

THE GREAT SOUTHERN HERALD.

CIRCULATING THROUGHOUT THE GREAT SOUTHERN DISTRICTS.

VOL. 1 NO. 1

KATANNING, OCTOBER 5, 1901.

PRICE-THREE PENCE.

THE NOXIOUS WEEDS' ACT.

At the Katanning Police Court on the 20th ult. (before Dr. Black, Resident Magistrate, and Mr. A. E. Piessie, J.P.), A. M. Nicolson was proceeded against by Inspector Newton for refusing to clear his land of noxious weeds.

Mr. Russell, who appeared for defendant, pleaded not guilty to the plaint.

J. H. Newton, Inspector for the Crown under the Noxious Weeds' Act, applied for an adjournment until 4 p.m., to allow of the Crown Solicitor being present, and in support of his application handed to the Bench a copy of a telegram he had received intimating that he would arrive by the afternoon's train.

Mr. Russell contended that the case was one between Newton and Nicolson, and not the Crown v. Nicolson. Newton had laid the information, and as he was unable to produce his authority at that stage no third party could be considered. Mr. Russell, however, waived his objection, intimating that his client was anxious that the case should be thoroughly ventilated, but at the same time he would ask for costs, as the adjournment would entail expense on his client.

The Bench granted the adjournment, with £5 5s. legal costs, and the usual fees for two witnesses.

On resuming, Mr. Woods, of the Crown Law Department, stated the case of the Inspector, and called

John Henry Newton, who deposed that he was an Inspector under the Noxious Weeds' Act.

Mr. Russell asked the Inspector to produce his appointment, whereupon a letter from the Department of Agriculture, signed by the Secretary, was produced. The letter intimated that Mr. Newton had been appointed, but in reply to Mr. Russell, the Inspector could not say whether the appointment had been gazetted. He (Mr. Russell) took exception to the letter being taken as evidence of appointment, contending that inspectors were only appointed by the Governor-in-Council, and to make the evidence of any appointment necessary to produce that appointment.

After further argument by counsel the witness proceeded with his evidence. He said he knew Location 38, Ettacup, the premises occupied by defendant. It consisted of an old farm, which originally belonged to Lady Campbell. He had inspected it on the 21st of February, and found from 50 to 70 acres infested with noxious weeds, known as stinkwort. He reported his inspection to the Secretary for Agriculture, as follows:—"I have to inform you that on the 21st of February I inspected old Ettacup Location, No. 38, near Broome Hill, the property of Lord Brassey, land occupied by Mr. Nicolson, and found about 70 acres infested with stinkwort. Worst case in the whole district, and if not dealt with at once will take years to eradicate." On receipt of this report notice was sent to defendant. The notice stated that the work of extirpation must commence within three days from date of notice and completed within ten days, to the satisfaction of the Inspector. Witness subsequently inspected the land, and found nothing had been done. Again inspected it, and found Mr. Nicolson had endeavored to burn the weed, destroying about two-thirds. This was in March. Saw defendant about 24th April, at Broome Hill, and advised him to plough the field, and he (witness) would then make another inspection, and give a clean sheet. Defendant replied that the land was clear, and intended doing nothing further. Witness told defendant if it was not done he would report him. He made another inspection on the 10th June, accompanied by Inspector Brockman, and found stinkwort still growing. It was useless for other holders to clear their land if defendant did not. Witness did not know whether defendant had done anything since this inspection. The notice was served in February, and the work had not been executed up to 10th June.

Cross-examined by Mr. Russell: Witness could not swear that the notice had been delivered. About the 10th March he saw the paddock, and none was then burnt, but in April found two-thirds burnt, and considered it effectually done. Had employed a lot of men clearing Crown lands. It cost about £30 to clear Mr. Barnett's paddock. Received instructions to start clearing lands about 15th April. It would be useless to start after that, as the seeds would be cast. Mr. Banford had recommended witness to the position of Inspector. Had employed one of Mr. Brockman's boys clearing, but did not have another driving him about when inspecting at the Gordon River. Paid young Brockman 8s. per day. Was used for wages about the beginning of June, and on the 10th June made an inspection of Mr. Nicolson's property, and reported. He inspected the land with Brockman, without permission of the lessee.

To Mr. Woods: The report was made in consequence of an inspection made about the middle of March. He had been through the land, and if anything had been done by defendant witness would have noticed it. The two-thirds burnt were effectually done.

To the Bench: Witness considered burning was sufficient, but not after the seeds were cast.

Inspector Brockman gave corroborative evidence as to the inspections. He did not think the part burnt would again spring up from the seeds. If defendant had burnt it all it would have been extirpated to-day. To his knowledge no son of his had driven Newton about.

Mr. Russell asked that the case be dismissed. He preferred going into the evidence for the defence, but would first point out (1)—There was no evidence that the notice had been served to defendant under the Act; (2) that no report had been made by the Inspector to the Minister that noxious weeds were growing on defendant's land; (3) that there was no evidence before the Court to show that the Minister had caused notice (if any) to be sent to defendant. Possibly the Minister knew nothing about it; (4) a formal objection that there was no evidence to show that Newton had been appointed an inspector under the Act. He requested that these objections be taken into consideration. For the defence he called

A. M. Nicolson, defendant, who stated that he was lessee of the land in question. The area of the paddock was 27 acres. There was stubble, straw and stinkwort in the paddock in March last. Took steps, on receipt of notice, to burn it, and on March 7 burnt 15 acres. Where there was no stubble he sprinkled it and set fire to it. Burt the remaining portion by 8th April. A fire broke out on his station on March 10th, preventing the work being completed at once. A subsequent fire destroyed his fences, allowing his cattle to stray, and in attending to them delayed the work of eradicating the weed. There may have been stinkwort in the rest of the paddock outside the cultivation, but not to his knowledge. When Newton spoke to him at Broome Hill about ploughing, witness said he intended doing it this year. It has since been ploughed. Newton expressed no opinion as to the value of the work done. Had made applications to the Secretary for Agriculture for copies of Newton's reports on Section 38 in April and May. Wrote on three occasions, and got two replies, but received no copies of the reports. On 13th June he received a letter from the Secretary for Agriculture (letter produced) with reference to the stinkwort, stating that reports had been received from Inspector Newton, and corroborated by Inspector Brockman, and threatening to recommend to the Minister that he (witness) be prosecuted for a breach of the Act, in the event of his not replying within ten days. The letter was signed "L. Lindley-Cowen." Witness took no steps upon receipt of this letter. He received seven notices to eradicate stinkwort. Six cases were attended to, and in the seventh case he could not find any; but the inspector said the seed was there, and he would show it to witness; but he did not do so.

Cross-examined by Mr. Wood: Did not remember Newton making the inspection, and did not know whether it had been made or not. Received notice dated 26th February on or about 28th February, which informed him stinkwort was upon his property, which must be grubbed and burnt. Took steps to burn it on 7th March. There were not 70 acres in the paddock, only from 27 to 30 acres being enclosed with a fence. The outside paddock contained about 1,800 acres, but to his knowledge there was no stinkwort on it, except one small patch, which had been burnt. Burnt 15 acres on 7th March, and remainder on 8th April, could not get men to do it sooner. After burning it in April there were only one or two scattered plants about. He was not prepared to contradict previous witnesses who said they saw it growing there in June.

Re-examined by Mr. Russell: Could not obtain assistance to clear stinkwort sooner. Heard previous witnesses swear that portion had not been burnt, and they could not have told the truth.

T. Norrish, farmer, near Broome Hill, said he knew stinkwort, and had charge of its eradication with Mr. Garrity three or four years ago in the Broome Hill District. Knew Section 38, old Ettacup. Saw a fire there about the first week in April in Goblup paddock, and went over and saw the cultivated paddock had been burnt. Considered the eradication had been effectually done. The whole section had been burnt. Would have noticed a third if it was not burnt. Saw remains of stinkwort, which was very pulpy, but there was no seed visible. Saw the land again about ten days after, and the stinkwort was then brittle, and would crumble in the hands. Considered notices should be sent on not later

than April, but February and March was the best time.

To Mr. Woods: If it was all burnt in April, none would be growing in June. He was not prepared to contradict the other witnesses who said they saw it growing in June.

To the Bench: Did not notice one-third had not been burnt. Would have noticed it if it was there.

F. Garrity deposed that he resided near Nicolson's property. He had spoken to Newton as to the best mode of eradicating stinkwort, and Newton had advised firing it. There was plenty stinkwort left in Barnett's paddock after the men left work, and he considered defendant's had been better done than Barnett's.

To Mr. Woods: Did not go through the property on the same day as the fire. Did not go through it in April, and did not see it in June, only from the road. Was not prepared to say stinkwort had grown since 1st April. If it was there in June it must have been there all the season.

Counsel having addressed the Bench, the R.M., after three-quarter of an hour's deliberation, dismissed the case, with £7 8s. 8d. costs against the Crown.

WAGIN HOTEL,

WAGIN.

J. Spratt, PROPRIETOR.

Good Accommodation for Travellers.

FREE STABLING.

A. MOUAN, GENERAL DEALER,

BEGS to Notify that he is a CASH PURCHASER of Sheep skins, Kangaroo, Opossum, and other Skins, horse hair, etc.

Highest Market Price Given.

All Letters Addressed to Katanning or Wagin P.O. will Receive Prompt Attention.

A.M. Visits Wagin 1st Saturday each month; Katanning, 3rd Saturday; Kogonup, 4th Saturday.

WAGIN SADDLERY DEPOT.

J. C. H. NENKE PROPRIETOR.

Saddlery and Harness of Best Workmanship at Lowest Bed-rock Prices, supplied to any part of the State.

Encourage Local Industry.

Gen's Riding Saddles, from £3; Wagon Saddle Bridging, from £2; Spring Cart Set Harness (complete), from £5; Cart Winklers, 8s 6d, 9s 6d, 10s 6d, and 11s 6d; Riding Bridles, 6s 6d to 12s 6d; Collars (Spring Cart and Cart of Best Quality), at Lowest Prices; Spiders and Bellybands, from 8s 6d; Collars (lined, best curled hair), 5s 6d; Riding Saddles (lined and stuffed with best curled hair), 12s 6d.

All Goods Manufactured on the Premises.

A Trial Solicited.

Important to Farmers and Others.

DARLINGTON

A & D

M'DONALD,

AUCTIONEERS,

STOCK & STATION AGENTS AND VALUERS,

YORK.

The Auctioneers, recognising the growing importance of the Eastern and Southern Districts, and consequent necessity for the establishment of a Business that will facilitate and satisfy the requirements of an agricultural and pastoral district, have decided to hold Monthly Stock Sales at York.

The Next Sale will take place on October 16.

THE GREAT SOUTHERN

HERALD.

PUBLISHED EVERY SATURDAY MORNING.

Subscription—10s. Per Annum, Payable in Advance.

JOB PRINTING

OF

EVERY DESCRIPTION

NEATLY EXECUTED.

CUT THIS ORDER FORM OUT

AND FORWARD IT TO THE MANAGER.

To the Manager Great Southern Herald, Katanning.

Please place me on your Subscribers' List, and accept enclosed amount of Ten Shillings in payment of Year's Subscription.

Name.....

Address.....

Signed.....

Date.....

Trade Notices.

C. J. DARCY,

GENERAL BLACKSMITH,

& WHEELWRIGHT,

BROOME HILL.

Horseshoeing a Specialty.

Vehicles of Every Description Made to Order.

Sole Maker of the

RODNEY TREE PULLER.

Local Agent for—Harris-Scott and Co's. Agricultural Implements, Royal Fire Insurance Co., and Austral Wire Strainers.

Having increased my Staff by the addition of Competent Tradesmen, Customers can rely on getting their orders promptly and efficiently executed.

TESTIMONIALS

Tambellup, August 28, 1891.

Mount Barker, W.A., August 6, 1893.

To Messrs Darcy & Newbey, Broome Hill.

Messrs. Darcy & Newbey,

Sirs,—I have much pleasure in stating that the Rodney Tree Puller purchased from you gives entire satisfaction in every way, and consider it does the work of four men.

W. COMBINS REILLY.

Dear Sirs,—I consider the Rodney Tree Puller made by you, the best machine I have seen. They are far better than the Forrest Devil, being so much quicker and also being so convenient to move, as one man can move them about easily, I did not think they had so much power until I used one, they are great labour-saving machines, and I would recommend them to anyone about to clear land by grubbing.

J. DELANEY.

Tambellup Station, August 28, 1899.

Messrs. Darcy & Newbey,

Dear Sirs,—With your Rodney Tree Puller, which we have worked for twelve months, we have cleared 150 acres. It has given every satisfaction, and saves four men in grubbing, one being able to work it.

GENOVI BROTHERS.

Merryup, Mt Barker, Nov. 9, 1895.

To Messrs. Darcy & Newbey, Broome Hill, G.S.R.

Dear Sirs,—I received your Machine Tree Puller all correct, and have given it a week's trial, the result of which has been most satisfactory, in fact the machine is a marvel, not only to myself, but to others that have witnessed its efficiency. I venture to say that you will get several orders shortly from persons in this neighbourhood.

Wishing you every success.

W. SOUWESS.

Broome Hill, August 31, 1899.

Messrs. Darcy & Newbey,

Blacksmiths, &c., Broome Hill.

Dear Sirs,—The "Tree-puller" I hired from you last year, gave me such satisfaction that I must have one of my own. Please let me know when you will have one ready. I want the chain two or three yards longer than the one I had last year.

D. McDONALD.

Chillieup, 31st July, 1899.

Messrs. Darcy & Newbey,

Dear Sirs,—I have used your Rodney Tree Puller for twelve months, and find it is the best puller I have had, both for quickness in pulling and ease in shifting about.

GEORGE GREEN, Chillieup.

ALLEN & CO'S.

IMPLEMENT FACTORY,

SOUTH STREET, YORK.

G. H. SMITH, Proprietor.

Blacksmiths, Wheelwrights, Coachbuilders, Machinists, Etc.

All kinds of Vehicles and Implements Made to Order on Shortest Notice.

Send Repairs and Orders for New Machinery for the Approaching Harvest.

MACHINERY AGENCY.

C. F. WANKE

BEGS to inform the Farmers of Katanning and surrounding Districts that he has been appointed Agent for Messrs J. and D. SHEARER'S Celebrated

STRIPPERS AND WINNERS.

Knowing these Machines for over twenty years, C. F. W. can confidently recommend them, as they have given the greatest satisfaction possible. They strip the cleanest, are lightest in draught, do not lose grain, are built of best material, they last the longest, are made strong, and want little or no repair. No machine equals them in durability.

Those desirous of securing a good Stripper should give an order at once to C. F. W., and thereby obtain a Stripper that will not worry the life out of you.

C. F. W. has also been appointed Agent for the

ADRANCE BUCKEYE

STRAIGHT-AWAY BINDER.

This Binder has all the Latest Improvements, and only requires to be seen to be appreciated. Before placing your order inspect this machine. It can be seen at back of new buildings being erected opposite Post Office, Katanning. For all machines a set of duplicate parts will be kept in stock. For all particulars apply to

C. F. WANKE