



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. VIII.

AN ACT for the Prevention and Eradication of Diseases in Vines.

[Assented to, 16th September, 1881.]

WHEREAS it is expedient to provide for the prevention and eradication of Diseases in Vines: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1 THIS Act may be cited for all purposes as “The Diseases in Vines Act, 1881.” Short title.

2 THE Governor may from time to time appoint such persons as he may deem fit to be inspectors of vineyards; and every such persons and his assistants may, without notice, enter at all reasonable hours in the day-time into and upon any lands and tenements (in this Act called vineyards), on or in which any grape vines may be planted or growing, whether enclosed or not, for the purpose of ascertaining Appointment of inspectors; who may enter upon vineyards.

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ascertaining whether any such vines are infected with any disease or disorder detrimental to their health and growth; and no inspector or his assistants shall be deemed to be trespassers by reason of any such entry, or be liable for any damage occasioned in the carrying out of this Act, unless the same was occasioned wilfully and without necessity.

Inspector to make report if disease be found to Stipendiary Magistrate, who may direct remedy to be used.

3 IF any inspector is of opinion that any such disease as aforesaid exists in any vineyard he shall report the same in writing to the Stipendiary Magistrate of the District in which such vineyard is situated, and in such report shall state what in his opinion the disease is, as well as his opinion as to the most desirable means to adopt to effect its cure, in which case it shall be lawful for the Stipendiary Magistrate to whom the report aforesaid has been made to call upon the occupier of such vineyard to take such measures as the said Stipendiary Magistrate may deem efficient for the cure of such disease, whether by the use of sulphur or other known remedy, or by the pruning of the grape vines in such vineyard, or otherwise as the case shall to him seem to require; Provided, nevertheless, that such measures shall aim at the restoration to health of the vines affected by disease, and not at their destruction.

Magistrate to give necessary instructions in writing to occupier.

4 IN every case where a Stipendiary Magistrate under the provisions of the preceding section shall call upon the occupier of a vineyard in which disease shall be found to exist, to take measures for the cure of such disease he shall do so in writing, setting forth the measures to be adopted, and instructing the said occupier to carry them into effect.

On neglect by occupier, inspector may carry out such instructions.

5 IF the occupier of any vineyard shall neglect or omit to carry out such instructions as he shall have received as aforesaid within such time as shall be specified therein, it shall be lawful for the Stipendiary Magistrate who shall have given such instructions, by writing under his hand, to authorise any inspector, together with such assistants as he, the said Stipendiary Magistrate, may deem necessary, to enter upon the premises of such occupier at all reasonable times, and to perform all acts and things required to be performed by such instructions so neglected or omitted to be carried out as aforesaid.

Expenses recovered summarily.

6 ALL expenses incurred by any Stipendiary Magistrate in carrying out the provisions of the preceding section in regard of any vineyard may be recovered in a summary way before any Justice or Justices of the Peace on the complaint of an inspector.

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7 NOTHING in this Act contained shall prevent a tenant from making any agreement with his landlord, whereby such tenant shall be enabled to recover from his landlord any expenses which he may have incurred in carrying out the instructions of a Stipendiary Magistrate under the provisions of this Act.

Mutual agreement between tenant and landlord.

8 THE words "Stipendiary Magistrate" wherever used in this Act shall be construed to mean any Government Resident, Resident Magistrate, or Police Magistrate, and the term "District" shall mean the district of any Government Resident, Resident Magistrate, or Police Magistrate.

Definition of "Stipendiary Magistrate" and "District."

9 SECTIONS A, C, F, G, and H of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form a part of this Act, to all intents and purposes and in as full and complete a manner as if the same had been introduced and fully set forth in this Act.

Shortening Ordinance.

10 THIS Act shall continue in force, unless sooner repealed, until the 1st day of September, 1885.

Duration of Act.

In the name and on behalf of the Queen I hereby assent to this Act.

WILLIAM C. F. ROBINSON, Governor.