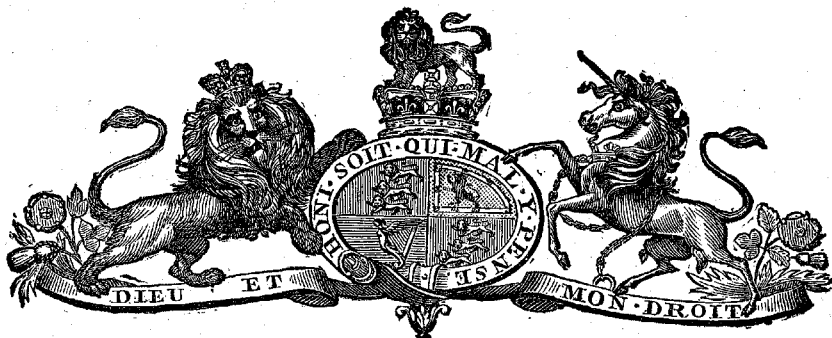


NEW ZEALAND.



TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XLII.

ANALYSIS.

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AN ACT to amend the Law providing for the Protection of certain Animals and for the Encouragement of Acclimatization Societies in New Zealand. Title.
[29th September, 1873.]

WHEREAS it is expedient to amend the law providing for the protection of certain animals and birds, and the increase arising therefrom, and to promote and encourage the efforts of Acclimatization Societies in New Zealand: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New

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Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act shall be "The Protection of Animals Act, 1873," and it shall come into operation on the first day of January, one thousand eight hundred and seventy-four.

Repeal clause.

2. The several Acts specified in the First Schedule hereto are hereby repealed: Provided always that all offences against the said Acts may be prosecuted and punished, and all fines penalties and forfeitures incurred thereunder may be recovered and enforced, and all necessary proceedings may be taken in respect thereof as fully and effectually as if this Act had not been passed.

Interpretation.

3. In the interpretation of this Act, the following words and expressions shall have the meanings hereinafter assigned to them, unless it shall appear from the context that some other meaning ought to be given thereto, that is to say,—

"Province" shall mean any Province in New Zealand, and shall include the County of Westland.

"Superintendent" shall mean the Superintendent, with the advice of his Executive Council (if any) of any such Province for the time being, and shall include the Chairman of the County Council of the County of Westland: But any act done by a Superintendent shall only be of force within the Province for which he shall be such Superintendent.

"Gazette" shall mean the Government Gazette of any Province, as the term "Province" is herein defined.

"Animal" and "bird," when used in this Act, shall be deemed respectively to comprise the animals and birds mentioned in the several Schedules to this Act, and any other animals and birds which shall hereafter be proclaimed to come within the operation of this Act.

"Game" shall be deemed to include all imported animals and birds mentioned in the Fourth Schedule to this Act, and such other imported animals and birds as shall from time to time be proclaimed to come within the provisions of this Act relating to game.

"Native game" shall be deemed to include all native animals and birds mentioned in the Fifth Schedule to this Act, and any other native animals and birds which shall from time to time be proclaimed to come within the provisions of this Act relating to native game.

"Imported," as applied to any bird or animal, shall mean imported into any Province, as the term Province is herein defined, and turned at large, and shall be deemed to include the offspring of such bird or animal, and every bird or animal of like species at large in such Province.

Acclimatization Societies may register their rules.

4. It shall be lawful for any Acclimatization Society to register its rules by depositing a copy of the same, or of any alteration thereof, signed by the chairman of such society, and countersigned by three of the members thereof, in the office of the Superintendent; and immediately after such deposit a notification thereof shall be published in the *Gazette*, and every society so registered shall for the purposes of this Act be deemed to be a duly registered Acclimatization Society.

Rules not to be repugnant to this Act.

5. The rules so to be registered shall not be repugnant to this Act, or to any of the laws relating to the importation or protection of animals or birds for the time being in force in New Zealand.

Property to be vested in chairman of society.

6. For the purposes of this Act, the property in all animals and

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birds for the time being in the possession or under the control of any registered Acclimatization Society shall be deemed to be absolutely vested in the chairman of such society.

7. In case any registered Acclimatization Society shall have turned out at large or shall hereafter turn out at large any animals or birds not indigenous for the purpose of increase, it shall be the duty of such society forthwith to notify the same in one or more newspaper or newspapers circulating within the district in which such animals or birds shall have been or shall hereafter be turned at large, not less than twice in two successive weeks; and it shall be lawful for the Superintendent, by Proclamation published in the *Gazette*, to declare that the property in every such animal or bird so turned at large, and its offspring, and every bird and animal of a like species at large in such district, shall for the purposes of this Act be deemed to be absolutely vested in the chairman of the said society for any period not exceeding three years.

Animals turned out to be vested in the chairman of society.

8. The Superintendent of any Province may, by Proclamation published in the *Gazette*, from time to time proclaim that any animal or bird in addition to those mentioned in the several Schedules to this Act shall come within the operation of this Act, but no indigenous animals or birds shall at any time be deemed to be "game" within the provisions of this Act.

Superintendent may declare that other animals and birds come under operation of this Act.

9. The Superintendent may from time to time, by Proclamation published in the *Gazette*, proclaim that any of the animals or birds mentioned in the several Schedules to this Act, or which may have been proclaimed to come within the provisions of this Act, shall cease to come within the provisions of this Act; and that any of the animals or birds declared by this Act to be game or native game, or which shall hereafter be proclaimed to be game within the provisions of this Act, shall cease to be deemed game or native game within the provisions of this Act.

Superintendent may proclaim that animals or birds cease to come within provisions of this Act.

10. No game shall be hunted shot taken or killed in any Province until the same shall have been proclaimed as open for that purpose by Proclamation in that behalf to be made and published in the *Gazette*; and no game shall be hunted shot taken or killed except within a consecutive period, not exceeding three months of any year, to be fixed by the Superintendent by Proclamation as aforesaid, between the first day of May and the thirty-first day of July both inclusive, in any year, and only between the hours of sunrise and sunset. Such period, when fixed in accordance with this Act, shall be deemed to be the "season" for the purposes of this Act.

Time for killing game.

11. No native game shall be hunted shot taken or killed in any part of the Province, except during such months as may from time to time be proclaimed by the Superintendent, not exceeding four consecutive months in respect of each bird mentioned in the Fifth Schedule.

When native game may be killed.

12. It shall be lawful for the Superintendent from time to time, by Proclamation published in the *Gazette*, to declare that all or any of the provisions of this Act relating to native game shall not be in force in such parts of the Province as he shall in and by such Proclamation define, and from time to time as he may think fit, by Proclamation, in like manner to cancel any such Proclamation.

Superintendent may declare that provisions of Act relating to native game shall not be in force, &c.

13. No imported bird, not being "game," shall be shot taken or killed in any part of any Province, except as hereinafter mentioned, that is to say,—It shall be lawful for the Superintendent, by Proclamation published in the *Gazette*, from time to time to declare that such birds or any of them may be shot taken or killed in such part or parts of the Province as in such Proclamation shall be described; and if any

Imported birds, except game, not to be killed.

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person shall offend against the provisions of this section, he shall be liable to a penalty not exceeding ten pounds.

Superintendent may declare in what part of the Province game may not be killed.

14. It shall be lawful for the Superintendent, by Proclamation published in the *Gazette*, from time to time to declare in which part or parts of the Province game shall not be hunted shot taken or killed, and by such order further to declare the particular species of game which shall not be so hunted shot taken or killed; and it shall be lawful for the Superintendent, by Proclamation published in the *Gazette*, from time to time to declare that any description of imported bird is established in any district, and is to be considered as native game:

Animals and birds not to be trapped.

15. No game shall be poisoned on any account or on any pretence whatever; nor shall any game be trapped or taken by means of traps nets springes or by any other means than hunting or shooting, nor shall any trap net or snare be made erected or set, either wholly or in part, for the purpose of such trapping or taking at any time whatever, except by persons duly authorized, pursuant to section twenty-three of this Act.

Game not to be taken or killed without license under a penalty of £20.

16. No person shall take kill or pursue, or use any dog gun net or other engine for the purpose of taking killing or pursuing, any game until such person shall have taken out a license to kill game under this Act, and paid the duty hereby made payable thereon; and if any person shall offend against the provisions of this section, he shall be liable to a penalty not exceeding twenty pounds.

Form of license and license fee.

17. Every license to take kill or pursue game shall be in the form in the Second Schedule to this Act, and shall be issued by the Superintendent of the Province in which the person requiring the same shall reside or desire to exercise such license, upon payment of such sum not exceeding fifty shillings as may be fixed from time to time by the Superintendent by notification in the Provincial Government *Gazette*, to the Treasurer of such Province, and shall be signed by the Superintendent or Treasurer, and dated on the day when the same was actually issued, and shall be in force during the period specified in the license: Provided, however, that nothing herein contained shall prevent any person in *bona fide* occupation of any land not being waste lands of the Crown, or some one person appointed by him, from pursuing taking or killing game, within the periods allowed by this Act, or subject any such person to any penalty for so doing.

No person to sell game unless licensed under this Act.

18. No person shall sell game until he shall have taken out a license, which shall be in the form of the Third Schedule to this Act, and be signed by the Superintendent or Treasurer of the Province, and such license shall be in force for a period ending on the seventh day after the close of any season fixed by this Act, or under the powers herein contained; and the person requiring the same shall in respect of every such license or renewal of license pay to the Treasurer of the Province in which such license shall be issued the sum of five pounds; and if any person shall sell any game without having duly taken out and having in force such license as aforesaid, he shall for every such act forfeit and pay the sum of twenty pounds; and it shall be lawful for the holder of every license in the form of the Second Schedule to this Act, to sell game to any person holding a license to sell game in the form of the Third Schedule to this Act, without taking out any additional license to sell game as required in this section. And every person who shall sell, offer for sale or expose for sale, and every holder of a license to sell game who shall have in his possession or shall in any manner dispose of any dead hen pheasant, shall, on conviction, forfeit and pay for every such act a sum not exceeding

Penalty on sale of dead hen pheasant.

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twenty pounds; and if such person hold a license to kill or sell game, such license shall, on conviction, become *ipso facto* void.

19. It shall be lawful for the Superintendent of any Province, in any license to kill game issued under the provisions of this Act, to except from the district over which such license shall extend any lands certified in writing by the chairman of any duly registered Acclimatization Society to be then actually and lawfully used by such society for the purposes of the same; and any person hunting or killing or taking any game upon any lands so excepted shall be deemed to be an unlicensed person within the provisions of this Act.

Superintendent may except certain districts over which licenses shall extend.

20. Any person who shall unlawfully take and destroy, or wilfully destroy, the eggs of any game birds, shall be liable to a penalty not exceeding five pounds.

Penalty for destroying eggs.

21. Nothing in this Act shall prevent the owner of any animal or bird coming within the provisions of this Act, except those enumerated in section twenty-eight of this Act, from keeping the same in confinement or in a domesticated state, or from offering for sale or selling, or from killing or taking any such animal or bird so kept in confinement or in a domesticated state, and it shall be lawful for any person to buy or offer to buy any such animal or bird.

Game kept in confinement may be killed.

22. No person shall sell or offer for sale, or buy or offer to buy, any game or native game, except during the months within which it shall be lawful to take or kill game or native game, as the case may be, or, as respects any game, within the period of seven days after the close of the season fixed under the provisions hereof; and any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds.

When animals or birds may be sold.

23. It shall be lawful for the Superintendent, by writing under his hand, to authorize any person, or the servants of any such person, to catch or take any such animals or birds, or the eggs of any such birds, for the purpose of distributing changing or turning out the same in some other country or part of the Colony: Provided that nothing herein contained shall be deemed to authorize any person or persons to commit a trespass; and provided further that no person or persons shall be deemed to be so authorized to catch or to take, or shall catch or take, any animals or birds or the eggs of such birds, unless he or they can show a license so to do under the hand of the Superintendent; and no such license shall in any case have any force or effect for a longer period than twelve calendar months from the date of such license.

Superintendent may cause animals &c. to be taken.

24. The Superintendent may in like manner authorize any such person, or his servants or others by his direction or permission, to kill or destroy any animal which is in his opinion calculated to become injurious to the owner of any property, or any male pheasants which shall be on the property of such person, upon reasonable evidence to the satisfaction of the Superintendent that such male pheasants are in excess of the requirements of such applicant for breeding purposes.

Superintendent may authorize destruction of male birds in certain cases.

25. No person shall have in his possession, except as hereinafter provided, any game or native game, except during the months hereinbefore respectively specified, without lawful excuse, the proof whereof to be on the party charged; and such game or native game found in the possession of any person shall be presumed to have been taken or killed by such person contrary to the provisions of this Act, until proof to the contrary be given by such person.

Persons not to have in possession any such animals or birds.

26. If any person whatever shall at any time commit any trespass by entering or being upon any land in the search or pursuit of game, or native game, such person shall, on conviction thereof before two Justices of the Peace, forfeit and pay such sum of money, not

Trespasser in pursuit of game liable to penalty.

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exceeding twenty pounds, as to such Justices shall seem meet: Provided always that any person charged with any such trespass shall be at liberty to prove by way of defence any matter which would have been a defence to an action at law for such trespass.

Trespassing with
dog or gun.

27. Any person found trespassing with gun or dog and gun shall *prima facie* be deemed to be in pursuit of game, and subject to the provisions of this Act.

Certain animals or
birds not to be
introduced.

28. It shall not be lawful for any person to introduce any fox venomous reptile hawk vulture or other bird of prey into the Colony, or to liberate or allow to go at large any fox venomous reptile hawk vulture or other bird of prey which may have already been introduced, or to have any fox venomous reptile hawk vulture or other bird of prey not indigenous to the Colony in his possession; and every person offending against the provisions of this section shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty not exceeding one hundred pounds, and in default of payment to be imprisoned for a period of not more than six months.

Who may demand
production of license.

29. It shall be the duty of every person in pursuit of game to produce his license to any authorized person demanding such production, and the term "authorized person" shall include all magistrates and constables and all rangers appointed under this Act, and the proprietors or occupier of the land on which any person may be found in pursuit of game, and all holders of licenses issued under this Act; and any such person in pursuit of game or native game who shall refuse or neglect so to produce such license or to give his name or place of residence or address, or give a false name or place of residence or address, shall be liable to a penalty not exceeding twenty pounds.

Persons not to use
swivel guns.

30. No person shall kill or destroy any game or native game, or shoot at or attempt to shoot at any game or native game, with an instrument known as a swivel gun; and if any person shall offend against this provision he shall forfeit and pay a penalty not exceeding ten pounds, besides any other penalty he may have incurred.

Penalty.

Rangers may be
appointed.

31. It shall be lawful for the Superintendent from time to time to appoint one or more fit and proper persons to be and be styled rangers, whose duty it shall be to observe and take care that the provisions of this Act be complied with in the Province or district for which they may be appointed, and to lay informations against such persons as may offend against the same, and any such ranger to discharge such duties as the Superintendent shall think fit.

Application of fees
and fines.

32. All fees for licenses fines and penalties arising and which may be received and recovered by virtue of the provisions of this Act, shall, except as hereinafter provided, be applied in the first instance in or towards defraying the salaries and expenses of the ranger or rangers to be appointed as aforesaid, and any other expenses of carrying into effect the provisions of this Act; and subject thereto the balance (if any) shall be handed to the Treasurer of some Acclimatization Society (if any) in the Province in which such fees or fines shall have been paid or recovered, for the purposes of such society, and if there shall be no such society, shall be paid into the Provincial Treasury, and form part of the revenue of such Province.

Penalties, how
recoverable.

33. All penalties created by this Act shall be recoverable in the manner directed by any Act for the time being in force for the regulation of summary proceedings before Justices of the Peace; and any offence against any of the provisions of this Act for which no punishment is herein specially provided, shall be punished, on conviction before a Resident Magistrate or Justice of the Peace, by a fine not exceeding twenty pounds, and one-half of any fine recovered

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under this Act shall be paid to the person or persons who shall be instrumental in procuring any such conviction, in such proportion as the convicting Resident Magistrate or Justice shall specify.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Date and No. of Act.	Short Title.	Extent of Repeal.
31 Vict., No. 35	"The Protection of Animals Act, 1867"	The whole.
32 Vict., No. 69	"The Protection of Animals Act Amendment Act, 1868"	The whole.
36 Vict., No. 16	"The Protection of Animals Act, 1872"	The whole.

SECOND SCHEDULE.

LICENSE TO KILL GAME.

[Name in full] of [Residence and description of person licensed], having this day paid the sum of _____, pursuant to "The Protection of Animals Act, 1873," is hereby licensed to kill game within the Province of _____ during the shooting season 18 _____.

Dated at _____, the _____ day of _____, 18 _____.

Signed _____

THIRD SCHEDULE.

LICENSE TO SELL GAME.

[Name in full] of [Residence and description of person licensed], having this day paid the sum of five pounds (£5), pursuant to "The Protection of Animals Act, 1873," is hereby licensed to sell game within the Province of _____ during the months of _____.

Dated at _____, the _____ day of _____, 18 _____.

FOURTH SCHEDULE.

Pheasants.
Partridges.
Grouse.
Black Game.
Ptarmigan.

Quails.
Snipe.
Plover.
Swans.
Hares.

Antelope.
Deer.
Imported Wild Duck
of any species.

FIFTH SCHEDULE.

Wild Duck of any species.
Bittern.
Pied Stilt Plover.
Wild Geese.
Dotterell.
Tui.

Native Pigeon.
Teal.
Black Stilt Plover.
Curlew.
Quail.

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