

WESTERN AUSTRALIA

ANNO TRIGESIMO OCTAVO

VICTORIÆ REGINÆ

No. 12

An Act for preventing the further spread of the Spanish
Radish and Scotch Thistle.

[Assented to 6th August, 1874.]

Preamble

WHEREAS it is desirable that measures be taken to prevent the further diffusion of the Spanish radish and Scotch thistle throughout the Colony: 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:—

Owner or
occupier of land
to destroy
Spanish radish
or Scotch thistle

1. If at any time after the passing of this Act any owner or occupier of land upon which land or upon the adjacent half of any road any of the plants commonly known in the said Colony as the Spanish radish or Scotch thistle shall be growing, shall not, within three months after

Spanish Radish and Scotch Thistle

any notice in writing that any such plants are growing upon such land or on the adjacent half of any road, signed by the Chairman of any Board of Roads within any district, or by any Resident Magistrate, or by any person authorised by the Commissioner of Crown Lands, shall have been served upon such owner or occupier, or left for him at his usual or last known place of abode, effectually destroy all of such plants then growing or being upon such land or adjacent half of the road, every such owner or occupier, being convicted thereof, shall be liable to a penalty of not less than five pounds or exceeding fifty pounds; and such penalty may be recovered and the matter thereof heard and determined by any two or more Justices of the Peace in a summary way: Provided that in the case of sheep or cattle run the notice shall specify, as nearly as possible, where the said plants are growing: Provided also, that it shall be lawful for any such Justices to suspend any conviction upon being satisfied that the person so receiving such notice has used and is using reasonable exertions to destroy such plants.

Penalty

Proviso

Proviso

2. If there be no occupier of any such lands, then notice as aforesaid shall be given by advertisement in the 'Government Gazette' or one of the Perth newspapers, and every such notice shall be deemed sufficient notice to the owner of such land from the time of publication as aforesaid: Provided that it shall not be necessary for such notice to specify the name of any person as owner of the land therein referred to. And provided, also, that no owner of any such lands shall be liable to any payment beyond the expense of and occasioned by the destruction and eradication of the said plants upon such land and adjacent half of the road as hereinbefore provided, together with costs of the advertisements and the costs of suit.

If no occupier, then notice to be given by advertisement

Proviso

Proviso

3. If any such owner or occupier shall, for such space of three months, refuse or neglect to destroy the plants specified in such notice, it shall and may be lawful for any person authorised in that behalf by Board of Roads within its district to destroy and eradicate the same; and for that purpose shall employ assistants to enter upon any land in respect whereof such notice may have been given as aforesaid; and every such person shall be entitled to receive from either the owner or occupier the expense of and attending the destruction and eradication of such plants; such expenses, including advertisements and costs of suit, to be assessed and allowed by any two or more Justices of the Peace in a summary manner.

If owner or occupier shall neglect to destroy plants, Board of Roads may destroy

4. All penalties recoverable under this Act shall be payable to the Colonial Treasurer, for the use of Her Majesty, her heirs and successors, for the public use of the said Colony, and in support of the Government thereof, excepting in cases where any such information or complaint shall be laid at the instance of any Board of Roads, when the whole of such penalty shall be paid to such Board of Roads in aid of the funds of such Board: Provided that it shall be lawful for the Governor to remit the whole or any part of such penalty.

Penalties

5. This Act may be cited as 'The Spanish Radish and Scotch Thistle Prevention Act, 1874.'

Short title

FRED. A. WELD,
GOVERNOR.