

No. XLIV.

An Act to facilitate and encourage the destruction of Native Dogs. [28th December, 1852.]

NATIVE DOGS
DESTRUCTION.

WHEREAS with a view to the destruction of the Native Dog it is expedient that the owners of conterminous runs should be liable to assessment in order that they may be compelled to pay a fair contribution proportionate to the benefit they may derive from the labor and expenditure of their more energetic neighbours Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows :—

1. Any owner or proprietor of any station or estate stocked with sheep cattle or horses whether within or beyond the Settled Districts may by himself or his superintendent or overseer tender to the nearest Court of Petty Sessions in the form or to the effect in Schedule A appended to this Act for drawing trails and laying meat or any other suitable food poisoned with strychnine upon the boundary or other lines practicable for this purpose as near as may be to the boundary lines of any station or stations estate or estates stocked with any such sheep cattle or horses of which he may be such owner or proprietor as aforesaid.

Owners of stations or estates may tender to nearest Court of Petty Sessions to draw trails along and poison boundary lines.

2. Every such tender shall contain as accurate a description as the party tendering can give of such boundaries a statement of the distances or supposed distances from point to point of such boundaries and the names of any adjoining station or estate and of the owners and proprietors thereof who will be called upon to contribute towards the expense incurred in the performance or execution of any such tender.

Such tender to give description of boundaries distances from point to point and names of owners of adjoining properties.

3. Every such tender shall be accepted by the Court of Petty Sessions to which it may be addressed and thereupon it shall be the duty of the party making the same to employ the requisite number of horsemen or footmen according to the nature of the country over which such boundary or other lines pass to draw along such boundary or other lines a trail weekly or bi-weekly or at such other convenient periods as to the party tendering may seem fit and to lay down at proper distances meat or other food for Native Dogs so poisoned as aforesaid for any period not exceeding twelve calendar months at any one time as any party so tendering may deem requisite Provided always that any such tender may on the application of the party tendering be continued for any further period or periods which shall in the discretion of the Justices in Petty Sessions be thought requisite to insure the complete destruction of the Native Dogs on and in the neighbourhood of any such station or estate.

Tender to be in all cases allowed by Petty Sessions and party tendering may employ horsemen or footmen to draw trails and lay poisoned meat on them.

Proviso for renewing or continuing tender where Native Dogs not destroyed.

Native Dogs Destruction.

Party tendering to keep accounts of expenses statements of rides and work done such accounts and statements to be verified at Petty Sessions.

4. It shall be the duty of the party so tendering after the acceptance of his tender to keep an exact account of the expense he may incur in the performance or execution thereof together with a statement of the rides taken and work done by the several horsemen or footmen whom he may employ to draw such trails and poison such meat or other food as aforesaid and such accounts and statements may be verified quarterly or oftener as the Justices in Petty Sessions may direct by any such owner proprietor or overseer as may be able to verify the same and by any horseman or footman who may be employed in the performance or execution of any such tender.

Upon verification of accounts &c. the owners of adjacent properties to be assessed in the whole amount of expenses incurred.

5. Upon the due verification of any such account and statement as aforesaid it shall be the duty of the Justices in Petty Sessions to assess the owners or proprietors of any conterminous station or estate in the whole expense actually incurred by any party so tendering in the due execution or performance of any such tender and to fix the quota or proportion to be paid by each of the owners or proprietors of every such conterminous station or estate Provided always that if any of the boundary lines of any such station or estate shall divide the same from lands of the Crown not in the occupation of any one holding a lease or license thereof the quota or proportion of expense attaching to such vacant lands under the provisions of this Act shall be paid out of any sum which may be voted by the Legislative Council for that purpose and such amount shall be assessed by the Justices in Petty Sessions in like manner as if such lands were under lease or license.

And in the event of non-payment of quota fixed for each owner Justices may issue warrants of sale.

6. In the event of the non-payment by every or any such owner or proprietor of the quota or proportion so fixed to be paid by him or her within fourteen days after the award of any such Justices thereon it shall be lawful for any one or more of such Justices to issue his or their warrant and levy the same in a summary way by sale of the goods and chattels of any such owner or proprietor so making default.

Where actual boundary lines are impracticable other lines and trails may be drawn as near as may be to true boundary line.

7. If any of the boundary lines between conterminous stations or runs shall be impracticable or impassable by means of the mountainous or precipitous nature of the country over which such lines pass or from any other cause so that such boundary lines cannot be ridden or cannot be trail drawn by the horsemen or footmen employed in the performance or execution of any such tender it shall be lawful in every such case for the party so tendering to cause a line to be ridden or run and trails with poisoned meat or food as aforesaid to be drawn on some other line as near as may be practicable to the real boundary line or lines separating any such conterminous stations or estates from the stations or estates of the party so tendering Provided that where a river forms a boundary of any such station or estate the party so tendering shall draw a trail and lay poisoned meat or food as aforesaid on both sides of any such river.

An appeal against award of Petty Sessions granted to Quarter Sessions on deposit of £10 by appellant.

8. Any owner or proprietor of any conterminous station or estate against whom any quota or proportion of the expense incurred in carrying out any such tender may be so awarded may on depositing with the Clerk of any such Petty Sessions the sum of ten pounds appeal to the nearest Court of General or Quarter Sessions against such award and in the event of such appeal being dismissed or not duly prosecuted the expenses of the party in whose favour such award shall have been made shall be assessed by such Court of General or Quarter Sessions and shall be added to the amount of the said award the said sum of ten pounds so deposited being credited to the appellant and paid over toward satisfaction of the original award and of such assessment of expenses.

No warrant for sale of appellant's effects to issue during pendency of appeal.

9. During the pendency of any such appeal the Justices in Petty Sessions shall suspend the issue of any warrant to enforce payment of their award against any party so appealing.

Colonial Distillation.

 SCHEDULE A.

I A. B. the Owner or the Superintendent or Overseer of A. B. (*as the case may be*) hereby tender for drawing trails and laying meat poisoned with strychnine upon the boundary lines of my station called _____ or as near such boundary lines as may be practicable for the term of one year (*or any shorter period the tenderer may desire*) from the date hereof and I declare that the boundary line of such station on or towards the north commences at (*here state as near as may be the commencing point*) and runs by compass (*here state description of this line by the compass*) about _____ miles and that C. D. and another or others (*as the case may be*) is or are the owner or owners of the station called _____ conterminous to this boundary line that the boundary line of the said A. B.'s station on or towards the east commences at (*here state as near as may be the commencing point of this boundary*) and runs by compass (*here state as near as may be the direction of this line by the compass*) about _____ miles and G. H. and another or others (*as the case may be*) is or are owner or owners of the station called _____ conterminous to this boundary line that the boundary line of the said A. B.'s station on or towards the south commences at (*here state as near as may be the commencing point of this boundary*) and runs by compass (*here state as near as may be the direction of this line by the compass*) about _____ miles and K. L. and another or others is or are (*as the case may be*) owner or owners of the station called _____ conterminous to this boundary line that the boundary line of the said A. B.'s station on or towards the west commences at (*here state as near as may be the commencing point of this boundary*) and runs by compass (*here state as near as may be the direction of this line by the compass*) about _____ miles and O. P. and another or others is or are (*as the case may be*) owner or owners of the station called _____ conterminous to this boundary line.

A. B.

or

A. B. by his Superintendent.

C. D. or his Overseer.

E. F. (*as the case may be*).

To the Justices in Petty Sessions at
