

59^o VICTORIÆ, 1896.

A BILL

To provide for the Destruction of the Sweet Brier.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. Where any owner has within the previous twelve months destroyed the sweet briers growing on his land within the distance of one half-mile from the common boundary of his land and the land of an adjoining owner, he may—

- (a)* give notice in writing to the adjoining owner requiring him within six months from the receipt of the notice to destroy all sweet briers growing on his land within the distance of one chain from any point of the said boundary ; or
- (b)* give notice in writing to the adjoining owner requiring him within two years from the receipt of the notice to destroy all sweet briers growing within the distance of one half-mile from any point of the said boundary.

If the adjoining owner fails in either case within the time mentioned in the notice to destroy the sweet briers growing on his land within the distance mentioned as aforesaid, the owner giving the notice may enter upon the land of the adjoining owner, and with men, horses, and bullocks destroy the sweet briers growing within the said distance, and may recover from the adjoining owner the costs and expenses thereby incurred or paid.

Sweet Brier Destruction.

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2. (I) Where the common boundary of the land of two owners is a highway or public or private road, either of the owners may, within twelve months after destroying the sweet briers growing on the half of the road forming the common boundary, give notice in writing to the other owner requiring him within three months from the receipt of the notice to destroy all sweet briers on the other half of the said road.

Where common boundary is a highway or road.

(II) Where the common boundary of two owners is a highway or road as aforesaid, and one owner has within the previous twelve months destroyed the sweet briers growing on his land within the distance of one-half mile from the road forming the common boundary aforesaid, he may give notice in writing to the other owner requiring him within two years from the receipt of the notice to destroy all sweet briers growing on his land within the distance of one-half mile from any part of the road which forms a common boundary.

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(III) If the owner to whom the notice is given fails in either case within the time mentioned in the notice to destroy the sweet briers growing on the road or on his land according to the terms of the notice, the owner giving the notice may enter upon the road or land, and with men, horses, and bullocks destroy the sweet briers growing thereon, and may recover from the owner to whom the notice is given the costs and expenses thereby incurred or paid.

3. Notice under this Act may be given to an owner by—

How notice to be given.

- (a) delivering it to him or to some person apparently fourteen years old at his place of dwelling; or
- (b) posting it in a registered letter addressed to him at his last known place of dwelling, and, within two weeks from so posting it, inserting a copy in some newspaper circulating in the district in which his land is situated. And the time when the notice so posted would be delivered to the owner in the ordinary course of post shall be taken to be the time of the receipt of the notice.

4. All costs and expenses made recoverable by this Act may be recovered in a summary way before a police or stipendiary magistrate or any two justices in petty sessions.

Recovery of costs and expenses.

5. In this Act—

Definitions.

“Owner” means the owner of an estate of freehold, and includes a conditional purchaser or conditional lessee.

“Destroy” means haul out of the ground or chip out at least four inches below ground.

6. This Act may be cited as the “Sweet Brier Destruction Act, 1896.”

Short title.