



ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1878.

No. 114.

An Act for the Prevention and Eradication of Diseases in Vines.

[Assented to, 30th November, 1878.]

WHEREAS it is expedient to provide better means for the prevention and eradication of Diseases in Vines—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. The Governor may from time to time appoint such persons as he may deem fit to be inspectors of vineyards; and every such person and his assistants may without notice enter at all reasonable hours in the daytime 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 if the disease caused by the insect called *phylloxera castatrix* exists in such vineyard, and may also erect such landmarks as may be thought necessary or desirable for the purpose of indicating any land in which any such disease as aforesaid may be found to exist, or from which vines have been removed for the purposes of this Act; 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.

Governor may appoint inspectors of vineyards.

Power of inspectors.

2. If any inspector is of opinion that any such disease as aforesaid exists in any vineyard, he shall report the same to the Commissioner of Crown Lands, who may authorise the inspector to take all such measures as he may deem sufficient for the eradication thereof,

Inspectors may take measures for eradication of diseases.

Diseases in Vines Act.—1878.

thereof, whether by destruction of the grape vines in such vineyard, or any part of them, or otherwise as the case shall seem to require, and no person shall be entitled to receive any compensation whatsoever in consequence of any measure that may be so taken for the eradication of such disease, or in respect of any loss or injury that may result to him therefrom, either directly or indirectly: Provided always that where vines are affected by the disease caused by the insect called *phylloxera vastatrix*, such vines shall be uprooted and destroyed on the spot by fire, so that such insects may be at once killed.

Landmarks erected by inspectors not to be removed.

3. No landmarks erected by order of any inspector for the purpose of indicating any land from which vines have been removed for the purposes of this Act shall be taken up or otherwise interfered with by any person without the written authority of such inspector, and no grape vines shall be planted or permitted to grow in any part of a vineyard from which part any grape vines shall have been so removed for a period of five years after such removal, and any person who shall commit a breach of this section shall be liable to a penalty of not less than Ten Shillings, nor more than Ten Pounds, or to be imprisoned for any period not exceeding one month, and all grape vines planted or growing in or on any such part within such period shall be destroyed.

Penalty.

Vines Protection Act, 1874, to apply to vine leaves.

4. The "Vines Protection Act, 1874," shall extend to and include vine leaves, and shall be read and construed as if the words "or vine leaves" had been inserted therein throughout after the words "vine cuttings or rooted vines."

Appropriation of penalties.

5. Every sum which shall be imposed as a penalty under this Act shall be paid to the Treasurer for the public uses of the said province.

Procedure.

6. Every offender against any of the foregoing enactments may be prosecuted, and every fine, forfeiture, or penalty incurred under this Act may be imposed and recovered in the manner provided in the Ordinance, No. 6 of 1850; and every information for an offence committed against any of the foregoing enactments shall be heard and adjudicated upon by a special magistrate or two justices of the peace for the province; and all forfeitures under this Act may be declared, and all fines and penalties incurred under this Act may be imposed, and payment thereof enforced by him or them respectively as the case may be.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.