding such proportion of such cost or amount as is, in the opinion of the Court, fairly proportionate to the respective interests of the owners in such holding. Apportionment of cost between owners.

43. Any notice given under or for the purposes of this Act may be served in any one of the following ways— Service of notices.

Personally upon the person to whom the notice is addressed.

By registered letter sent through the post and directed to the last known place of abode or of business in New South Wales of the person to whom the notice is addressed.

By inserting the same once in the *Gazette* and three times in some newspaper circulating in the Land District in which the lands the subject of such notice are situate, and by affixing the same upon some conspicuous place on such land or on some public road abutting thereon: Provided that service as last aforesaid shall only be effected when the whereabouts, or the last place of abode or of business in New South Wales, of the person to whom such notice is addressed cannot be discovered by the person issuing such notice.

44. For the purposes of any proceeding under this Act the description of any holding or lands need not be a description by metes and bounds, but shall be sufficient if it make such reference to the holding or land either by name, number of allotment or portion, parish and county, or by boundaries or otherwise, as to allow of no reasonable doubt as to what holding or land is referred to. As to description of lands.

45. Where the name of the owner of any holding is unknown to any person giving notice or taking proceedings before a Board under this Act, any notice required to be given may be addressed to the owner as such without mentioning his name, and any order or decision by the Board may in like manner be made or given against the aforesaid owner as such. Proceedings when owners unknown.

46. In any proceedings under the provisions of this Act, the jurisdiction of the Board, Court, or Justices before whom the proceedings are pending shall not be ousted on the ground that the case raises any question of title to land, or that the defendant does not reside within the boundaries of the jurisdiction of the Board or Court where the proceedings may be commenced. Provided the land in respect of which the case arose is situated within the boundaries of the jurisdiction of such Board or Court. Jurisdiction of Court or Justices not ousted on ground that defence raises question of title.

47. All proceedings for the recovery of penalties or punishment of offences under this Act shall be heard and determined in a summary way before two Justices (one of whom shall be a Police Magistrate), and payment of any penalty incurred hereunder may be enforced by distress and sale of the offender's goods and chattels. Summary recovery of penalties.

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*Moore-street Improvement.*

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Appeal to Quarter  
Sessions.

48. Any person summarily convicted under this Act, may appeal against such conviction to the Court of Quarter Sessions, and the provisions of the "Criminal Law Amendment Act of 1883," in respect of appeals in cases of summary conviction, shall extend and apply to every such appeal.

Regulations.

49. The Governor may make regulations for carrying into full effect the general objects of this Act, and may impose penalties for the breach of any such regulations not exceeding ten pounds, and such regulations shall have the force of law upon being published in the *Gazette* : Provided that a copy of every such regulation shall be laid before both Houses of Parliament within fourteen days from the publication thereof if Parliament be then in Session, or otherwise within fourteen days after the commencement of the next ensuing Session.

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