

"(5.) That on the 26th day of February last the said Inspector served on the said George Ross a notice under section 8 of 'The Rabbit Nuisance Act, 1882; but he did not serve any such notice on any of the owners or occupiers of land adjoining the said George Ross.

"(6.) That the said George Ross attempted to comply with such notice by putting on his sons to destroy the rabbits on his said farm by trapping, shooting, and killing with dogs, and continued to so destroy the rabbits during the month of March; but, on account of the occupiers of the adjoining lands not taking any steps to destroy the rabbits on their lands, he was unable to effect the complete destruction of the rabbits without the aid of poison.

"(7.) That on the 2nd April last the Inspector visited the said land of the said George Ross and saw the said George Ross there; and on that occasion the said George Ross informed the Inspector that he had been attempting to destroy the rabbits in the manner aforesaid, but that he could not do so effectually, for the reason aforesaid, and that he would commence to poison the rabbits as soon as his threshing was over; but the Inspector very strongly urged him not to commence poisoning until the month of June, when it could be conducted uniformly over the district.

"(8.) That the Inspector did not communicate with the said George Ross in any manner whatsoever until the 23rd April last, when he wrote him stating that he had put his said land under the operation of section 11 of 'The Rabbit Nuisance Act, 1882.'

"(9.) That on the 24th April last the Inspector put one John Bell on the said land belonging to the said George Ross to destroy the rabbits on the said land, in pursuance of the power conferred upon him by the said section 11.

"(10.) That the said John Bell remained on the said land by direction of the Inspector for fourteen days, killing rabbits by means of traps and dogs.

"(11.) That the Inspector served on the said George Ross a notice under section 12 of the said Act, requiring him to pay the sum of £2, being the costs, charges, and expenses occasioned by the destruction of the rabbits, in accordance with section 11 of the said Act.

"(12.) The said George Ross refused to pay the same for the following reasons: At the interview on the 2nd April the Inspector had given him to understand that he had sufficiently complied with the notice of the 26th February last. The Inspector had not, nor had any one on his behalf, destroyed the rabbits on the said land within the meaning of section 11 of the said Act. It was altogether impossible, without the aid of poison, to destroy the rabbits on the said land while they abounded on the adjoining lands, and even with poison it would have been a difficult work to destroy them under such circumstances.

"(13.) The Inspector sued the said George Ross in the Resident Magistrate's Court, at Palmerston, for the said sum of £2, and the case was heard on the 10th day of July instant before H. A. Stratford, Esq., Resident Magistrate.

"(14.) On the hearing of the said case it was proved by the admission of the Inspector and otherwise that rabbits were numerous on the adjoining lands, but that no notices under the said section 8 had been served on any of the owners or occupiers of land in the locality except on the said George Ross, and on one Thomas Lindsay, hereinafter mentioned.

"(15.) It was also proved by the admission of the Inspector and otherwise that neither the Inspector nor any one on his behalf had visited the land after the entry thereon of the said John Bell as aforesaid, with the object of seeing whether the rabbits had been destroyed by the said John Bell; and the said John Bell, on the hearing of the case, stated that, although he had killed a good number during the two weeks he was employed, the rabbits had not been destroyed, but were still, at the expiration of the two weeks, as numerous on the land as when the said John Bell first went on the land.

"(16.) The Magistrate gave judgment for plaintiff on the grounds that the question as to whether the said George Ross had complied with the notice of the 26th February, and whether the Inspector had used all such means and taken all such measures and done and performed all such acts or things as were proper or necessary to be done to insure the destruction of the rabbits, which were entirely in the discretion of the Inspector, and that the Magistrate could not reconsider any such decision of the Inspector so long as he had served the necessary notice; but, in giving judgment, the Magistrate severely censured the Inspector for not making himself acquainted with the state of the land referred to, and said that his conduct in that respect, of not requiring the adjoining holders of land to destroy the rabbits on their lands, were matters for departmental inquiry, but not for him as a Magistrate to deal with. And, as the amount sued for was only £2, there was no appeal against the Magistrate's judgment.

"(17.) That Thomas Lindsay, another of your petitioners, and an owner of land in Dunback district, was served with similar notices, and treated in identically the same manner as the said George Ross.

"(18.) That, for the reasons aforesaid and others that your petitioners could adduce, the said Inspector has shown great partiality or great carelessness in the performance of his duties as Rabbit Inspector.

"Your petitioners therefore humbly pray that your Excellency may be pleased to remove the said Richard Hull to another district, or cause a Royal Commission to be issued to inquire into the conduct of the said Richard Hull. And your petitioners will ever pray.

"GEORGE ROSS,
"THOMAS LINDSAY, } Farmers, Dunback.'

532. *Mr. McKenzie.*] It refers to the time when you took action against Mr. Ross?—

533. *Hon. the Chairman.*] Well, refer to clause 4, That in the month of February last rabbits were numerous on the farm of George Ross?—I should like to refer to each clause seriatim, and, in the first place, to say that I consulted the Chief Inspector in everything I did, and it was with his concurrence that I acted on all occasions. As I am instructed by him, I think he should have been here to give evidence.