ANNO QUINTO

GEORGII V REGIS.

A.D. 1914.

No. 1181.

An Act to consolidate certain Acts relating to Vermin Destruction and Vermin Fencing, and other matters.

[Assented to, November 26th, 1914.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I.

PRELIMINARY.

1. This Act may be cited as "The Vermin Act, 1914."

2. The provisions of this Act are arranged as follows:—

PART I.—Preliminary.

PART II.—Vermin Destruction—

DIVISION I.—Government Inspectors:

DIVISION II.—Destruction on Crown Lands:

DIVISION III.—Powers and Duties of Councils and Vermin Boards:

DIVISION IV.—Destruction by Owners and Occupiers:

DIVISION V.—Destruction on Breakwind Reserves in Pinnaroo Railway District.

PART III.—Vermin-Fenced Districts and Vermin Boards—

DIVISION I.—Interpretation:
The Vermin Act.—1914.

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DIVISION I.—Constitution of Vermin-Fenced Districts and Vermin Boards, and Suspension and Abolition of Boards.

DIVISION II.—Members of a Board:

DIVISION III.—Auditors:

DIVISION IV.—Elections:

DIVISION V.—Meetings of a Board and Committees thereof:

DIVISION VI.—Contracts and Works:

DIVISION VII.—Revenue and Expenditure:

DIVISION VIII.—Making and Recovering Rates:

DIVISION IX.—Loans:

DIVISION X.—Officers of a District:

DIVISION XI.—By-laws and Regulations:

DIVISION XII.—Differences between Boards:

PART IV.—Vermin Fencing by Vermin Trusts.

PART V.—Vermin Fencing by the Crown.

PART VI.—Wire Netting and Vermin-Proof Fencing by Owners and Occupiers—

DIVISION I.—General Provisions:

DIVISION II.—Wire Netting by means of Loans to District Councils:

DIVISION III.—Vermin-Proof Fencing by means of Loans to Vermin Boards:

DIVISION IV.—Wire Netting outside District Council and Vermin-Fenced Districts by means of Loans to Lessees under Pastoral and other Leases:

DIVISION V.—Contribution to Cost of Vermin and Rabbit-Proof Fences by adjoining Occupiers:

DIVISION VI.—Miscellaneous:

PART VII.—Miscellaneous Provisions.

PART VIII.—Enforcement of the Act—

DIVISION I.—Offences:

DIVISION II.—Evidence:

DIVISION III.—Legal Procedure.
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3. (1) This Act is a consolidation of the Acts mentioned in the First Schedule, and the said Acts are hereby repealed.

(2) Such repeal shall not—

i. affect the operation prior to the passing of this Act of any repealed Act:

ii. alter the past or future effect of the doing, suffering, or omission of anything prior to the passing of this Act:

iii. affect any right, interest, privilege, power, duty, obligation, liability, charge, penalty, or burden of proof, created, acquired, accrued, exercisable, incurred, or imposed by or under, or liable to be imposed under, any repealed Act:

iv. affect any proclamation, notice, order, by-law, rule, or regulation, or any act, matter, or thing, lawfully made, given, published, or done under or in pursuance of any repealed Act:

v. affect any legal or other proceeding heretofore commenced, or hereafter to be commenced, in respect of any of the matters or things in this section before mentioned.

(3) All matters and things mentioned in subsection (2) of this section are, to the extent that they were respectively in force immediately before the passing of this Act, hereby preserved and continued and declared to be of the same force and effect as if this Act had been in force when they respectively were done, suffered, omitted, created, acquired, incurred, imposed, made, given, or published, or had accrued, or had become exercisable or liable to be imposed, under this Act.

(4) All Vermin-Fenced Districts, Vermin Boards, Associated District Councils, Vermin Boards, and Vermin Trusts which were in existence under any repealed Act at the passing of this Act, and the members and chairmen of such Boards, the members of such Trusts, the auditors for such Districts, and all officers and authorised persons and other persons elected or appointed under any repealed Act are hereby continued, as if this Act had been in force when they were respectively constituted, formed, elected, or appointed, and they had been respectively constituted, formed, elected, or appointed under this Act.

(5) Any proceeding which at the passing of this Act is pending in any Court, or before any arbitrator or other authority, may be proceeded with, heard, and determined, and the decision or award or any order made therein may be enforced, under this Act.

(6) All offences committed, and all liabilities, forfeitures, and penalties incurred or imposed, or liable to be imposed, before the passing of this Act may be tried, punished, inquired into, and enforced under this Act.

(7) Wherever
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(7) Wherever in any Act, or in any regulation, by-law, or rule, or any other document or instrument of any kind, any reference is made to any repealed Act, such reference shall be read and construed as a reference to this Act, or to the corresponding provision of this Act.

4. In this Act, except where the subject matter or context or some other provision requires a different construction,—

"Any land" means any land in the State not coming within the definition herein contained of Crown lands:

"Authorised person" means a person who, for the purpose of carrying into effect the provisions of Part II., is authorised and appointed in writing—

(a) by a District Council, as regards anything to be done within its District (except in cases where the provisions of subsection (1) or subsection (2) (a) of section 11 are applicable):

(b) by a Vermin Board, as regards anything to be done within its Vermin-Fenced District:

(c) by an Associated Board, as regards anything to be done within its District:

(d) by the Commissioner, as regards anything to be done elsewhere than within the District of a District Council, Vermin Board, or Associated Board:

"Associated Board" means an Associated District Councils Vermin Board continued by this Act or constituted under section 12:

"Board" means the Vermin Board of a Vermin-Fenced District:

"Boundary fence" (see section 201):

"By-law" means by-law made or in force under this Act:

"Chairman" means Chairman of a Vermin Board:

"Commissioner" means the Commissioner of Crown Lands and Immigration of the State:

"Court" means the Court or Justices having cognizance of the matter:

"Crown lands" means and includes all lands in the State except—

1. lands reserved for or dedicated to any public purpose:

11. lands lawfully granted, or contracted to be granted, in fee simple by or on behalf of the Crown:

111. lands subject to any agreement, lease, or licence lawfully granted by or on behalf of the Crown:

and
and includes all lands which, having been granted or held under agreement or lease, have been or are surrendered, or, having been reserved or dedicated, have been or are lawfully resumed by proclamation; and all lands which, having been lawfully held by any person for any estate or interest, have been or are lawfully forfeited to or resumed by, or by any means whatsoever have reverted or revert to, the Crown:

“District” means Vermin-Fenced District:

“District Council” or “Council” means a District Council continued or established by or under “The District Councils Act, 1887”:

“Extraordinary vacancy” means any vacancy in an office occurring otherwise than by effluxion of time:

“Fences Acts” means “The Fences Act, 1892,” and the “Fences Act Amendment Act, 1903”:

“Fixed rate” means the annual rate of interest, fixed by the Commissioner under section 3 of “The Vermin Act Further Amendment Act, 1912,” or under section 220 of this Act, which was or is in force at the time when—

(a) the loan or advance in question, or with which the particular matter is connected, was or is made, or
(b) the expenditure of the money in question, or with which the particular matter is connected, was or is authorised by the Governor, or
(c) the money in question, or with which the particular matter is connected, was or is expended by the Commissioner,
as the case may be:

“Gazette” means the South Australian Government Gazette:

“Judge” means Judge of the Supreme Court of the State:

“Justice” means Justice of the Peace for the State:

“Member” means member of a Board:

“Occupier” (see section 160):

“Owner or Occupier” includes the authorised agent of any owner or occupier, and every person in receipt of or entitled to rents or profits of any land, and also includes a mortgagee in possession:

“Proclamation” means proclamation by the Governor published in the Gazette:

“Public notice” (see section 42):

“Rabbit-proof fence” means—

(a) a substantial fence such as is shown and described in the Second Schedule, or
(b) any other substantial rabbit-proof fence approved of in writing by the Commissioner:
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"Ratable property" and "Ratepayer" (see section 42):
"Regulation" means regulation made or in force under this Act:
"Repealed Act" means Act repealed by this Act or repealed by an Act hereby repealed, or any other repealed Act which dealt with vermin destruction or vermin fencing:
"Secretary" means Secretary to the Board:
"Special area" (see section 160):
"State" means the State of South Australia:
"Surveyor-General" means the Surveyor-General for the State for the time being, or the person for the time being discharging the duties of the office of such Surveyor-General:
"This Act" includes by-laws and regulations made or in force under this Act:
"Town" means and includes any Government town or township, and any land laid out as a township, plans whereof are deposited in the Land Titles Registration Office or in the General Registry Office for Deeds:
"Vermin" includes rabbits, wild dogs, and foxes, and any other animals which the Governor, by proclamation, declares to be vermin for the purposes of this Act:
"Vermin-Fenced District" means Vermin-Fenced District continued by this Act, or constituted under Part III. or Part V. of this Act:
"Vermin fence" means—

(a) a substantial fence such as is shown and described in the Third Schedule, or
(b) any other substantial vermin fence approved of by the Commissioner, in writing.

PART II.

VERMIN DESTRUCTION.

DIVISION I.—GOVERNMENT INSPECTORS.

5. (1) The Commissioner may appoint such inspectors, sub-inspectors, and other officers as he thinks necessary for the efficient working of this Act, and may remove any person so appointed.

(2) The Commissioner and every such inspector, sub-inspector, and other officer may, by writing under his hand, authorise such other person or persons as he deems necessary to carry or assist to carry this Act into effect.
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Division II.—DeSTRUCTION ON CROWN LANDS.

6. The following provisions shall apply with respect to the destruction of vermin upon Crown lands—

(1) Every District Council may, by resolution, declare any Crown lands within its District, but which are not within a Vermin-Fenced District, to be vermin infested:

(2) Where all Crown lands within such District are not declared vermin infested, such resolution shall specify the Crown lands to which it refers:

(3) A copy of such resolution shall be forwarded to the Commissioner, who, if satisfied that the lands therein specified are vermin infested, shall forthwith publish in the Gazette a notice declaring such lands to be vermin infested, or, if satisfied that such lands are not vermin infested shall notify the Council to that effect:

(4) When any Crown lands have been declared vermin infested under subsection (3) hereof, the Council may declare in respect of such lands such annual rate as is approved by the Commissioner, but not exceeding One Pound per square mile or part thereof, or such additional sum as is recommended by the Surveyor-General and approved by the Commissioner:

(5) The total amount realised by the rate so declared shall be paid by the Commissioner to the Council, and shall be expended by it in and upon the destruction of the vermin on such lands:

(6) At the end of each year the Council shall forward to the Commissioner a statement of the actual expenditure for vermin destruction on Crown lands within the District. Such statement shall be certified as correct by the Chairman and Clerk of the Council:

(7) If the amount expended by the Council is less than the amount paid to it as aforesaid by the Commissioner, the Council shall forthwith refund the difference to the Commissioner:

(8) The Commissioner may at any time fence any such vermin infested Crown lands with a rabbit-proof fence, and such lands shall upon the completion of such fence, and while such fence is maintained in an effective condition, cease to be liable to be rated under subsection (4) hereof:

(9) Where the Commissioner does not approve any rate declared under subsection (4) hereof, he shall forthwith take all necessary and proper steps for the destruction of vermin upon the lands in respect of which such rate was declared.

7. Except as provided by section 6, the Crown shall be under no liability for the destruction of vermin upon Crown lands.
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Boards, Corporations, and Councils to destroy vermin on their land.
Ibid., s. 10.

Laying of poison for destruction of vermin.
1066, 1911, s. 24 (1), (3).
1135, 1913, s. 14.

Councils and Vermin Boards to enforce destruction of vermin.
905, 1905, s. 11.

Lands within District Councils and Vermin Districts.
Ibid., s. 12.

Councils may form Associated District Councils Vermin Boards.
Ibid., s. 13.

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DIVISION III.—POWERS AND DUTIES OF COUNCILS AND VERMIN BOARDS.

8. (1) All Boards, Municipal Corporations, District Councils, and corporate bodies in whom any land is vested, or who have the control of any land, shall, at their own expense, destroy all vermin on the land, not being main or district roads, vested in them respectively, or under their respective controls.

(2) Municipal Corporations and District Councils may expend any portion of their rates in complying with the provisions of this section.

9. (1) Subject to subsection (2) hereof, it shall be lawful for any Vermin Board or Municipal or District Council, for the purpose of carrying out its duties under this Act with regard to the destruction of vermin, to lay poison or set traps on any land within the District or Municipality of such Board or Council, or on any Crown lands adjoining such District or Municipality.

(2) No poison shall be laid on any land under the provisions of this section unless notice of such poison being laid is conspicuously exhibited on the land, and no poison shall be so laid within one hundred yards of any public road or way.

(3) In this section the expression "any land" includes any Crown lands, notwithstanding the definition of that expression in section 4.

10. All District Councils, Vermin Boards, and Associated Boards shall, within their respective Districts (but subject to section 11) strictly enforce the provisions of this Part as to the destruction of vermin.

11. (1) Where the whole of the District of a District Council is within a Vermin-Fenced District, the provisions of this Part shall be carried out and enforced by the Vermin Board of such Vermin-Fenced District.

(2) Where portion only of the District of a District Council is within a Vermin-Fenced District, such provisions shall be carried out and enforced—

(a) as regards the portion which is within such Vermin-Fenced District, by the Board of such Vermin-Fenced District:

(b) as regards the portion which is not within such Vermin-Fenced District, by the District Council.

12. (1) For the purpose of more effectively carrying out the provisions of this Part for the destruction of vermin, any two or more District Councils whose Districts are contiguous may each nominate annually one of its members to be a member of a Board to be called an Associated District Councils Vermin Board.

(2) Every member so nominated shall (unless he ceases to be a member of the Council by which he was nominated, or resigns his seat on the Board) continue in office for one year from the date of the proclamation referred to in subsection (3) hereof.

(3) The
The Governor may by proclamation declare that such Associated District Councils Vermin Board is constituted, the names and residences of the members thereof, and the boundaries and limits of the District Council Districts under its control.

13. (1) When an Associated Board has been duly constituted, all the powers by this Act given to the Associated District Councils relating to the destruction of vermin within the boundaries specified in the proclamation constituting such Board shall be vested in such Board.

(2) Such Board may appoint an inspector or inspectors, and may expend such moneys as are appropriated from its rates by each of the associated District Councils for the purposes of such Board, and generally may undertake such duties and exercise such powers and rights as are conferred by District Councils under this Act.

(3) The amount payable under this section by any of the associated District Councils to the Associated Board shall bear the same ratio to the aggregate amount payable by the associated District Councils as the amount of the assessment of such Council bears to the aggregate amount of the assessments of the associated District Councils.

14. The seat upon an Associated Board of a member who ceases to be a member of the District Council by which he was nominated, or who resigns, shall thereupon be declared to be vacated, and a new nomination by such District Council shall be made.

15. Each Associated Board shall continue in existence for three years only from the date of the proclamation constituting such Board, unless the Governor by proclamation declares that such Board shall be continued for a further period from time to time, in which case a fresh nomination of members shall take place as hereinafter provided.

16. The meetings of an Associated Board shall be regulated by the provisions of Part VI. of “The District Councils Act, 1887,” so far as the same are applicable thereto.

17. (1) If a District Council, Vermin Board, or Associated Board fails to strictly enforce within its District the provisions of this Act as to the destruction of vermin, any six ratepayers of the District of such Council, Vermin Board, or Associated Board, or any adjoining District Council, Vermin Board, or Associated Board may give notice in writing of such default to the Commissioner.

(2) The Commissioner shall immediately cause an inspection to be made of the District in respect of which the notice was given by a Government inspector, accompanied (if possible) by either the Chairman or the vermin inspector of the complaining District Council, Associated Board, or Vermin Board.

(3) Such
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(3) Such Government inspector shall, after making such inspection, report to the Commissioner.

(4) The Commissioner may, if satisfied that the complaint was well founded, give one month’s notice to the District Council, Associated Board, or Vermin Board in default to strictly enforce such provisions.

(5) Any District Council, Associated Board, or Vermin Board failing to comply with such notice shall be liable to a penalty not less than Five Pounds nor more than Twenty Pounds for a first offence, and not less than Twenty Pounds nor more than Fifty Pounds for any subsequent offence, to be paid to the Treasurer for the general purposes of the State.

18. (1) A District Council may, in addition to exercising the power conferred by subsection (2) of section 8, declare an annual rate not exceeding Three Pence in the Pound on all rateable property in the District for the purpose of providing funds to carry out the purposes of this Act.

(2) Such rate may be levied and recovered in the same manner as the general rate under “The District Councils Act, 1887.”

(3) Land enclosed with a rabbit-proof fence, which in the opinion of the District Council is erected and maintained in an effective manner, shall be exempt from such rate.

(4) Ratable property within the boundaries of any town shall also be exempt from such rate.

DIVISION IV.—DESTRUCTION BY OWNERS AND OCCUPIERS.

19. Every owner and every occupier of any land shall at all times, and at his own cost and expense, destroy all vermin upon such land, and upon the half width of all roads adjoining the same.

20. (1) In order to better provide for the simultaneous destruction of vermin, such destruction shall, within the District of every District Council, Vermin Board, and Associated Board, be simultaneously proceeded with by all owners and occupiers during the months of January, February, March, and April in each year.

(2) Nothing in this section shall be construed to imply that the destruction of vermin shall not be proceeded with and enforced during the remainder of the year, or that a notice under section 22 may not be given during such simultaneous vermin destruction months.

21. Every authorised person may, with or without assistants—

(a) enter upon any land, or any Crown lands, at any time;

(b) search to ascertain whether any vermin are to be found upon such land; and

(c) remain upon such land for such time as is reasonably necessary for the purposes of such search.

22. (1) Where
22. (1) Where an authorised person finds vermin upon any land, he may, by notice in writing, require the owner or occupier of such land to forthwith destroy all vermin upon such land, and upon the half width of all roads adjoining the same.

(2) Such notice may be in the form in the Fourth Schedule.

23. (1) The owner or occupier of any land who does not—

(a) during the simultaneous vermin destruction months of January, February, March, and April in any year, or

(b) within the prescribed time after the service upon him of a notice under section 22—

destroy all vermin upon such land, and upon the half width of all roads adjoining the same, shall be liable to a penalty for a first offence not exceeding Five Pounds, and for every subsequent offence not exceeding Twenty Pounds.

(2) An information under this section—

(a) shall not be laid except by an authorised person;

(b) may be in such of the forms No. 1 and No. 2 in the Fifth Schedule as is applicable to the case, and when in such form shall not be questioned for want of form;

(c) may be amended by the Court; and

(d) shall be laid within six months from the expiration of the simultaneous vermin destruction months, or from the date of the service of such notice, according to the nature of the case.

(3) In subdivision (b) of subsection (1) hereof, the expression "prescribed time" means the time prescribed for the purposes of the said subdivision by the Commissioner, by notice published in the Gazette and in two daily and two weekly newspapers published in South Australia, with regard to land situated within the District Council District or Vermin-Fenced District, or other area, within which the land specified in the notice is situated.

24. (1) Where an owner or occupier is charged with an offence under section 23 the averments contained in the information shall be deemed to be proved in the absence of proof to the contrary.

(2) Such averments shall be deemed conclusively proved upon proof on behalf of the informant of the presence of vermin upon the lands mentioned in the said information—

(a) where such land is within the District of a District Council or Associated Board, at any time after fourteen days from the date of the service of a notice under section 22, or from the expiration of the simultaneous vermin destruction months, according to the nature of the case:

(b) where
(b) where such land is not within the District of any District Council or Associated Board, at any time after the expiration of three months from the date of service of such notice, or from the expiration of the simultaneous vermin destruction months, according to the nature of the case.

25. Where an owner or occupier neglects or fails to comply with a notice, under section 22, an authorised person, in addition to proceeding for and notwithstanding the infliction of a penalty under section 23 hereof, may—

(a) enter upon the land of such owner or occupier;

(b) use all such means, and take all such measures, and do and perform all and every such acts or things, as to him appear proper or necessary to be done to ensure the destruction of vermin upon the land and roads or parts of roads mentioned in such notice; and

(c) remain upon, and shall have free right of ingress, egress, and regress into, over, and across such land for such period as may be necessary for destroying such vermin.

26. For the purposes of section 25 an owner or occupier who—

(a) does not forthwith after the service upon him of the notice mentioned in that section commence to comply therewith, or,

(b) having so commenced, does not continue such compliance, shall be deemed to have neglected or failed to comply with such notice.

27. (1) The cost and expense incurred by an authorised person in acting under section 25 shall be a debt due by the owner or occupier of the land to the appointers of such authorised person and payable on demand.

(2) Until such cost and expense is paid by the owner or occupier liable to pay the same, the amount thereof shall be paid—

(a) where the land in respect of which such cost and expense is incurred is within a District Council, by the Council of such District, out of the general revenue thereof:

(b) where such land is within a Vermin-Fenced District, by the Board of such District, out of the general revenue thereof:

(c) where such land is within the boundaries and limits under the control of an Associated Board, by such Board out of its general revenue:

(d) in all other cases, by the Treasurer out of the general revenue of the State.
28. Every occupier of land alienated from the Crown who pays the cost and expense of the destruction of vermin upon land held by him as lessee or tenant for a term having less than five years to run from the date of the entry by an authorised person upon such land under section 25, shall, in the absence of a contract to the contrary, be entitled to be repaid by his lessor or landlord so much of the cost and expense so paid by him as would be payable for the difference between a term of five years and the time so to run of his lease or tenancy, upon the computation that the total sum paid was payable in respect of a five years' term or tenancy.

29. (1) No distress shall be levied upon an occupier of land by his lessor or landlord for rent due by such occupier whilst any sum remains payable by such lessee or landlord to such occupier under section 28, unless the amount of such rent exceeds the sum payable by such lessee or landlord as aforesaid, and then only for the amount by which such rent exceeds the sum so payable.

(2) No assignment by a lessor or landlord whilst any such sum remains payable by him to such occupier shall defeat the right of such occupier to the payment of such sum out of the rent of the land in respect of the destruction of vermin upon which the same is payable.

30. The following provisions shall apply where any land is unoccupied and no person is registered as the owner thereof:

(1) An authorised person may exercise all or any of the powers conferred by section 25, without serving a notice under section 22:

(2) Proceedings may be taken for the recovery of the cost and expense of destroying vermin on such land, in the manner provided by this Part, without sending the notice required to be sent by section 31.

31. (1) Where the amount due and payable to a District Council, Associated Board, or Vermin Board, or to the Commissioner for the cost and expense of destroying vermin on any land is unpaid for three months, such Council, Associated Board, Vermin Board, or Commissioner may send to the registered owner of such land a notice in the form in the Sixth Schedule, or in a form to the like effect.

(2) Such notice shall also be published three times in the Gazette.

32. The notice under section 31 shall be sent by post to the registered owner of the land, or to his agent or attorney in case there is any such attorney or agent resident in the State known to the Council, Board, or Commissioner giving such notice.

33. If
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Section 33. If after one month from the third publication as required by section 31 of such notice the amount mentioned therein as being due and payable by an owner or occupier, or any portion thereof, remains unpaid, the District Council, Associated Board, Vermin Board, or Commissioner (as the case may be)—

(a) may let the land mentioned in such notice, or any part thereof, for a year, and so on from year to year, until such amount or portion and all other amounts made payable under this Act are paid and discharged, and

(b) may receive and retain the rents and apply the same in payment—

1. in the first place, of all costs of and attending the notice, the publication thereof, and the letting, and

2. in the next place, in and towards the payment of the cost and expense of the destruction and suppression of vermin on the land mentioned in the notice, including as well the cost and expense incurred at the time of the first publication of the notice as any cost and expense incurred either in the destruction or suppression of vermin on the said land up to the time of such letting, or in any way whatsoever connected with non-payment of the amount at any time recoverable by the District Council, Associated Board, Vermin Board, or Commissioner (as the case may be), or for any act done or performed under the provisions hereof, until the owner or occupier has paid and discharged the same,

and

(c) shall hold any surplus of rent for the owner of the land.

Section 34. (1) Instead of letting the land under section 33 the District Council, Associated Board, Vermin Board, or Commissioner (as the case may be) may apply by petition to the Supreme Court for a sale of all or any part of the land.

(2) Such petition shall not, where the owner or occupier is unknown, be presented until after one month from the third publication of the notice as required by section 31.

(3) Such petition shall not, where the owner or occupier is known, be presented until after the expiration of six months from the third publication as aforesaid of such notice and service of a copy thereof or to the like effect upon such owner or occupier, or his authorised or generally recognised agent in the State, by delivering the same at or sending it by post addressed to such owner or occupier, or agent, at his last known place of abode in the State.

(4) The
(4) The Court, on being satisfied by affidavit or otherwise that the moneys mentioned in such notice are lawfully due, and were owing at the time of the first publication of such notice, and that all things required by this Act to be done have been done, may make an absolute order in the first instance, or may grant a rule, calling upon the owner or occupier, if known, or all whom it may concern, if the owner or occupier is unknown, to show cause why an order should not be made for the sale by public auction of the land comprised in such petition, or so much thereof as may be sufficient to pay—

(a) the cost and expense incurred at the time of the first publication of the notice;

(b) the cost and expense incurred in the destruction of vermin on the land up to the time of the application for sale;

(c) all costs and expenses of and attending the notice, the application, and the sale:

(d) all other costs, charges, and expenses for any act done or performed by the petitioners, or by their authority, for carrying out the provisions of this Part.

(5) Unless good cause is shown to the contrary within the time fixed by such rule, the Court shall order—

(a) the sale of the land in manner aforesaid;

(b) payment out of the proceeds of such sale of the said costs, charges, and expenses in preference to any mortgage or other security on such land; and

(c) that a conveyance, or if the property is under the provisions of "The Real Property Act, 1886," or any Act amending the same, a memorandum of transfer (which the Registrar-General is hereby directed to register) be executed by the Master of the Court in a form to be approved by a Judge.

(6) Such conveyance, or the registration of such memorandum of transfer (as the case may be), shall vest an indefeasible estate in fee simple in the said land in the purchaser, his heirs and assigns, free from all encumbrances.

(7) The balance arising from the proceeds of such sale shall remain and be subject to any future or other order of the Court for the behoof of the persons interested therein.

(8) Where lands belonging to different owners are included in any notice under section 31, the same may be included in one petition for sale, and the Court may make such orders as to the apportionment of the costs and expenses of and incidental to the sale of such lands or any part thereof, as are deemed just.

35. (1) Where any money payable under this Part by any owner or occupier to a District Council, Associated Board, or Vermin Board, or
or to the Commissioner (as the case may be) remains due and unpaid for the space of one month after notice in writing to pay the same has been given to such owner or occupier, any person by such Council, Board, Associated Board, or Commissioner thereunto authorised may at any time thereafter so long as any money remains so unpaid, without any warrant, enter upon any land of such owner or occupier, and distrain the goods, chattels, and effects found thereon for the amount remaining due and unpaid.

(2) If the amount for which the distress is levied, together with all reasonable costs of such notice, entry, and distraint, is not paid within five days after such levy, then the said distress, or so much thereof as is sufficient to pay the amount remaining unpaid and costs, may be sold.

(3) Any surplus remaining after payment of such amount and costs, and the costs of and incidental to the sale, shall be returned to the owner of the goods, chattels, and effects distrained.

36. Nothing in this Part contained shall be construed to render it the duty of an owner or occupier—

(a) to destroy vermin upon a dedicated travelling stock reserve or Crown lands used as a travelling stock road which is within the boundaries of, or adjoining, the land of such owner or occupier:

(b) to destroy rabbits kept by him in cages.

37. (1) Subject to subsection (2) hereof, it shall be lawful for any occupier of land, for the purpose of carrying out his duties under this Act with regard to the destruction of vermin, to lay poison on such land.

(2) No poison shall be laid under the provisions of this section unless notice of such poison being laid is conspicuously exhibited on the land, and no poison shall be so laid within one hundred yards of any public road or way.

38. No authorised person shall be deemed a trespasser, or be liable for any damage occasioned by him in the exercise of the powers, discretions, and authorities, or any of them, by this Part conferred upon him, unless such damage is occasioned by or under the authority of such person wilfully and without necessity.

39. (1) Every owner and every occupier of any land adjoining any land within the Pinnaroo Railway District reserved by the Surveyor-General as a breakwind (whether the land so reserved is or is not within any of the hundreds mentioned in section 13 of the "Pinnaroo Railway Act") shall at all times and at his own expense, destroy all vermin upon such breakwind reserve, and upon the half width of any road adjoining such reserve.

(2) When
(2) When any land is separated from any such breakwind reserve only by a road, the owner or occupier of such land shall, at all times and at his own expense, destroy all vermin upon the full width of such road, and upon such breakwind reserve, and upon the half width of any other road adjoining such reserve.

(3) The obligation imposed by this section on the owner or occupier of land shall not apply in any case where the land adjoining the breakwind reserve on the side thereof remote from the first-mentioned land, or only separated therefrom by a road, is Crown land (which term does not include land vested in the South Australian Railways Commissioner).

(4) The obligation imposed by this section shall apply with respect to the whole width of a breakwind reserve, and with respect to so much of the length thereof as adjoins the land of the owner or occupier bound by this section, or as is separated therefrom only by a road.

(5) When the owners or occupiers of lands on different sides of a breakwind reserve, or only separated therefrom by a road or roads, are bound by this section to destroy vermin on such reserve, or such reserve and road or roads, and the owner or occupier of the land on one of such sides destroys such vermin, he may, by action in any Court of competent jurisdiction or summarily in manner indicated by section 273, recover a portion of the costs and expenses of the destruction thereof from the owner or occupier of the land on the other of such sides.

The portion so recoverable shall be determined according to the respective liabilities of such owners or occupiers under this section in respect of such reserve, or reserve and road or roads, or the part or parts thereof whereon the vermin have been so destroyed.

(6) In this section the expression "Pinnaroo Railway District" means the area enclosed by the outer edge of the blue line shown on the plan in the Second Schedule to the "Pinnaroo Railway Act." No. 831 of 1903.

40. When an authorised person finds vermin upon any such breakwind reserve or road as mentioned in section 39, he may, by notice in writing, require any person bound by the said section to destroy such vermin to forthwith destroy all vermin thereon, or on the part or parts thereof in respect of which he is so bound (as the case may be).

41. (1) The owner or occupier of any land who, being bound by section 39 to destroy the vermin on a breakwind reserve, or on such reserve and any road or roads, does not—

(a) during the simultaneous vermin destruction months of January, February, March, and April in any year, or

(b) within the prescribed time after the service upon him of a notice under section 40,
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destroy all vermin on such reserve, or on such reserve and road or roads, or on the part or parts thereof in respect of which he is so bound (as the case may be), shall be liable to a penalty for a first offence not exceeding Five Pounds, and for every subsequent offence not exceeding Twenty Pounds.

(2) The provisions of subsection (2) of section 23 shall apply to an information under this section: Provided that the information may be in such of the forms No. 3 and No. 4 in the Fifth Schedule as is applicable to the case, and when in such form shall not be questioned for want of form.

(3) This section shall be read as if the provisions of subsection (3) of the said section 23 were repeated in this section.

PART III.

VERMIN-FENCED DISTRICTS.

Division I.—Interpretation.

42. In this Part—

"Public notice" means notice given by advertisement in the Gazette, and by posting handbills, written or printed, or produced by mechanical process, on every post office in the District and on every other place appointed by the Board, by by-law or otherwise, as a place for posting notices:

"Ratable property" means and includes all lands, tenements, and hereditaments (including Crown lands, whether occupied or unoccupied) within the limits of a District:

"Ratepayer" means the owner or occupier of ratable property, or the owner of unoccupied ratable property, or the Surveyor-General in respect of ratable property belonging to the Crown, whether occupied by the Crown or unoccupied.

Division II.—Constitution of Vermin-Fenced Districts and Vermin Boards, and Suspension and Abolition of Boards.

43. (1) The Governor may, by proclamation,—

(a) upon the petition of the holders representing one-half of the ratable property (exclusive of unoccupied Crown lands) within the boundaries of the area mentioned in the petition, constitute such area, not being lands within a Municipality and not being already a Vermin-Fenced District, a Vermin-Fenced District for the purposes of this Act:

(b) assign a name to such District and fix the boundaries thereof:

(c) declare
(c) declare that any lands shall cease to be a Vermin-Fenced District or portion of a Vermin-Fenced District:

(d) vary the boundaries of a District.

(2) A plan of a proposed District or of a proposed alteration of a District, showing the proposed boundaries and the amount of freehold lands, lands leased by the Crown, and unleased lands belonging to the Crown, comprised within the same, shall be laid before Parliament and be approved by resolution of both Houses thereof.

(3) No owner holding less than a quarter of a square mile of land within the proposed District shall be entitled to take any part in relation to the formation of the District.

(4) Notwithstanding anything in this section, no area shall be declared a Vermin-Fenced District as aforesaid unless there are, at the time of the publication of the proclamation, at least three ratepayers holding rateable property (other than rateable property belonging to the Crown) situated within such area.

44. The Governor may, by proclamation,—

(a) in case a Board has erected a vermin fence outside the boundaries of the District, or

(b) in case it is impracticable or would be very difficult to erect a vermin fence on the boundaries of the District,

extend the boundaries of the District so as to include the fence already erected, or to include the land on which it is proposed that the fence shall be erected, and,

(c) in case portion of the District is situated outside of the vermin fence erected by the Board,

sever such outside portion from such District.

45. The Governor may, by proclamation, make any apportionment of property or adjustment of rights and liabilities as between two or more Districts, which is rendered necessary or expedient owing to the alteration of the boundaries of any District or Districts.

46. (1) Where any portion of the boundaries of a District, declared under Part III. of "The Vermin Act, 1905," or constituted under this Part of this Act (hereafter in this section called "the new District") consists of portion of the vermin fence of a previously existing District, the following provisions shall apply:—

(a) The Board of the new District shall pay to the Board of the previously existing District one-half of the value, at the time of the publication of the proclamation constituting the new District, of such portion of such fence:

(b) The amount so to be paid, unless agreed upon by the two Boards, within three months after notice given in writing by
by either Board to the other requiring that such amount shall be fixed, shall be fixed by the Commissioner by order published in the Gazette:

(c) The amount so agreed or fixed may be paid in twenty equal yearly instalments, together with simple interest on the balance for the time being remaining unpaid at the rate per centum per annum paid by the Board of the previously existing District for any money borrowed by it in respect of such fence:

(d) The first of such instalments shall be paid within twelve months from the date when the amount to be paid is agreed upon or fixed as aforesaid: and one of such instalments shall be paid in each year thereafter until the whole amount is paid.

(2) Where any portion of the boundaries of a District constituted as mentioned in subsection (1) hereof consists of portion of a vermin proof or other fence, the property in whole or in part of a lessee, the Board shall pay to such lessee one-half of the value of his interest in such fence at the time when the District was constituted, such price to be fixed by mutual agreement, or, failing that, by arbitration pursuant to the "Arbitration Act, 1891": Provided that where any lessee of land included in such Vermin District has contributed towards the value of such fence, the amount of such contribution may be set off by the Board against the amount which the Board is liable to pay.

47. The following provisions shall apply upon the constitution of a new District under section 43—

(a) The Governor shall appoint four persons to be the Vermin Board of such District:

(b) One of such persons shall be a Government officer:

(c) Where possible the other members of the Board shall be ratepayers, or representatives of ratepayers, within the District:

(d) The Governor may also appoint one of the members to be Chairman of the Board:

(e) The Governor may also appoint two auditors for the District:

(f) Such Government officer shall hold office during the pleasure of the Governor and shall not be subject to retirement by effluxion of time:

(g) Such other members of the Board and the auditors shall retain office until after the first annual election after the constitution of the District:

(h) Such Board shall have and exercise all the powers, duties, and functions of a Vermin Board under this Act.

48. (1) Any
48. (1) Any extraordinary vacancy on a Board (except in the case of the Government officer) shall be filled by the appointment by the Board of a person to be a member in the place of the member whose seat has become vacant.

(2) The member so appointed shall hold office until after the first annual election after his appointment.

49. In case there are only three ratepayers in a Vermin-Fenced District, and one of them resigns his position as a member of the Board, the Governor may appoint a person who is not a ratepayer of such District to act upon such Board.

50. (1) The Vermin Board for any District continued by this Act shall continue to be, and the Vermin Board for any District constituted under this Act shall be, a body corporate under the title of "The Vermin Board of the District of ___," the blank being filled in, in the case of a District continued by this Act, with the name assigned to the District by or under "The Vermin Act, 1905," and in the case of a District constituted under this Act, with the name assigned thereto by the Governor in the proclamation whereby it is constituted.

(2) Every such body corporate shall continue to have or shall have perpetual succession and a common seal, and under its corporate name shall continue to be or shall be capable in law of suing and being sued, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

(3) The corporate name of the Board shall be part of the seal of the Board.

(4) Such seal shall be kept at the District Office.

51. (1) The Governor may, by proclamation, suspend the powers and functions of a Board for such time as he thinks proper, or may abolish a Board if it appears to him that such Board—

(a) refuses or neglects to perform the duties and functions imposed and conferred upon such Board by this Act; or

(b) refuses or neglects to declare or levy any rates which such Board should declare or levy; or

(c) makes default in the due payment of an instalment of principal and interest due on a loan; or

(d) has misappropriated or has appropriated for any purpose not contemplated by this Act any of the moneys at the disposal of the Board, or any part of the revenue of the Board.

(2) The word "loan" in subsection (1) of this section shall be read as applying to—

(a) loans under Division I. or Division II. of Part VI. of this Act, and

(b) loans
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(b) loans under Division I. of Part VI. of "The Vermin Act, 1905," whether under that Division as passed or read as provided by section 5 of "The Vermin Act Amendment Act, 1911,"
as well as to—

(c) loans under Division X. of this Part, and

(d) loans under Division IX. of Part III. of "The Vermin Act, 1905."

52. When the powers and functions of a Board are suspended, or the Board is abolished, the Governor may, by proclamation, authorise the Commissioner to exercise all the powers, authorities, functions, and duties of such Board during the suspension of the Board, or until a new Board is appointed.

53. All property, real and personal, and all powers, authorities, immunities, rights, privileges, functions, obligations, and duties vested in or imposed on a Board by any means whatsoever shall, by force of this Act, be transferred to and vested in the Commissioner while the powers and functions of such Board are suspended, or upon the abolition of the Board.

54. The following provisions shall apply when a Vermin-Fenced District ceases to be a Vermin-Fenced District:

1. The Board of such District shall be deemed to be abolished:

11. So much of the fence erected or purchased by the Board as is on the land of a lessee shall become the property of such lessee, upon payment to the Crown by such lessee of the then value of the portion or portions of such fence on his land, less the amount paid by such lessee to the Board on account of the cost thereof:

111. The moneys so paid to the Crown by lessees shall, after deducting proper expenses of collection, be divided amongst the persons who were ratepayers of the District during the year prior to the abolition of the Board pro rata according to the number of square miles of land held by them respectively within the District.

DIVISION III.—MEMBERS OF A BOARD.

55. (1) Every male ratepayer of a District and every person who is a resident representative of a ratepayer if nominated by such ratepayer by writing signed by him, when he has attained the age of eighteen years, and any officer of or a shareholder in a company which is a ratepayer of the District, is qualified to be and continue to be a member of the Board of such District, unless he—

(a) is an uncertificated insolvent:

(b) holds the office of treasurer or a place of profit in the gift of the Board:

(c) directly
(c) directly or indirectly participates or is interested in a contract, except for advertisements and printing, with or without employment under the Board.

(2) No person shall be disqualified from being or continuing to be a member of a Board by reason of the receipt by him of travelling expenses incurred in pursuance of and paid under the authority of a resolution of the Board.

**56.** The following acts and events shall cause a vacancy in the office of a member of a Board:

(a) Death or lunacy of the member;

(b) Insolvency of the member, or the execution by him of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound:

(c) The conviction of the member of felony:

(d) Absence of the member from the State, without leave of the Board, during the holding of three consecutive ordinary meetings, or failure to attend the meetings of the Board for three consecutive ordinary meetings without sufficient cause, followed, in either case, by a resolution passed by the Board within three weeks after the last of such three consecutive ordinary meetings, declaring the office vacant, which resolution the Board may pass, but are not bound to pass:

(e) Any disqualification of the member, and notice thereof by him or some person on his behalf, posted or delivered to the Chairman, or, if there is no Chairman, to the Commissioner:

(f) Resignation of the member, by notice posted or delivered as aforesaid:

(g) Retirement of the member, by rotation, as provided by this Act:

(h) The judgment or order of any Court of competent jurisdiction declaring the office of the member vacant.

**57.** At the conclusion of the first annual election after the constitution of a new District, all the members of the Board (except the Government officer) shall retire.

**58.** At the conclusion of every annual election, after the first, in the case of a new District, and at the conclusion of every annual election, in the case of any other District, the following provisions shall apply:

(a) One of the members (not being the Government Officer) shall retire:

(b) The
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(b) The member to retire shall be the member (if any) who holds office by appointment of the Board, or the member who has been longest in office without re-election, and, when the member to retire cannot thus be ascertained, lots shall be drawn between those who have been an equal time in office without re-election to decide which of them shall retire, and the retirement shall take place accordingly:

(c) The Chairman shall in no case be required to draw lots; but the other member or members with whom it would have been necessary, but for his office as Chairman, that he should draw lots, shall retire, or shall draw lots between them to decide which of them shall retire.

59. (1) All drawing of lots by members of a Board to decide the order of retirement shall be had before the first publication of the notice under paragraph (1) of section 76.

(2) If the members of the Board fail to draw lots to decide the order of retirement within the time prescribed by subsection (1) hereof, the Chairman, or a Justice resident in the District, on the request, in writing, of a member of the Board, or of three ratepayers of the District, shall, in the presence of three or more of such ratepayers, draw lots to decide which of the members of the Board shall retire; and the Chairman or Justice (as the case may be) shall thereupon declare and give public notice under his hand of the names of the members who are to retire, and they shall retire accordingly.

60. Members of a Board required to retire under this Act shall be deemed to hold office until their successors are appointed or elected.

61. (1) When, at the time of the first publication of the notice under paragraph (1) of section 76, there are vacancies on a Board, and no more members are required to retire at the conclusion of the election for that year than there are seats then vacant, there shall be no need for any retirement of members, but the vacancies so existing shall be filled at such election.

(2) If any vacancy or vacancies exist at the time of the first publication of the notice mentioned in subsection (1) hereof, every member whose seat is so vacant shall be taken to be a person bound to retire at the annual election; and every such vacancy shall be filled at the annual election, and any other retirements shall be determined in manner herein provided.

62. (1) At the first meeting of a Board held after any annual election the members present shall elect one of their number to be Chairman of the Board.

(2) If there is an equal number of votes cast for two or more members, the Chairman shall be chosen by lot between those members having an equality of votes.

(3) The
(3) The omission to elect a Chairman as aforesaid shall not prevent the Board from making such election at a future meeting.

(4) The Chairman may resign his office at any time, and a vacancy in the office of Chairman may be filled up at any meeting of the Board.

63. A member of a Board or the Chairman of a Board retiring from or ceasing to hold office, but duly qualified, shall be eligible for re-election.

64. (1) No member of a Board shall be subject to be sued or prosecuted by any person whomsoever, nor shall the body, goods, or lands of a member of a Board be liable to any execution of any legal process, by reason of any contractual or other instrument entered into by such Board, or by reason of any other lawful act done by such Board in the execution of any of its powers.

(2) Every member of a Board, his heirs, executors, and administrators, shall be indemnified by such Board for all payments made, or liabilities incurred, in respect of any acts done by him, and of all losses, costs, and damages which he may incur, in the \textit{bona fide} execution of the powers granted to him by this or any other Act.

\textbf{DIVISION IV.—AUDITORS.}

65. The following provisions shall apply to Districts constituted under section 42 of "The Vermin Act, 1905," or under this Act:

(1) The auditors appointed by the Governor shall retire at the conclusion of the first annual election after the constitution of the Board:

(2) At the first annual election two auditors for the District shall be nominated and elected by the ratepayers in like manner as members of a Board are nominated and elected:

(3) At each subsequent annual election one auditor shall retire from office, and the auditor to retire shall be the one who has held office the longer without re-election, and if both have held office for the same length of time, the auditor to retire shall be decided by lots, to be drawn by the Chairman before notice is given of the day for the nomination of auditors; and if the Chairman fails to draw lots, both auditors shall retire.

66. The provisions of subsection (3) of section 65 shall apply to Districts, other than those dealt with in that section, which are continued by this Act.

67. (1) The qualification and disqualifications for the office of auditor shall be the same as in the case of a member of a Board, except that—

(a) an auditor need not be a ratepayer of the District, and

(b) no member of the Board of the District shall be an auditor for the District.

(2) An
(2) An auditor who is qualified to be a member of a Board may be elected a member, and he shall thereupon cease to be an auditor.

68. Any of the following acts and events shall cause a vacancy in the office of an auditor:

(a) Death or lunacy of the auditor;
(b) Insolvency of the auditor, or the execution by him of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound:
(c) The conviction of the auditor of felony:
(d) Absence of the auditor from the State at the time at which a periodical audit is appointed to be held, or non-attendance at an audit after fourteen days' notice has been given to the auditor of the time and place appointed for holding the same:
(e) Election of the auditor as a member of the Board:
(f) Resignation of the auditor by notice posted or delivered to the Chairman, or, if there is no Chairman, to the Commissioner:
(g) The judgment or order of a Court of competent jurisdiction declaring the office vacant:
(h) The auditor's being concerned, directly or indirectly, in a contract or dealing with the Board other than his employment as auditor.

69. (1) Any extraordinary vacancy in the office of auditor may be filled by appointment by the Governor.

(2) An auditor so appointed shall hold office only until the annual election next after his appointment.

(3) If only one of the auditors has been so appointed, he shall be the auditor to retire under section 65 or section 66, and the other shall continue in office unless he has acted as auditor continuously for the space of two years.

70. (1) The auditors shall forthwith after the half-yearly balancing of accounts, in accordance with this Act, audit the accounts of the Board for the half-year preceding the said half-yearly balance.

(2) The Board shall cause to be laid before such auditors the said accounts, together with proper vouchers, and all books, papers, and writings in the custody or power of the Board relating thereto.

(3) The said accounts, if found correct, shall be signed by the auditors in token of their allowance thereof.
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\textbf{71.} The Board shall publish the half-yearly balance-sheet once in one of the newspapers published in the State and once in the \textit{Gazette} within one month after the auditors have signed the same.

\textbf{72.} The auditors may refuse to allow any person to be present at the audit of the accounts.

\textbf{DIVISION V.—ELECTIONS.}

\textbf{73.} The Board shall have a suitable office for transacting the business of the District, to be called the Vermin Board Office for the District of ___

\textbf{74.} The following provisions as to voters shall apply to all elections of members of a Board or auditors—

\(a\) as regards a District which is within the limits of a District Council District the Board for such District shall, not less than one month prior to the election, prepare an alphabetical list of ratepayers entitled to vote for the election of members of the Board for such District, with the number of votes to which each ratepayer is entitled set opposite his name, and shall send a notice to each individual ratepayer showing the number of votes to which he is entitled:

\(b\) As regards a District which is not within the limits of a District Council District such list shall be prepared by the Commissioner, and shall be published in the \textit{Gazette} not less than one month prior to the election:

\(c\) Each ratepayer shall be entitled to one vote for every fifty square miles, or part of fifty square miles, of ratable property up to two hundred square miles, and one additional vote for every two hundred square miles, or part of two hundred square miles, over the first two hundred square miles:

\(d\) The Surveyor-General shall, in writing, nominate a person to vote in respect of ratable property belonging to the Crown

\(e\) Every ratepayer of the full age of eighteen years whose name appears in such list of ratepayers may vote, provided his rates have been duly paid as required by section 75:

\(f\) In case of joint tenancy or tenancy in common, one person only shall vote, unless the land exceeds fifty square miles in area, and then one joint tenant, or tenant in common as aforesaid, may vote for each additional fifty square miles, or for any part thereof, up to two hundred square miles, and one joint tenant or tenant in common may vote for each additional two hundred square miles, or part of two hundred square miles; and joint tenants or
or tenants in common entitled to vote may vote in the order in which they tender their votes until votes have been taken for the whole area:

(g) No owner holding less than a quarter of a square mile of land within the District shall be entitled to vote.

75. (1) No ratepayer shall vote until he has paid all rates declared six months previously, and which were then payable by him in respect of the property for which he claims to vote.

(2) Any ratepayer may object to a person attempting to vote if such rates have not been paid.

(3) The Secretary shall post a list of all ratepayers who owe any such rates at every polling-place, but the failure to post such list shall not invalidate the election.

Provisions as to elections.

76. The following provisions as to elections shall apply to all Districts:

(1) The Board shall, by notice published in the Gazette for four consecutive weeks, appoint a time and place when and where written nominations for members and auditors shall be received:

(2) Such notice and nominations may be in the forms No. 1 and No. 2 in the Seventh Schedule:

(3) The time appointed to receive nominations shall be not later than six weeks after the annual meeting of the Board for the current year:

(4) The Board shall appoint a Returning Officer, not being a candidate, to preside at the nomination and election of members and auditors:

(5) The Returning Officer shall attend at the time and place appointed for receiving nominations, and shall cause such nominations to be opened and read aloud:

(6) If no more persons are nominated as members or auditors (as the case may be) than are required to be elected, the Returning Officer shall forthwith declare the persons nominated to be elected:

(7) If a greater number are nominated than are required to be elected, the proceedings shall be adjourned to a day, being not less than fourteen days nor more than twenty-eight days after the adjournment, when the votes of the ratepayers shall be taken:

(8) Ratepayers may vote in person or by proxy:

(9) A proxy shall be appointed in the form No. 3 in the Seventh Schedule:

(10) A
(10) A proxy shall vote by filling in and signing a voting-paper in the form No. 4 in the Seventh Schedule, and delivering the same to the Returning Officer at the time appointed for voting, together with his appointment:

(11) A ratepayer voting in person shall fill in and sign a voting-paper and hand the same to the Returning Officer as aforesaid:

(12) For the purpose of voting each ratepayer shall be entitled to the number of votes prescribed by subsection (c) of section 74:

(13) In case of equality of votes, the Returning Officer shall have a casting-vote in addition to any votes he may have as a ratepayer:

(14) The Returning Officer shall announce the result of the voting, and shall forthwith certify the same to the Commissioner.

77. When an election fails wholly or in part to be made as provided by this Act, or such election having been made, afterwards becomes wholly or in part void, the Governor may appoint the members or auditors of the Board required to be elected.

78. The Board shall, within forty-eight hours from the election of a person to an office in the District, cause to be delivered or posted to such person a notice informing him of such election, and within fourteen days of such election shall insert a notice thereof in the Gazette.

79. If the Board fails to proceed to an election for the space of twenty-one days from the last day on which such election is required by this Act to be held, a Justice or a Special Magistrate may, upon the request in writing of three ratepayers of the District, do every act required to be done for holding such election.

Division VI.—Meetings of a Board, and Committees thereof.

80. (1) Meetings of the Board need not be held within the District.

(2) The Board may, from time to time, fix the place where meetings shall be held, and may adjourn any meeting to any other place.

81. (1) The Board shall appoint a male person of full age, who is not a member of the Board or an auditor, to be Secretary to the Board.

(2) Any member of the Board, or other person appointed as provided by section 91, may perform the duties of the Secretary in his absence.

82. (1) The
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82. (1) The annual meeting of the Board shall be held at the Vermin Board Office, on such day (subject to the provisions of this section) and at such hour as the Board determines.

(2) As regards a Board continued by this Act, such meeting shall be held in the month in which the annual meeting was held prior to the passing of this Act.

(3) As regards a Board constituted under this Act, such meeting shall be held in the twelfth month after the appointment of the Board, and thereafter in the same month of every succeeding year.

83. (1) Ordinary meetings of the Board shall be held at such times, not being less than once in each quarter, as the Board determines.

(2) Special meetings may be held at any time.

(3) The Chairman may call a special meeting at any time, and on the requisition, in writing, of three members of the Board, he shall call such meeting.

(4) If the Chairman refuses, or for two clear days fails, to call such meeting upon such requisition, any three members may call such meeting by public notice, signed by them, and stating the object of such meeting, and the time and place of holding the same.

84. Any meeting may be adjourned to any time.

85. Business required to be done at an annual or ordinary meeting may be done at a special meeting.

86. The Secretary shall, unless and until otherwise provided by by-law, send by post to every member of the Board fourteen days' notice of every meeting, specifying the time and place of meeting, and, in the case of a special meeting, the business to be done thereat.

87. (1) At all meetings of the Board, except where otherwise provided by this Act, one-half or a majority of the members for the time being shall form a quorum.

(2) The Secretary, in the absence of all the members, or any member present alone, or the majority of members present at a meeting at which there is no quorum, may, at the expiration of half an hour from the time fixed for such meeting, adjourn the same.

(3) Any business which could have been transacted at such meeting may be transacted at the adjourned meeting.

88. At any meeting of the Board the Chairman, or in his absence such member as the members present at such meeting elect for that purpose, shall preside, and shall have a deliberative vote, and, in case of equality of votes, a casting-vote.

89. Notwithstanding
89. Notwithstanding a vacancy in the office of a member of a Board, the business of the Board shall be carried on by the member or members actually in office, who shall have all the powers of the Board.

90. All proceedings of the Board, or of a committee of the Board, or of any person acting as a member of the Board, shall, notwithstanding any defect in the election or appointment of the members of such Board, or of such Committee, or any of them, or of any person acting as aforesaid, or that they or any of them were or was incapable of being members or a member of the Board, be as valid as if such members or member, or such person, had been duly elected or appointed, and were or was capable of being members or a member.

91. If, in consequence of death, absence, or any lawful impediment, it is impossible or inconvenient for the Secretary or a member or other person to perform any particular matter or thing which by this Act he is required to perform, the Chairman, or if, for the like reason, it is impossible or inconvenient for the Chairman, the Board, may perform the matter or thing, or appoint some member or other person to perform it.

92. If the day for a meeting, or adjourned meeting, or for any business required by this Act or any by-law to be held or done, falls on a Sunday, Good Friday, Christmas Day, or public holiday, such meeting shall be held, or business done, on the first day after the day on which it was so required to be held or done.

93. No resolution passed at a meeting of the Board shall be revoked or altered at a subsequent meeting, except subject to the following conditions:—

(a) Written notice of an intention to propose such revocation or alteration shall be given or posted to each of the members twenty-one days at least before the date fixed for the subsequent meeting.

(b) The resolution for such revocation or alteration must be carried by a majority consisting of at least two-thirds of the members present at such subsequent meeting, if the number of members present at such subsequent meeting is not greater than the number present when such resolution was passed, or by a majority if the number of members present at such subsequent meeting is greater than the number present when such resolution was passed.

94. The Board may—

(a) appoint occasional or standing committees:

(b) fix the quorum of every such committee:

(c) continue, alter, or discontinue any such committee.

95. The
The following provisions shall apply to every such committee:—

(a) One of its members shall be appointed chairman of the committee:

(b) Such chairman may, from time to time, be removed by resolution of the committee:

(c) Such committee may meet from time to time, and may adjourn from place to place as they think proper:

(d) No business shall be done at any meeting unless the quorum (if any) fixed by the Board, or, if no quorum is fixed, three members, are present at such meeting:

(e) If the chairman of such committee is not present at any meeting, one of the members present shall be appointed chairman of such meeting:

(f) All questions shall be determined by a majority of the votes of the members present:

(g) The chairman shall have a deliberative vote, and, in case of equality of votes, a casting-vote.

The Board shall cause minute-books to be kept by the Secretary of all the meetings of the Board, and of every committee thereof, and of the proceedings thereat, and the following provisions shall apply to the minutes:—

(a) The names of the members who attend at each meeting shall be entered therein:

(b) The names of all members voting on any question for the decision of which a division is called for shall be entered therein:

(c) The minutes of every Board meeting, and of every meeting of a committee until a report is agreed upon, shall be submitted for confirmation at the next succeeding meeting, or if that is omitted, to some subsequent meeting, and, if found correct, shall be signed by the chairman of the meeting at which the same are confirmed:

(d) If such chairman refuses or neglects to sign such minutes for seven days after such meeting, the same may be signed by any two members present and entitled to vote at such meeting:

(e) The minutes of a committee meeting at which a report is agreed to shall, if found correct, be signed at such meeting, or some adjournment thereof, by the chairman thereof.

The minute-books shall, at all reasonable times, be open to the inspection of—

(a) a member of the Board:

(b) a
(b) a creditor of the Board:
(c) a ratepayer of the District.

(2) Creditors and ratepayers shall pay One Shilling for every such inspection, and may take copies of a minute.

98. Every minute purporting to be such minute as mentioned in section 96 and to be signed, as provided by that section, or a copy of or extract from any such minute purporting to be attested by the seal of the Board and to be signed by the Secretary, shall be received as evidence in all Courts, and before all Judges, bodies politic, and persons, without proof that the meeting to which the same refers was duly convened or held, or that the persons attending thereto were members of the Board or members of a committee thereof, or of the signature of the Chairman or any members, or of the fact of his having been such Chairman, or of their having been members entitled to sign such minutes, or of the affixing of the seal or of the signature of the Secretary; and all such matters shall be presumed until the contrary is proved.

DIVISION VII.—CONTRACTS AND WORKS.

99. (1) Contracts for the purposes of this Act may be made, varied, or discharged by a Board in manner following:

I. A contract which, if made between private persons, would be by law required to be in writing, and under seal, may be made, varied, or discharged in writing under the common seal of the Board:

II. A contract which, if made between private persons, would be by law required to be in writing, signed by or on behalf of the parties to be charged therewith, may be made, varied, or discharged in writing under the common seal of the Board, or in writing signed by the members of the Board, or any person acting by the direction and on behalf of the Board:

III. A contract which, if made by private persons, would be by law valid, although made by parol only, and not reduced into writing, may be made, varied, or discharged in either of the two ways aforesaid, or by parol, with or without writing, by any person acting by the direction and on behalf of the Board.

(2) All contracts made according to the provisions of this section shall be effectual in law and binding on the parties thereto.

100. The Board may compound with a person who has entered into a contract with the Board, or by or against whom an action or proceeding has been brought or threatened against or on behalf of the Board, for such sum of money or other consideration as the Board thinks proper.

101. The
5° GEORGIÆ V, No. 1181.

The Vermin Act — 1914.

101. The Board may, subject to the approval of the Commissioner, contract, upon such terms as it thinks fit, with any other corporate or public body for or with respect to the doing and the control and management by either or both of the contracting parties of any matter or thing which such contracting parties are, or either of them is, by law empowered to do, control, or manage; and the Board may carry out such contract according to the tenor thereof.

102. The Board may carry out all works and undertakings and do or cause to be done all acts and things necessary for the suppression of vermin by the erection of vermin fencing.

103. (1) The Board may, by by-law, require owners and occupiers of land within the District to erect and maintain a vermin fence around all artificial and permanent supplies of water (except running streams) upon land owned or occupied by them respectively, subject to the directions of an inspector appointed by the Board, who shall determine the position of such fence.

(2) Such fence shall be provided with a proper gate or gates, to be approved of by the inspector.

(3) Such gate or gates shall, during such months of the year and during such hours as are fixed by the Board, be kept closed by the owner or occupier.

(4) An owner or occupier who fails to keep such gate or gates closed as aforesaid shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Ten Pounds.

104. (1) If an owner or occupier fails to erect or maintain a fence, as required under section 103, the Board shall give written notice to such owner or occupier to erect or maintain the same within a time specified in such notice.

(2) An owner or occupier who fails to comply with such notice shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds.

105. If, after the expiration of the time specified in a notice under section 104, any direction therein contained has not been complied with by the owner or occupier named therein to the satisfaction of the inspector, the Board shall undertake and carry out such direction at the expense of such owner or occupier, and may recover such expense from him in a summary way or by action in any Court of competent jurisdiction.

106. The Board and its officers, servants, and agents—

(a) may enter upon any lands within the District:

(b) may cut timber thereon:

(c) shall clear the land on each side of any fencing erected or maintained by the Board for a space of at least twelve feet:

(d) shall
(d) shall do all other acts and things necessary for the purposes aforesaid—

without being liable to any owner or occupier upon any claim or demand whatsoever in respect thereof.

107. (1) The Board may, subject to section 46, purchase any fence erected along the boundaries of its District, or which it is convenient to acquire for the purposes of this Act.

(2) The price to be paid for any such fence purchased by the Board, unless mutually agreed between the owner thereof and the Board, shall be fixed by the Commissioner.

108. (1) All fences erected, purchased, or acquired by a Board shall vest in such Board.

(2) All fences erected, purchased, or acquired by two or more Boards shall belong to and be apportioned by the Commissioner between such Boards proportionately to the amount contributed by them respectively in erecting, purchasing, or acquiring such fences.

(3) Any fence erected by a Board pursuant to section 149 of "The Vermin Districts Act, 1894," or section 105 of "The Vermin Act, 1905," or section 105 of this Act, shall cease to be vested in the Board from the time of the Board’s receiving the cost of such erection.

109. (1) Every vermin fence erected by a Board shall be erected and maintained to the satisfaction of the Commissioner.

(2) Any person authorised in writing by the Commissioner may at any time inspect any vermin fence erected or in course of erection by a Board.

(3) The Commissioner may, by writing under his hand, require a Board to alter a vermin fence which has not been constructed in accordance with the requirements of this Act, or to repair a vermin fence which is out of repair, and such Board shall alter or repair such fence accordingly.

110. (1) Where two Districts have a common boundary, the Board of either District may require the Board of the other District to join in or contribute equally to the cost of the erection of wire netting or a vermin fence along such common boundary.

(2) Such requisition shall be by notice, which notice shall be sufficiently authenticated, without the common seal of the Board, if signed by the Chairman, or by the Secretary, and may be served by posting the same, addressed to the Chairman or the Secretary of the Board to which it is intended to be given.

(3) If within three months after the service of a requisition to fence under this section, the Board served therewith has not begun to erect its portion of the wire netting or fence, or is not proceeding with such fence under this section, the Board served therewith may proceed with the erection of such fence itself.
such erection with all reasonable speed, the Board serving the notice may—

(a) erect the whole of the wire netting or fence, and

(b) recover half the cost of the erection thereof from the other Board in any Court of competent jurisdiction.

111. (1) A Board erecting a vermin fence along the common boundary between its District and another District may clear all scrub for a width not exceeding twelve feet on each side along the length of such fence.

(2) The cost of such clearing shall be deemed to be part of the cost of such fence.

112. The cost of maintaining and keeping in repair a fence erected or purchased by a Board shall be borne by such Board; but where such fence is along the common boundary between two Districts, or along portion of such boundary, the cost of the maintenance and repair of such fence shall be borne equally by the Boards of the two Districts.

113. (1) The owner of a fence which joins, abuts on, or is connected with a vermin fence erected by a Board shall provide, at or about the point at which such fence joins, abuts on, or is connected with the vermin fence, a suitable gate, at least twelve feet wide, so as to allow free passage for the purpose of inspection and repair under section 109.

(2) On default by the owner the Board may provide and erect such gate and recover the cost thereof from such owner.

(3) For the purposes of this section “owner” includes the occupier of the land on which the fence is erected.

114. (1) The occupier of land which is not within but abuts on a District, and is enclosed with a vermin fence, or is portion of an area enclosed within a vermin fence, shall, three months after demand upon him, be liable to pay to the Board owning the fence dividing his land from the District one-half of the value of such fence at the time of such demand.

(2) Such occupier may pay such amount in twenty equal yearly instalments, together with simple interest on the balance for the time being remaining unpaid at the rate of Four Pounds per centum per annum.

(3) The first of such instalments shall become due one year after the service of the demand upon the occupier, and one of such instalments shall become due on the same date in each year thereafter, until the whole amount has been paid.

(4) In this section the word “occupier” includes any person who is in the actual occupation of, or is entitled as owner to occupy, any land...
The Vermin Act.—1914.

land alienated from or demised by the Crown by grant, agreement, or lease, or who holds lands under licence from the Crown; but does not include or mean any person in the occupation of or entitled to occupy land held under the Crown by yearly licence.

115. (1) The occupier of land which abuts on the vermin fence of a Board, and which, but for such vermin fence would be without a boundary fence, shall, whether such land is inside or outside of a District, on his availing himself of such vermin fence within the meaning of "The Fences Act, 1892," by keeping or depasturing sheep or cattle on the land abutting thereon, pay to the Board owning such vermin fence Five Pounds per centum per annum on half the cost of so much of such vermin fence as his land abuts upon; but the sum on which such percentage is to be paid shall not exceed the sum which such occupier would, under "The Fences Act, 1892," have been liable to pay if such fence had been a dividing fence within the meaning of that Act and such occupier had availed himself thereof.

(2) In addition to the case mentioned in subsection (1) hereof, that subsection shall also apply to an occupier of land abutting on a vermin fence not owned by the Board, but in respect of which fence the Board has contributed not less than half the cost thereof as abuts on such occupier's land.

Division VIII.—Revenue and Expenditure.

Revenue Generally.

116. The revenue of a Board shall consist of—

i. rates which the Board is by this Act authorised to declare:

ii. fines and penalties imposed or inflicted—

(a) for any offence against this Act, committed within the District; or

(b) for any offence committed by, or for any breach or neglect of duty on the part of, any member of the Board, or any ratepayer, officer, or other person in any matter relating to the District or Board, or to any member of the Board or officer, or in respect of any election or meeting or proceeding in connection with the District or Board, or any member of the Board or officer;

such fines and penalties shall be paid to the Board for the use and benefit of the District, save any fine or portion thereof ordered, in pursuance of this or any other Act, to be paid to any other person:

117. (1) All
The Vermin Act.—1914.

117. (1) All moneys received by any officer on account of the Board shall be credited to a fund to be called the Vermin Board Fund, and shall be paid into the bank appointed by the Board to receive such moneys.

(2) Such payment shall in every case be made as soon as the moneys in hand amount to Five Pounds or more.

(3) Every payment of One Pound or more to be made on behalf of the Board shall be made by a cheque on the Board’s bank, drawn by the Chairman and one member of the Board authorised from time to time by the Board in that behalf, and countersigned by the Secretary.

(4) Payments of less than One Pound may be made out of a petty cash account, which shall be replenished from time to time by cheques drawn for that purpose.

118. A Board may expend its moneys —

(a) in preparing for, carrying out, improving, and maintaining any works and undertakings authorised by this Act:

(b) in paying salaries and fees to any officers of the District, or persons in the employ of or appointed by the Board:

(c) in paying for the destruction of vermin on the whole or any specified portion of the land within the District, or on any land outside the District, the approval of the Commissioner having first been notified in the Gazette:

(d) in payment or part payment of the travelling expenses of members incurred in attending meetings of the Board, or when engaged on special business at the request or by the authority of the Board: Provided that such request or authority is in writing:

(e) in payment for professional and other like services necessary or desirable in and about the property and business of the Board:

(f) generally in performing the duties and transacting the business of the Board as required or authorised by this Act.

119. No Board shall expend in any year for salaries and fees to officers, printing, advertising, stationery, and office expenses more than one-fourth of the whole of the rates declared for the District for that year.

120. (1) The Board shall keep proper accounts of all sums of money received and paid, and of the several purposes for which such sums of money have been received and paid respectively.

(2) Such accounts shall be balanced twice at least in every period of twelve months ending on the thirtieth day of June.

(3) Every
The Vermin Act.—1914.

PART III.

DIVISION VIII.

Every ratepayer of the District may, at all reasonable times, upon payment of One Shilling to the Secretary, and every auditor for the District may, at all reasonable times, without payment, inspect and take copies of or extracts from such accounts, both before and after the same are audited, and of the abstract and statement of balance mentioned in section 121.

121. (1) Every Board shall, during the month of July in each year, cause an account, in abstract, to be prepared, with a statement of the balance of such account.

(2) Such account shall show, under the several distinct heads of receipt and expenditure, the total receipt and expenditure of all funds received by virtue of this Act, for the period of twelve months ended on the preceding thirtieth day of June.

(3) Such account and statement shall be duly audited and certified by the auditors and by the Chairman or two members of the Board, and by the Secretary.

DIVISION IX.—Making and Recovering Rates.

122. The first rate declared by a Board shall be for the portion of the year between the date of the publication of the proclamation constituting the District and the thirtieth day of June next after the declaring of the rate.

123. (1) The Board, before proceeding to declare a rate, shall prepare an estimate of the sum required for the several purposes in respect of which it is authorised to expend or apply its revenue.

(2) Such estimate shall show—
   (a) the several sums (if any) already available for such purposes;
   (b) the several sums required;
   (c) the number of square miles of ratable property within the District; and
   (d) the rate or rates per square mile which will be necessary to raise the sum required.

(3) Such estimate, when approved by the Board, shall be entered in a book, to be called the Estimate Book.

(4) Such book shall be kept at the Vermin Board Office, and shall be accessible to the ratepayers at all reasonable hours.

124. (1) After making such estimate the Board shall, for the general purposes of this Act, declare a rate on the ratable property within the District for the period of twelve months ending on the thirtieth day of June next after the declaring of the rate.

(2) Such rate shall not exceed Five Shillings on each full quarter of a square mile of the ratable property within the District. The Board shall cause annual accounts to be made.

Ibid., s. 123.

Ibid., s. 124.

Before making rate Board to make estimate and keep it in book for inspection.

Ibid., s. 125.

General rate.

Amount of rate.
The Vermin Act—1914.

Board may, wherever it appears equitable, declare a smaller rate or smaller rates in respect of any ratable property to be specified by the Board which adjoins or is in proximity to any existing or intended or proposed vermin fence by reason that such ratable property is not or will not be benefited by such fence to the same extent as the other ratable property within the district.

(3) Land enclosed with a vermin fence, which, in the opinion of the Board, is erected and maintained in an effective manner, shall be exempt from such rate: Provided that such exemption shall not apply where the whole or any portion of such fence has been purchased by the Board, and shall not apply to any land enclosed with a vermin fence after the fifth day of December, nineteen hundred, if such fence has been erected after the constitution of the District in which such land is situated.

(4) No owner holding less than a quarter of a square mile of land in the District shall be liable to pay any rate under this section.

(5) The exemptions from rates provided by subsections (3) and (4) of this section shall not apply in respect of any land which is, for the time being, subject to any charge under Division I. or Division II. of Part VI. of this Act, or under Division I. of Part VI. of "The Vermin Act, 1905," whether under that Division as passed or under that Division read as provided by section 5 of "The Vermin Act Amendment Act, 1911."

125. The following provisions as regards rates shall apply in a District which is not situated within the limits of a District Council District:

(1) The Board shall, as soon as possible after the declaration of a rate, inform the Commissioner thereof:

(2) The Commissioner shall forthwith publish in the Gazette a notice containing the names of the ratepayers liable to pay such rate, the amount thereof, and the date for payment thereof:

(3) Such rates shall be paid to the Commissioner, and may be levied and recovered by or under the authority of the Commissioner in like manner as any rent is recoverable under any lease, or in a summary way before any two or more Justices:

(4) Where any such rate is levied by distress, a warrant under the hand of the Commissioner shall be a sufficient authority to distrain:

(5) The Commissioner shall, on receipt of the proceeds of any rate or rates as aforesaid, pay the same to the credit of the Board in the bank appointed by them:

(6) The Board shall pay to the Commissioner all costs and expenses incurred in receiving, collecting, recovering, and distributing rates:

(7) The
(7) The Commissioner may deduct such costs and expenses from the proceeds of any rates passing through his hands, or may recover the same by action in any Court of competent jurisdiction.

126. The following provisions as regards rates shall apply in a District which is situated within the limits of a District Council District:—

(1) The Board shall forthwith after the declaration of a rate publish in the Gazette a notice containing the names of the ratepayers liable to pay such rate, the amount thereof, and the date for payment thereof:

(2) Rates shall be paid to the Board, and may be levied and recovered by or under the authority of the Board in like manner as rent under a lease is recoverable, or in a summary way before two or more Justices:

(3) Where any such rate is levied by distress, a warrant under the hand of the Chairman and the seal of the Board shall be a sufficient authority to distress.

127. (1) A penalty of Five Pounds per centum shall be added to the amount of a rate payable under the authority of this Act which is not paid on or before the day appointed for payment thereof.

(2) A further penalty of Five Pounds per centum shall be added if such rate and first penalty are not paid within three months after such day.

(3) Such rate and penalties may be recovered at any time after they become due by the Commissioner, or by the Board (as the case may be), by action in his or its own name in any Court of competent jurisdiction.

128. (1) The Board may borrow money from the Government for the purpose of defraying the cost of the erection and maintenance of the fence or fences decided upon by the Board if the proceeds of one year's rate are insufficient for the purpose.

(2) The Board shall repay the sum so borrowed in twenty equal annual instalments, together with simple interest on the balance for the time being unpaid at the fixed rate.

(3) Payment of each of such annual instalments is hereby made a first charge upon the annual rates of the District.

129. A loan under section 128 may be made out of moneys voted by Parliament for the purpose of making such loans.
130. (1) The Board, before applying for a loan, shall prepare—
   (a) plans and specifications of the work in respect of which
   such loan is to be expended:
   (b) an estimate of the cost of such work; and
   (c) a statement showing the proposed expenditure of such loan.
(2) Such statement shall be open to the inspection of the ratepayers.

131. Upon default being made by the Board in the repayment
of a loan or any instalment of a loan, the Commissioner—
   (a) shall have all the rights of a creditor of the Board in
   respect of any sum of money due in respect of such
   loan or instalment, and may charge interest thereon at
   a rate being One Pound per centum per annum in excess
   of the fixed rate:
   (b) may from time to time apply the proceeds of any rate or
   rates received by him or passing through his hands,
   pursuant to this Act, towards the payment of such loan
   or instalment and interest until the same are fully paid.

132. The Board may at any time pay off the whole or any part
of a loan.

133. No transfer or absolute surrender of the lease of any land
within a District shall be allowed until the Board of such District
has repaid all loans made to it by the Government under Part XI.
of "The Vermin Districts Act, 1894," or under this Act, or any Act
hereby repealed, unless the Commissioner—
   (a) is satisfied that the proportion of any such moneys owing
   by the Board payable in respect of the lease proposed
   to be transferred or surrendered will be duly paid as
   and when the same becomes payable; and
   (b) consents to such transfer or surrender.

134. The Board may—
   (a) appoint, in addition to the Secretary, a treasurer, a
       surveyor, an overseer of works, inspectors, and rangers,
       and such other officers as are necessary:
   (b) remove any of such officers:
   (c) appoint others in the room of such as are so removed, or
       as die, resign, or discontinue their offices:
   (d) pay such salaries and allowances to the said officers out of
       the District Fund as the Board determines.
The Vermin Act.—1914.

135. The Board may take sufficient security by guaranty from some person or company, or by deposit, for the fidelity of any officer entrusted by the Board with the custody or control of any moneys by virtue of his office, before he enters upon such office.

136. (1) Every officer appointed or employed by the Board shall, when required by the Board, make out and deliver to it, or to any person appointed by it for that purpose, a true and perfect account, in writing, under the hand of such officer, of all moneys received and of all moneys paid by him on behalf of the Board.

(2) Such account shall show from whom and on what account any such moneys have been received, and to whom and on what account any such moneys have been paid.

(3) Such officer shall deliver up with such account all vouchers and receipts for such payments.

(4) Such officer shall pay to the Board, or to any person appointed by them to receive the same, all moneys which appear to be owing to the Board by such officer upon the balance of such account.

137. (1) If any such officer fails—

(a) to deliver such account as aforesaid; or

(b) to produce and deliver up the vouchers and receipts relating to the same in his possession or power; or

(c) to pay any moneys in his hands payable to the Board when thereunto required; or

(d) to deliver up to the Board, or to any person appointed by them to receive the same within seven days after being thereunto required, all papers and writings, property, matters, and things in the possession or power of such officer relating to the execution of this Act, or belonging to the Board;

any two Justices may hear and determine the matter in a summary way, and may order such officer to deliver such account or to deliver up such vouchers and receipts as aforesaid, or to pay over the moneys owing by him, and to deliver up all such papers, writings, property, matters, and things as aforesaid.

(2) If such officer neglects to obey such order, he may be committed to gaol by any Justice for any period not exceeding six months.

138. (1) All proceedings against any officer under section 137, may be had and taken and enforced against him after he has ceased to hold his office.

(2) No such proceeding against any officer or past officer shall deprive the Board of any remedy which they may have against any surety of such officer or past officer.
The Board may make by-laws for carrying out the provisions of this Part, and for the following purposes:

1. to regulate the manner of calling and holding meetings of the Board and committees thereof, and the quorum of such committees:

2. to regulate the form of public notices to be published by the Board, and the places of posting the same:

3. to regulate elections and the appointment of officers or other persons to carry out the provisions of this Part in relation to elections:

4. to regulate the appointment, duties, and control of all or any officers or servants of the Board, and the time and mode of payment of their salaries and fees:

5. to fix or regulate the securities to be taken from or on behalf of, or to secure the fidelity of, any officer or servant:

6. to regulate the making or declaring of rates:

7. for the appropriation and expenditure of the revenue of the Board:

8. for the punishment of persons falsely representing themselves to be officers of or appointed by the Board:

9. for the more effectual exercise of the powers, and discharge of the duties and liabilities, hereby conferred and imposed on the Board:

10. to require owners and occupiers to fence supplies of water, pursuant to section 103:

11. to fix pecuniary penalties for offences against or breaches of such by-laws, or any of them, and to fix additional penalties for a repetition or continuance of any offence: Provided that the penalty so fixed for any single offence shall not exceed Ten Pounds.

(1) At least two-thirds of the members of the Board, in office at the time, shall be present at the meeting of the Board at which any by-law is passed.

(2) No by-law shall be of any force until signed by the Chairman and Secretary and confirmed by the Governor, and published in the Gazette.

(3) After
(3) After the expiration of one month from the publication as aforesaid of any by-law, such by-law shall have the force of law, and shall, until altered or repealed, have the same effect within the District as if such by-law were part of this Act.

**141.** No by-law shall be repugnant to this or any other Act of the Legislature of the State, or to any regulations made by the Governor under this or any such other Act.

**142.** No Board shall be authorised to inflict any punishment except by way of penalty as provided by section 139.

**143.** Any by-law made by the Board may be altered or repealed—
   i. by a subsequent by-law of such Board inconsistent therewith or expressly altering or repealing the same:
   ii. by regulations inconsistent with such by-law made by the Governor under any Act:
   iii. by a proclamation by the Governor, published in the Gazette, expressly altering or repealing such by-law.

**144.** Notwithstanding the repeal or alteration of any by-law, every offence committed against such by-law before the repeal or alteration thereof shall be adjudicated upon, and every act or proceeding done or commenced, and every right, privilege, or protection acquired, and every liability incurred, shall continue, be prosecuted, and be of the same force and effect as if such by-law had not been altered or repealed.

**145.** All by-laws shall be intituled as of the District of which they are by-laws, and according to the purport thereof, and according to the part or section of this Act under which they are made, and shall be numbered consecutively, and so that no by-law shall bear the number borne by any other by-law of the District.

**146.** No person shall be prosecuted or punished for the same offence under this Act, or any by-law continued hereby or made hereunder, and also under any other Act or any by-law or regulation made thereunder.

**147.** (1) Any ratepayer of a District who desires to dispute the validity of any by-law made, or purporting to be made, under this Act, may apply to the Supreme Court, upon an affidavit setting out the facts, for a rule calling upon the Board concerned to show cause why such by-law should not be quashed for illegality.

   (2) No such rule shall be drawn up until such ratepayer has given security to the satisfaction of the Master of the said Court for the sum of Fifteen Pounds for the costs of the proceedings.

   (3) The Court may make the said rule absolute or discharge it, with or without costs as to the Court seems fit.
148. (1) The Governor may make regulations for the carrying out of this Part, and in particular, and without derogating from his general power, he may make regulations—

(a) prescribing the mode in which the account books and any other books of Boards shall be kept;

(b) requiring Boards to collect, for a remuneration to be fixed by the Governor in the case of each Board, agricultural, pastoral, and live stock statistics relating to their respective Districts, and to forward returns of the same to the Government Statist, or to the Chief Secretary.

(2) The Governor may annul, amend, and add to any such regulations as aforesaid, or make others in lieu thereof.

(3) Such regulations shall be published in the Gazette, and shall thenceforth, subject to subsection (5) hereof, have the force of law.

(4) Such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not, then within fourteen days after the next Session of Parliament begins.

(5) If during that Session either House of Parliament passes a resolution objecting to any such regulations, the same shall (so far as so objected to) thenceforth cease to have the force of law, and notice of such resolution shall forthwith be published by the Commissioner in the Gazette.

149. If in any regulations made by the Governor by virtue of this Part there are any models of by-laws, a Board may, by a majority of the members present at any meeting at which there is a quorum, adopt any such models and make them by-laws of the District.

DIVISION XIII.—DIFFERENCES BETWEEN BOARDS.

150. The following provisions shall apply to any difference, whether arising out of the construction of this Part or not, which arises between any two or more Boards touching and relating to the carrying out of the provisions of this Part, or touching or relating to the fulfilment and exercise of the duties, powers, privileges, or authorities of any such Boards:

(1) Such difference shall be referred to the Commissioner, who is hereby authorised and empowered—

(a) to entertain, inquire into, and decide upon the same;

(b) to hear, receive, and examine evidence upon oath, which oath he is hereby empowered to administer;

(c) to
(c) to summon, if he thinks fit, two or more assessors;

(d) to compel the attendance of witnesses, call for the production and examination of documents, and commit for contempt; and

(e) to do all such other matters and things relating to such difference in the same manner and to the like extent as the same may be done by any Judge of the Supreme Court in the exercise of his jurisdiction:

(2) The decision of the Commissioner with regard to such difference shall be final, and may be made a rule of the Supreme Court.

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PART IV.

VERMIN FENCING BY VERMIN TRUSTS.

151. (1) The Governor may, out of any money voted by Parliament for the purpose of making loans under this Act or any Act hereby repealed, authorise and direct the expenditure of such sums as he thinks fit in erecting or contributing to the erection of wire netting around agricultural or cultivated lands not situate within any District Council District.

(2) The area proposed to be enclosed shall not in any case be less than one hundred acres.

(3) No such expenditure shall be authorised unless on the written request of at least three persons interested in the area proposed to be enclosed, to the extent in the aggregate of at least one-half thereof.

(4) All persons interested in such area shall constitute a Trust, and shall jointly and severally undertake to repay the amount expended, with interest thereon.

152. Any person not being a member of a Trust continued by this Act, or constituted under section 151 may, with the written consent of the members of such Trust, join in and become a member of such Trust.

153. The following provisions shall apply upon any person joining a Trust already constituted:

(1) The Governor may, on the request of all the members of the Trust, authorise and direct the expenditure of such additional sum out of money voted by Parliament for the purpose of making loans under this Act, or any Act hereby repealed, as he thinks fit, for the purpose of erecting, or contributing to the erection of, wire netting around the agricultural or cultivated lands of the person so joining such Trust:

(2) All
(2) All the members of such Trust shall be jointly and severally liable for the repayment, with interest, of the whole amount expended, as well at the time of the original constitution of such Trust as on the admission of such new member:

(3) Such amount and interest shall, until repaid, be, and continue to be, a first charge on the land for the enclosing or fencing of which it is supplied.

154. No sum shall be granted by the Governor under this Part until a Government inspector or a Crown lands ranger has reported to the Commission in favor of the grant being made, and no sums so granted nor any portion thereof shall be paid to the applicants until wire netting to the value of the sums granted has been actually erected by the applicant to the satisfaction of a Government inspector or a Crown lands ranger.

155. (1) Any sums so granted and paid—

(a) shall be repaid by twenty equal yearly instalments, together with simple interest on the balance for the time being unpaid at the fixed rate:

(b) in the meantime shall, together with such interest, be a first charge on the land for the enclosing or fencing of which it is supplied:

(c) may be paid off at any time.

(2) Any instalment under subdivision (a) of subsection (1) hereof which is unpaid for fourteen days after the due date thereof shall, by way of penalty, bear interest, payable therewith, and calculated at a rate being One Pound per centum per annum in excess of the fixed rate.

(3) The instalments under subdivision (a) of subsection (1) of this section, together with all interest for the time being due under that subdivision and under subsection (2) hereof, may be recovered by the Commissioner, or any person authorised by him, at any time from the owners or occupiers for the time being of such land, or of any part thereof, by action in any Court of competent jurisdiction, or summarily in manner indicated by section 273.
PART V.

VERMIN FENCING BY THE CROWN.

156. (1) The Commissioner may erect vermin-proof fences, which shall be paid for out of moneys appropriated by Parliament for the purpose: Provided that—

1. a plan showing—

(a) the proposed situation and description and the estimated cost of any fence proposed to be so erected, and the estimated amount of all (if any) contributions in respect of existing vermin fences which it is contemplated will be payable by the owners and occupiers herein-after referred to;

(b) the land which will be benefited by the erection of the fence;

(c) the names of the owners or occupiers of such land;

(d) the proportion of the cost of the fence and of such (if any) contributions, which it is estimated will be payable by each owner or occupier; and

(e) the rate which it is estimated will be payable by each owner or occupier in respect of his land, shall be laid before Parliament for a period of thirty days, and a copy of such plan shall be forwarded to every owner or occupier therein named; and

11. no such fence shall be erected unless, after the expiration of such period of thirty days, a resolution is adopted by each House of Parliament, approving the erection thereof.

(2) The cost of any fence erected under this section, together with the cost of the maintenance and supervision thereof, shall be borne by the owners or occupiers for the time being of the lands which are indicated on the plan under subsection (1) hereof as lands which will be benefited thereby.

(3) Every such owner or occupier shall pay his proportion of the cost of the fence in twenty equal yearly instalments, together with simple interest on the balance for the time being unpaid at the fixed rate, and his proportion of the cost of the maintenance and supervision of the fence. The amounts so payable may be paid by means of the rates imposed under subsection (4) hereof.

(4) The Commissioner shall, from time to time, calculate the amounts to be paid by any owner or occupier under subsection (3) hereof, and shall each year impose a rate upon the land of such owner or occupier sufficient to produce the amount to be paid by him.
him for the year. The rate so calculated shall be due by such owner or occupier in respect of his land, or by the owner or occupier for the time being of such land, and shall be recoverable accordingly by action in any Court of competent jurisdiction or summarily in manner indicated by section 273, by the Commissioner or any person authorised by him in that behalf.

(5) Any rate payable under subsection (4) hereof which is unpaid for fourteen days next after the date whereon the same becomes payable shall, by way of penalty, bear interest, which shall be payable therewith, calculated at a rate being One Pound per centum per annum in excess of the rate of interest payable under subsection (3) hereof.

(6) Notwithstanding anything herein contained, any owner or occupier may at any time repay all instalments with interest thereon then remaining unpaid: Provided that no such repayment shall relieve any owner or occupier of his liability to pay his proportion of the cost of maintenance and supervision of the fence.

(7) In any case where lands are not, by reason only of the erection of a fence pursuant to this section, a vermin-fenced area, but, by reason of such fence and previously existing vermin fences, whether fences of any Vermin-Fenced District or Districts or fences the property, in whole or in part, of any owners or occupiers (each of whom is hereinafter called a "private owner"), such lands are a vermin-fenced area, then the owners or occupiers referred to in subsection (2) hereof shall, in addition to bearing the cost referred to in that subsection, pay to the Board of every such District, and to every such private owner, one-half of the value, at the time of the erection of the fence pursuant to this section, of such portion of the vermin fence of such District, or of such private owner's interest in such portion of a vermin fence (as the case may be) as forms portion of the boundary of such vermin-fenced area, together, in the case of any amount so to be paid to a Board, with interest thereon at the rate referred to in section 46.

(8) The capital amounts to be paid pursuant to subsection (7) hereof, and the proportions thereof to be paid by the owners and occupiers respectively, shall be fixed by the Commissioner by an order or orders, which shall be published in the Gazette; and, in fixing the amount which any such owner or occupier is to pay to the private owner of any such vermin fence as aforesaid, the Commissioner shall deduct any contribution which such owner or occupier has made towards the value of such fence.

(9) The capital amount and interest so to be paid by any owner or occupier to a Board shall be paid in the manner and at the times mentioned in subsection (1) of section 46: Provided that any owner or occupier may at any time pay all instalments thereof, with interest thereon, then remaining unpaid.

(10) The amount so to be paid by any owner or occupier to a private owner shall be due and payable at the expiration of one month from the publication in the Gazette of the order fixing such amount.

(11) Any
157. (1) In every case where a fence has been erected under section 156 of this Act or section 159 of "The Vermin Act, 1905," the Governor, on the recommendation of the Commissioner, may by proclamation declare the lands shown on the plan (with respect to such fence) under subsection (1) of the said section 156 or of the said section 159 (as the case may be), as the lands which would be benefited by such fence, to be a Vermin-Fenced District for the purpose of this Act.

(2) The power conferred by subsection (1) hereof may be exercised without any petition and notwithstanding that the provisions of section 43 have not been observed in the particular case: Provided that—

(a) the proclamation shall assign a name to the District thereby constituted and shall define the boundaries thereof, and

(b) subsection (4) of the said section 43 shall apply.

(3) Upon and from the constitution under subsection (1) hereof of a Vermin-Fenced District, all the provisions of this Act shall apply as if such District had been constituted under section 43: Provided that the provisions of subsections (2) to (12) inclusive of section 156 shall continue to apply, instead of the provisions of this Act (as to the matters dealt with in those subsections) which would apply in case such District had been constituted under section 43.

158. A document purporting to be certified by the Surveyor-General as a correct copy of a plan laid before Parliament under section 156 of this Act or under section 159 of "The Vermin Act, 1905" (as the case may be), shall be prima facie evidence that the owners and occupiers of the land shown on such document as the lands which would be benefited by the fence proposed to be erected, are liable under section 156 in respect of the cost of the fence erected under that section, and that they are so liable in the proportions shown on such document.

159. The Commissioner, by himself or any person or body authorised by him in that behalf,—

(a) may erect a rabbit-proof or other vermin-proof fence or gate across any road in the State not within any Municipality or District Council District:

(b) shall provide and fix a gate of a width of at least twelve feet in every such fence:

(c) may remove such fence:

(d) may
PART V.

(d) may order the removal of any fence or gate erected across any road, if, in his opinion, such removal is necessary for the public convenience:

(e) shall give six months' notice of such removal, by notice published in the Gazette, to occupiers affected by such fence, to enable them to erect the necessary fencing for the protection of their land.

PART VI.

WIRE NETTING AND VERMIN-PROOF FENCING BY OWNERS AND OCCUPIERS.

DIVISION I.—GENERAL PROVISIONS.

160. In this Part—

"Occupier" includes the owner or tenant of any freehold land, and any person holding land from the Crown under a pastoral lease or agreement to purchase, or as scrub lessee, forest lessee, or miscellaneous lessee, or holding land from the Crown on lease with a right of purchase or on perpetual lease, or holding a perpetual lease of lands granted or dedicated by way of endowment for education:

"Special area" means the land for the benefit of which a loan is desired or intended to be applied for or which is described by an order of the Governor granting a loan.

161. The Governor may make regulations prescribing the kind of wire netting fences to be erected in pursuance of this Part, and generally for carrying the purposes of this Part into effect.

DIVISION II.—WIRE NETTING BY MEANS OF LOANS TO DISTRICT COUNCILS.

162. Notwithstanding anything in this Act, all loans for wire netting or other materials granted before the passing of "The Vermin Act, 1905," under the provisions of "The Vermin-proof Fencing Act, 1890," or any Act amending the same or relating to vermin fencing, shall, as regards repayment, be subject in every respect to the law affecting the same respectively as the same was in force immediately prior to the passing of "The Vermin Act, 1905."

163. (1) A Council may borrow money from the Government for the purpose of purchasing wire netting and supplying the same to occupiers of land in a special area within the District of such Council.

(2) The Governor may, on the application of a Council, grant a loan to such Council for such purpose.

(3) Such loans shall be made out of any moneys voted by Parliament for the purposes of this section.

164. No
164. No Council shall apply for a loan until after the receipt by it of a petition under section 165.

165. Every petition to a Council to obtain a loan under section 163 shall—

(a) describe the special area for which the petitioners desire a loan to be obtained by the Council, and state the acreage of the whole of such special area and the acreage held by each occupier of land therein:

(b) be signed by a majority in number of the occupiers of the land in the special area:

(c) be signed by petitioners occupying more than one-half of the land of such area:

(d) describe shortly the land occupied by each petitioner, and state the acreage thereof:

(e) give an estimate of the probable cost of the whole of the wire netting required for the land in such area, and ask that the Council will apply to the Governor for a loan of the amount of such estimate:

(f) Give an estimate of the wire netting required for each petitioner's land and the probable cost thereof, and an estimate of the extent of fencing to be erected by each occupier:

(g) state whether in such special area any two or more adjoining properties can advantageously be enclosed by one continuous wire netting fence instead of being separated by dividing fences, and, if so, state in each case the estimated cost of such continuous fence, and the proportion thereof to be borne by each occupier of property to be enclosed by such fence:

(h) state that each petitioner signing the petition undertakes to pay to the Council in each year one-twentieth part of his proportion of the value of all wire netting obtained by the Council by means of the loan proposed to be obtained, together with interest at the fixed rate on the balance for the time being remaining unpaid, and also undertakes to pay annually to the Council, for the purpose of defraying the expenses of administration in connection with the loan, an additional sum calculated at the rate of Ten Shillings per centum per annum upon the amount for the time being due by him in respect of his proportion of the value of such wire netting, or if any such sum so calculated amounts to less than One Shilling, then the sum of One Shilling:

(i) contain an undertaking by each petitioner to erect on his land all the wire netting furnished to him to the satisfaction of the Council, or to join with other occupiers in erecting all necessary fencing:

(j) where
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(j) where a petition is signed by one occupier only, the requirements of this Act shall be complied with as nearly as possible by such occupier; and the signature of such petitioner, instead of being verified as provided in section 166, shall be verified by a Justice.

166. Every signature to a petition shall be verified by the solemn declaration of some person signing such petition, and such declaration shall be in the form in the Eighth Schedule, or in a form to the like effect.

167. No petition shall be received by a Council unless accompanied by a declaration as required by section 166.

168. Every petition shall be left with the Clerk of the Council and shall thereupon be deemed to be duly presented.

169. (1) The Council shall consider any petition so presented, and shall, if they determine to apply for a loan in accordance therewith, transmit such petition to the Commissioner, together with any information they desire to convey, or which the Commissioner may require, in reference thereto.

(2) The Council shall transmit, with such petition, an application for a loan on the terms prayed in such petition, or on such other terms as they think fit.

(3) Such application shall contain an undertaking to repay such loan in accordance with the provisions of this Act.

(4) The application may be in the form in the Ninth Schedule.

170. (1) The Governor may, on the recommendation of the Commissioner, and subject to such terms and conditions as he thinks fit, make an order granting the whole or any part of the loan applied for.

(2) If part only of the loan is granted, such order shall state whether the loan is for the benefit of the whole of the land described in the petition or of any specified part of such land.

(3) The Governor may, in such order, direct that any specified part or parts of the land described in the petition shall be enclosed by continuous wire netting, and that no part of the loan shall be expended in materials for the purpose of erecting or rendering vermin or rabbit proof any dividing fence within such specified part or parts.

(4) Every loan shall be payable to the Council in the instalments specified in such order or determined by regulations.

(5) The proportion of the loan which each occupier of land in the special area shall pay to the Council shall be set out in such order.

(6) Every order made under this section shall be published in the Gazette, and shall be conclusive evidence of the statements contained therein.

171. (1) All
171. (1) All land of an occupier in a special area, whether the occupier thereof has signed the petition or not, shall (unless certified by the Council when forwarding the petition to be already sufficiently fenced with wire netting) be chargeable with payment for all materials for wire netting which the Council furnishes to the occupier of such land, or offers to furnish to such occupier, and whether the same is accepted by him or not, and also with the payment of the interest and additional sums mentioned in subsection (h) of section 165.

(2) The undertaking referred to in subsection (h) of section 165 shall, as between each person who signed the petition under that section, or the occupier for the time being of the land of such person and the Council, be deemed to be, and may be enforced as, a specialty contract.

172. (1) If a Council, having received a petition under section 165, does not apply under section 169 for such loan, the Council shall transmit the petition to the Commissioner, together with any information they desire to convey, or which the Commissioner may require in reference thereto, and also with a statement of the reasons why the loan is not applied for.

(2) If upon considering such petition, information, and statement the Commissioner is not satisfied that sufficient reasons exist for not applying for the loan, the Commissioner may give notice to the Council that he will recommend the Governor to make advances to the petitioners on account of the Council unless, within a time specified by such notice, the Council applies for the loan.

(3) If the Council does not within the time so specified apply for the loan the Commissioner may recommend to the Governor that advances be made to the petitioners, and the Governor may, subject to such terms and conditions as he thinks fit, make an order granting advances to the petitioners, or any of them, of the whole or any part of the amount of the estimate given in the petition, and advances shall be made accordingly.

(4) Such advances shall be deemed to be made by the Governor on account of the Council, and all the provisions of this Act shall apply, mutatis mutandis, as if—

i. the order granting the advances were an order under section 170 granting a loan applied for by the Council;

ii. the total amount of the advances were a loan applied for and obtained by the Council, and were the value of wire netting obtained by the Council by means of such loan; and

iii. the amounts of the several advances were respectively the values of wire netting furnished by the Council under section 174 to the persons to whom the advances are made by the Governor.
173. A Council receiving a loan shall keep a separate account-book in respect thereof, and full particulars shall be recorded therein of—

(a) such loan and the mode of repayment thereof;
(b) all lands affected by such loan;
(c) all the moneys collected and received in respect of such loan;
(d) the mode of application of such moneys;
(e) all occupiers of land to whom materials have been furnished or offered to be furnished; and
(f) the amounts payable by each occupier.

174. (1) The Council shall—

(a) expend the whole amount, or the whole of every instalment, of any loan, or such part thereof as is necessary, in purchasing and obtaining wire netting;
(b) furnish or offer to furnish such wire netting to the occupiers of the lands in the special area proportionately to the requirements of such lands respectively;
(c) repay to the Commissioner any loan moneys not so expended; and
(d) give credit in the account-book kept by such Council, pursuant to section 173, to every such occupier of his proportion of the amount so repaid to the Commissioner, and reduce accordingly the proportion of such loan which such occupier is liable to pay to the Council.

(2) When furnishing or offering to furnish such wire netting to any occupier, the Council shall give notice in writing to such occupier, specifying the value thereof, and requiring him, within a time to be specified in the notice, to erect such netting on the land for which it is furnished or offered to be furnished.

(3) Such notice may be served personally or may be forwarded through the post office in an envelope addressed to such occupier at his usual or last known place of abode.

(4) The amount so specified shall thereupon become a debt due to the Council by such occupier.

(5) On the first day of February in each year one-twentieth part of the amount of such debt, together with the interest thereon and the additional sums mentioned in section 165, shall be payable by the occupier of such land for the time being to the Council until the whole debt has been paid.

(6) Every yearly instalment shall bear interest at a rate being One Pound per centum per annum in excess of the fixed rate from the
the date whereon the same is hereby declared payable until actual payment; and such interest shall be deemed a further debt due to the Council by the occupier.

(7) Such yearly instalments and interest, and the additional sums mentioned in the said section 165, may be recovered by the Council at any time from the occupier for the time being of such land, or any part thereof, in a summary way or by action in any Court of competent jurisdiction.

(8) The several sums mentioned in subsection (7) hereof, as they become due, shall be, and until paid shall remain, a first charge on the land of the occupier.

(9) Any mortgagee or encumbrancee of such land, upon default being made by the occupier in the payment of any of such sums, may pay the same to the Council, and such payment when so made shall be deemed to be added to and to form part of the principal sum secured by the mortgage or encumbrance of such mortgagee or encumbrancee, and shall be subject to the provisions, powers, and trusts thereof.

175. (1) When any occupier does not within the time specified in any notice given pursuant to subsection (2) of section 174 duly erect the wire netting furnished or offered to be furnished, to the satisfaction of the Council, then the Council shall undertake and carry out the erection of such netting at the expense of such occupier, and may recover such expense from him in a summary way or by action in any Court of competent jurisdiction.

(2) Such expense shall until paid be a charge upon the land in connection with which the same was incurred, and may be recovered at any time from the occupier for the time being of such land or any part thereof.

176. The following provisions shall apply if an occupier within the special area refuses to accept wire netting furnished or offered to be furnished to him by the Council:

(1) The Council may, without prejudice to any rights or remedies available to it under this Act against the occupier so refusing, offer such netting to any other occupier of land within the District of such Council.

(2) If such other occupier accepts such offer, the Commissioner, if he approves thereof, shall publish notice of such approval in the Gazette, and thereafter the said netting may be furnished to such other occupier, and he and the land in respect of which the said netting is so furnished shall become liable for the repayment of the value of such netting, together with interest thereon, and the additional sums payable therewith pursuant to section 165, in the manner and subject to the remedies hereinbefore prescribed.

177. (1) Any
177. (1) Any one or more occupiers of adjoining properties in a special area may, with the consent of the Council, instead of having dividing fences between such lands, enclose the whole of such adjoining lands with a continuous wire netting fence.

(2) A swing gate, at least twelve feet wide and covered with wire netting, shall be erected wherever such fence crosses a road.

178. (1) In enclosing two or more adjoining properties with one continuous wire netting fence, such fence, with the approval in writing of the Council, may be erected across a District road.

(2) A swing gate, at least twelve feet wide and covered with wire netting, shall be erected wherever such fence crosses such road.

(3) The Council may remove a fence erected across a District road upon giving six months' notice of intention to remove such fence, such notice to be published in the Gazette.

179. (1) On the application of two or more occupiers of adjoining properties in a special area, who have been furnished by the Council with wire netting, the Council may, at the cost and on behalf of such applicants, undertake to erect, and may erect, all wire netting necessary to enclose such properties, and also, if the Council thinks fit, any other properties, any two sides of which adjoin the same, so as to make the whole of such properties secure against the intrusion of vermin.

(2) The cost of such erection may be defrayed in the first instance by the Council, but such cost shall be repaid to the Council by the occupiers of the lands so enclosed in such proportions as they agree upon among themselves, or, failing agreement, as the Council finally determines.

(3) No Council shall undertake to erect such wire netting until the occupiers concerned have entered into bonds conditioned to repay the actual cost of erecting such fencing in the manner aforesaid.

(4) Such payment shall become a charge upon the land of each such occupier, in the proportion agreed upon or determined as aforesaid, and may be recovered in a summary way, or by action in any Court of competent jurisdiction, from the occupier for the time being of such land, or any part thereof.

180. (1) The Council shall repay the amount lent to it under section 170 in twenty equal annual instalments, together with simple interest on the balance for the time being unpaid at the fixed rate.

(2) Such repayments shall be made out of the yearly instalments received from the occupiers as aforesaid, or out of the revenue of the Council.

(3) The Council shall take all proper steps to recover all moneys due from any occupier.
(4) All such moneys received by the Council shall, within fourteen days, be paid to the Commissioner.

181. (1) When a Council fails—

(a) to pay to the Commissioner, as directed by subsection (4) of section 180, any moneys received by such Council; or

(b) to fully repay to the Commissioner, before the first day of May in each year, either by means of moneys received from occupiers or out of the revenue of the Council, one-twentieth part of any loan granted to it as aforesaid, together with the interest on the unpaid balance of such loan up to such date:

the Commissioner shall make and sign a certificate to that effect.

(2) Such certificate shall be prima facie evidence that the sums therein mentioned are due and unpaid, and such sums or any part thereof remaining unpaid may be deducted by the Commissioner from any subsidy granted to the Council, and shall until paid bear interest at a rate being One Pound per centum per annum in excess of the fixed rate.

(3) The Commissioner may thereupon apply on summons to a Judge for the appointment of, and such Judge shall thereupon appoint, such person or persons (not exceeding three) to be a receiver or receivers to collect all yearly payments due to the Council in respect of wire netting.

(1) Such receiver or receivers shall act under the directions of, and may be removed by, a Judge.

(2) Such receiver may exercise all the powers of the Council for the purpose of collecting such payments.

182. Every receiver appointed under section 181 shall receive such remuneration for his services as a Judge directs.

183. Every such receiver shall apply all moneys received by him in payment of all proper costs and expenses, including his remuneration, and in payment and discharge of the whole amount due for principal and interest and additional sums under section 165 in respect of any loan made under this Act in connection with which he has been appointed receiver, and the surplus (if any) shall be paid to the Council in default.

184. Every such receiver shall have access to all books and documents under the control of the Council, and may make extracts therefrom at all reasonable times without fee.

185. For the more effectual recovery of moneys due to a Council for wire netting or wire netting fencing, such Council, in addition to any powers conferred by this Act, shall also have the like powers of enforcement and recovery as are conferred on Councils with regard to unpaid rates under any District Councils Act.
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186. The Council may make by-laws pursuant to the provisions of "The District Councils Act, 1887," or any Act amending that Act for—

(1) apportioning the liability of occupiers of land in a special area;

(2) facilitating and regulating the collection and recovery of moneys due and payable to the Council pursuant to this Part; and

(3) generally carrying out the provisions of this Part.

187. The power of obtaining loans conferred by this Act on a Council shall be in addition to any power to borrow conferred on such Council by "The District Councils Act, 1887."

188. All loans granted to a Council under this Act shall be expended by the Council to the satisfaction of the Commissioner.

189. Where a Crown lease of land within a special area is cancelled, and any money is due to the Council in respect of wire netting erected upon such land, the Council may, with the consent of the Commissioner, enter upon such land and remove such netting, and again use or dispose of the same as provided by this Part.

Division III.—Vermin-Proof Fencing by Means of Loans to Vermin Boards.

190. (1) A Vermin Board may borrow money from the Government for the purpose of purchasing materials for vermin-proof fencing or wire netting and supplying the same to occupiers of land in a special area within the District of such Board, but not within any Municipality or District Council District.

(2) The Governor may, on the application of a Vermin Board, grant a loan to such Board for such purpose.

(3) Such loan shall be made out of moneys voted by Parliament for the purposes of this section.

191. The provisions of Divisions I. and II. of this Part shall apply to Vermin Boards and their respective districts, as well as to District Councils and their respective districts; and the said provisions shall be read and construed as if every reference therein—

(a) to a Council included a reference to a Board,

(b) to the Clerk of a Council included a reference to the Secretary of a Board,

(c) to a district road included a reference to any public road in the district of the Board,

and a Board may make by-laws under Division XII. of Part III. for the purposes mentioned in section 186.

192. (1) When
192. (1) When any sum due to a Board under this Division is unpaid, the Board may send to the occupier by whom the same is due (hereinafter called the "debtor") a notice in the form in the Tenth Schedule, or in a form to the like effect.

(2) Such notice shall also be published three times in the Gazette.

193. The notice under section 192 shall be sent by post to the debtor, or to his agent or attorney in case there is any such agent or attorney resident in the State known to the Board.

194. If after one month from the third publication as required by section 192 of such notice the sums mentioned therein as being due and payable by the debtor, or any portion thereof, remains unpaid, the Board may let the land mentioned in such notice, or any part thereof, for a year, and so on from year to year, until such sum and all other sums payable to the Board under this Division due at the time of the letting are fully paid and discharged, and may receive and retain the rents, and apply the same in payment—

(a) in the first place, of all costs of and attending the notice, the publication thereof, and the letting, and

(b) in the next place, in and towards the payment of the said sums and all other such sums as aforesaid,

and shall hold any surplus of rent for the debtor.

195. (1) Instead of letting the land under section 194, the Board may apply by petition to the Supreme Court for a sale of all or any part of the land.

(2) Such petition shall not, where the debtor is unknown, be presented until after one month from the third publication of the notice as required by section 192.

(3) Such petition shall not, where the debtor is known, be presented until after the expiration of six months from the third publication of such notice and service of a copy thereof or to the like effect upon the debtor or his authorised or generally recognised agent or attorney in the State by delivering the same at or sending it by post addressed to such debtor or agent, or attorney, at his last known place of abode in the State.

(4) The Court, on being satisfied by affidavit or otherwise that the moneys mentioned in such notice are lawfully due, and were owing at the time of the first publication of such notice, and that all things required by this Act to be done have been done, may make an absolute order in the first instance, or may grant a rule, calling upon the debtor, if known, or to all whom it may concern, if the debtor is unknown, to show cause why an order should not be made for
for the sale by public auction of the land comprised in such petition, or so much thereof as may be sufficient to pay—

(a) the said moneys:

(b) any further moneys due to the Board by the debtor under this Division up to the time of the application for sale:

(c) all costs and expenses of and attending the notice, the publication thereof, the application, and the sale:

(d) all other costs, charges, and expenses of any act done or performed by the petitioners, or by their authority, for carrying out the provisions of this Division.

(5) Unless good cause is shown to the contrary within the time fixed by such rule, the Court shall order—

(a) the sale of the land in manner aforesaid;

(b) payment out of the proceeds of such sale of the said moneys, costs, charges, and expenses in preference to any mortgage or other security on such land; and

(c) that a conveyance, or, if the property is under the provisions of "The Real Property Act, 1886," a memorandum of transfer (which the Registrar-General is hereby directed to register), be executed by the Master of the Court in a form to be approved by a Judge.

(6) Such conveyance, or the registration of such memorandum of transfer (as the case may be), shall vest an indefeasible estate in fee simple in the said land in the purchaser, his heirs, and assigns, free from all encumbrances.

(7) The balance arising from the proceeds of such sale shall remain and be subject to any future or other order of the Court for the behoof of the persons interested therein.

Different lands may be included in one petition.
Ibid., s. 10.

Distress may be levied.
Ibid., s. 11.

196. Lands belonging to different debtors may be included in one petition for sale, and the Court may make such orders as to the apportionment of the costs and expenses of and attending the sale of such lands, or any part thereof, as is deemed just.

197. (1) Where any such sum as mentioned in section 192 is payable by any occupier to a Board, and remains due and unpaid for the space of one month after notice in writing to pay the same has been given to such occupier, any person by such Board thereunto authorised may, at any time thereafter, so long as any sum remains so unpaid, without any warrant, enter upon any land of such occupier, and distrain the goods, chattels, and effects found thereon for the amount remaining due and unpaid.

(2) If the amount for which distraint is levied, together with all reasonable costs of such notice, entry, and distraint, is not paid within five days after such levy, then the said distraint, or so much thereof as is sufficient to pay the amount remaining unpaid and costs, may be sold.

(3) Any
Any surplus remaining after payment of such amount and costs, and costs of and incidental to the sale, shall be returned to the owners of the goods, chattels, and effects distrained.

Upon the appointment of a receiver or receivers under the provisions of section 181 (read as provided by section 191), the remedies, rights, and powers by sections 192 to 197 inclusive conferred upon a Board shall vest in such receiver or receivers, and he or they may thereafter use and exercise the same, in addition to any other remedies, rights, and powers vested in him or them: Provided that the remedies, rights, and powers conferred by section 197 may be used and exercised by such receiver or receivers personally or in manner set forth in that section.

When any instalment of, or interest on, an amount lent to a Board under this Division is due and has not been fully paid to the Commissioner, the Commissioner may from time to time apply the proceeds of any rate or rates of the Board received by him, or passing through his hands, towards the payment of such instalment or interest until the same is fully paid.

The remedies, rights, and powers provided by sections 192 to 199 inclusive are in addition to the remedies, rights, and powers provided by virtue of the application by section 191 of the provisions of Divisions I. and II. of this Part, and to all other remedies, rights, and powers provided by this Act or otherwise existing.

In this Division, “boundary fence” means any fence used as an outer boundary fence of any contiguous lands occupied as one run.

The cost at the nearest port or railway station of barbed wire and netting required for vermin-proofing a boundary fence may be advanced to a lessee of land outside of District Council and Vermin-Fenced Districts by the Commissioner, on the recommendation of the Pastoral Board, out of moneys appropriated by Parliament for the purpose, in any case in which the Commissioner is satisfied that the land is occupied and the lessee, owing to the position of his run, is unable to avail himself of Part III.

The Commissioner may make advances under this section notwithstanding that the fence which the lessee proposes to erect or make vermin-proof will not be, or is not, a boundary fence, if in the opinion of the Pastoral Board such fence will be, or is, as near the actual boundary of the run as is desirable.
203. No sum shall be paid under section 202 until netting and barbed wire costing the amount of such sum has been actually utilised by the lessee in vermin-proofing the fence to the satisfaction of a Government inspector.

204. (1) All advances made by the Commissioner to a lessee under section 202 shall bear interest at the fixed rate.

(2) The principal shall be repaid in twenty equal yearly instalments, and such principal and interest shall be recoverable as rent in arrear under the lease.

(3) If the lease in respect of which the advances are made terminates whilst any instalments remain unpaid, the remaining instalments shall be paid upon the termination of the lease, unless the incoming tenant (if any) agrees to pay the same.

(4) If such lease is transferred or surrendered whilst any instalments remain unpaid, the remaining instalments shall be paid prior to such transfer or surrender, unless the incoming tenant (if any) agrees to pay the same.

(5) The amount of any instalments remaining unpaid may be repaid by the lessee at any time.

(6) Any instalment which is unpaid for fourteen days after the due date thereof shall, by way of penalty, bear interest, payable therewith, and calculated at a rate being One Pound per centum per annum in excess of the fixed rate.

205. All barbed wire and netting by which a boundary fence, the property of the Crown, has been, or is hereafter, vermin-proofed by the lessee at his own cost, shall remain the property of the lessee, and shall, at the termination of his pastoral lease, be valued as provided by "The Pastoral Act, 1904," and be paid for by the incoming lessee.

206. In case any occupier of land not within a District Council District or Municipality has heretofore erected or hereafter erects a vermin fence upon the boundary or any part of the boundary of such land, the occupier of the adjoining land shall, three months after demand upon him, be liable to contribute towards the cost of erecting such fence to the extent of one-half of the value thereof at the time when such demand is made: Provided, however, that if the land occupied by the person from whom contribution is sought is not by means of the erection of such fence or otherwise enclosed, either by itself or together with lands occupied by any other person or persons, by a vermin or rabbit proof fence, or partly by one and partly by the other, the amount which such person shall be liable to contribute shall be limited to one-fourth of the value of such fence at the time
of such demand being made; and a further one-fourth of the value of such fence shall become payable by such person immediately upon the land occupied by him becoming so enclosed.

207. (1) Where an occupier of land within a District Council District or Municipality has heretofore erected, or hereafter erects a rabbit-proof fence upon the boundary of such land the occupier of the adjoining land shall, after demand, be liable to pay to the occupier of the first-mentioned land who is in occupation thereof at the time when such demand is made a contribution in respect of such fence, calculated as follows:—

(a) If such adjoining land is within a District Council District or Municipality, such contribution shall be one-half of the value of such fence at the time of such demand:

(b) If such adjoining land is not within a District Council District or Municipality, such contribution shall be calculated and be payable in manner provided by section 206.

(2) Contributions under subdivision (a) of subsection (1) hereof shall be paid within one year from the date of demand, with interest at the rate of Four Pounds per centum per annum.

208. (1) As regards any vermin or rabbit proof fence erected after the second day of January, nineteen hundred and six, an occupier requiring any adjoining occupier to join in or contribute towards the erection of such fence shall serve on such adjoining occupier a notice of his intention to fence specifying the boundary to be fenced and the kind of fence proposed to be erected.

(2) If within three months after the service of such notice the occupier serving the notice and the occupier served therewith do not agree as to the erection and the kind of fence to be erected, the occupier serving such notice may erect the whole fence, and may recover from the occupier from whom contribution is sought the proportion of the cost of such erection to which such last-mentioned occupier is liable under this Part.

209. If the occupier of any land bounded by a road has heretofore erected or hereafter erects on the boundary of his land and such road—

(a) a rabbit-proof fence, if such land is situated within a District Council District, or

(b) a vermin fence, if such land is not situated within a District Council District,

and any other occupier has heretofore adopted or hereafter adopts any means whereby his land is enclosed by such fence, such last-mentioned occupier shall, three months after demand upon him, be liable to pay to the occupier of the land whereon such fence is erected

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erected interest on the half value of such fence at the time of such demand at the rate of Five Pounds per centum per annum, for so long as the land of the occupier upon whom such demand is made is so enclosed, such interest being payable annually, and shall also for so long as aforesaid be further liable for half the cost of the repairs to such fence.

210. (1) Any person erecting a vermin or rabbit proof fence shall be entitled to clear all scrub for a width not exceeding six feet on each side along the length of such fence.

(2) The cost of such clearing shall be deemed to be a part of the cost of erecting such fence, and the cost of keeping such width clear shall be deemed to be part of the cost of repairing such fence.

211. When and as often as any vermin or rabbit proof fence heretofore or hereafter erected is out of repair or requires renewal, the occupiers of land on either side thereof shall be liable to contribute towards the cost of repairing or renewing such fence in equal proportions.

212. (1) The occupier of any land separated from any adjoining land by a rabbit or vermin proof fence may, in manner provided by section 217, serve a notice upon the occupier of such adjoining land requiring him to assist in repairing or renewing such fence.

(2) If the last-mentioned occupier fails to comply with such notice for the space of fourteen days after the service thereof, it shall be lawful for the first-mentioned occupier to repair or renew such fence and to demand and recover of and from such other occupier the proportion of the cost of repairing or renewing the same to which he is liable under the provisions of section 211.

(3) If any such fence, or any portion thereof is destroyed or injured by accident, the occupier of the land on either side thereof may immediately repair or renew the same without any notice to the other occupier, and shall be entitled to recover the proportion mentioned in subsection (2) hereof of the cost of so doing from the occupier of the adjoining land.

(4) Notwithstanding anything in this section, in case such fence is injured or destroyed in whole or in part through the neglect of any occupier of adjoining land, the occupier through whose neglect such fence is so injured or destroyed shall, at his own expense, repair or renew the fence so injured or destroyed; and on default the other occupier may repair or renew the same and demand and recover from the occupier so liable the entire cost of such repair or renewal.

213. For the purposes of this Division—

1. Land shall be deemed to be enclosed when at least three-fourths of the total length of the boundaries thereof are fenced with a vermin or rabbit proof fence:
Words referring to the erection of a vermin or rabbit proof fence shall include the making of an existing fence vermin or rabbit proof:

As regards lands which are held under lease from or agreement with the Crown, it shall be sufficient if any fence is a boundary fence as defined by section 201, or if, although not actually upon a boundary, it serves the purpose of a boundary fence in the opinion of—

(a) the Pastoral Board, as regards land included in a pastoral lease; or

(b) the Commissioner, as regards land included in any other lease from or agreement with the Crown:

As regards lands to which the next preceding subdivision is inapplicable the following provisions shall apply:—

(a) When adjoining occupiers have not agreed as to the accurate position of the boundary line between their respective holdings on which either of such occupiers proposes that a vermin or rabbit proof fence shall be erected, such occupier may give notice to the other occupier of his intention to have such boundary fence defined by a licensed surveyor:

(b) The occupier to whom such notice has been given shall, seven days after the service thereof,—

(i.) if satisfied as to the accurate position of such boundary line, define the same by pegs; or

(ii.) employ a licensed surveyor to define such boundary line;

and shall in either of such cases notify, by writing, the other adjoining occupier of his action in the matter:

(c) If for one month from the service of such notice, the occupier to whom such notice has been given has failed to—

(i.) define the boundary line by pegs; or

(ii.) have the boundary line defined by a licensed surveyor;

then the occupier proposing to erect the fence may have the boundary line defined by a licensed surveyor:

(d) If the boundary line when defined by a licensed surveyor is ascertained to be in the same position as defined by any pegs placed there by the
The occupier to whom such notice has been given, such occupier shall not be liable for any part of the costs of the survey; but in all other cases where a licensed surveyor has been employed all reasonable expenses incurred shall be paid by the adjoining occupiers in equal shares.

DIVISION VI.—MISCELLANEOUS.

214. Nothing in this Part contained shall be deemed or taken to affect any covenant, contract, or agreement made or hereafter to be made relative to vermin or rabbit proof fencing between landlord and tenant or between occupiers of adjoining lands.

215. Every person engaged in erecting, renewing, or repairing a vermin or rabbit proof fence under this Part, his agents and servants, may, with or without horses, cattle, carts, or carriages, at all reasonable times while such erection, renewal, or repairing is proceeding, enter upon the lands adjoining such fence and clear the scrub, and do thereon such acts, matters, and things, except the cutting and felling of timber (other than such scrub), as may be necessary for carrying into effect the erection, renewal, or repair of such fence.

216. Any person may come in and defend any proceeding under this Part against any tenant of such person in consequence of which such person may ultimately incur any liability; and any defence which the person originally proceeded against might set up shall be available to the person so coming in to defend.

217. (1) Any notice or demand to be given or made under this Part may—

(a) be in writing or in print, or partly in writing and partly in print,

(b) be signed by the person giving or making the same, or by his attorney or agent, and

(c) be served on any person resident upon the land in question, or if there is no such person, or such person cannot be discovered, then on the occupier or occupiers of such land, or one of them, either personally or by leaving the same at, or by forwarding the same through the post office in an envelope addressed to him or them at, his or their usual or last known place of abode or business in the State, and if there is no such occupier residing in the State the service of such notice or demand may be dispensed with.

(2) Any person entitled to any such notice or demand may by words or conduct waive the same.
218. No greater sum shall be recovered from any person under this Part for the cost of erecting, repairing, or renewing any fence than the amount which would have been payable if such fence had been an ordinary fence of its kind, and had been erected, repaired, or renewed for the price usually paid in the district or locality wherein such fence is situated for erecting, repairing, or renewing such a fence at the time when the sum sought to be recovered first became payable.

219. Any person who has received an advance for fencing under this Act shall, until such advance has been repaid, allow to any person from whom he is entitled to recover any portion of the cost of such fence, such credit as he is himself entitled to under this Act.

PART VII.

MISCELLANEOUS PROVISIONS.

220. (1) The Commissioner may, from time to time, by notice published in the Gazette, fix the annual rate of interest to be paid on loans and advances made by the Government or the Commissioner, and sums expended by authority of the Governor or by the Commissioner under this Act, and may, in like manner, annul any rate so fixed.

(2) Any rate so fixed shall come into force on the fourteenth day after the date of the Gazette in which the same is published, and shall continue in force until the fourteenth day after the date of the Gazette in which the notice annulling the same is published.

221. (1) The cost of any advertisement required by Part III shall be paid by the Board, Corporation, or person whose action immediately necessitated such advertisement.

(2) The Commissioner may require payment of such cost before causing an advertisement to be inserted.

222. It shall be sufficient in any notice required under this Act if such notice clearly and reasonably states the purpose thereof.

223. Subject to section 217, the following provisions shall apply as to every notice or demand by this Act required to be given to or made on the owner or occupier of any land:

(1) Such notice or demand shall be addressed to such owner or occupier—

(2) Such notice or demand shall be deemed duly served if the same has been—

(a) given to such owner or occupier personally;

(b) left at his usual or last known place of abode; or

(c) sent
PART VII.

Service of notices and legal proceedings on Board.
965, 1905, s. 241.

Authentication of certain documents by the Board.
Ibid., s. 242.

PART VIII.

ENFORCEMENT OF THE ACT.

DIVISION I.—OFFENCES.

226. Every person who is examined upon oath affirmation, or declaration, by any Court or Board, or any Justice or other person under the authority of this Act, and who, upon such examination, wilfully makes any false statement, shall be guilty of wilful and corrupt perjury, and shall be punished accordingly.

227. Every person who forges or alters, or utters, uses, disposes of, or puts off, knowing the same to be forged or altered, any document or writing required or authorised by this Act, or any signature thereto or seal thereon, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding seven years with hard labor.

228. Every person who—

(a) wilfully publishes in the Gazette any false notice or other document in any matter in which a notice or other document is by this Act required or authorised to be published in the Gazette; or

(b) wilfully posts any false notice in any matter of which public notice or any notice is by this Act required to be given; or
(c) tears down, mutilates, defaces, or obliterates any public notice or other document posted in any place under the authority of this Act, shall be liable to a penalty not less than One Pound nor more than Ten Pounds.

229. Any person who destroys or injures any vermin fence or wire netting fence, or any part thereof, or any gate therein, shall be liable to a penalty not exceeding Twenty Pounds, or to be imprisoned for a term not exceeding six months, with or without hard labor.

230. Any person who—
(a) passing through a gateway in a fence erected under the provisions of this Act or of any repealed Act, leaves the gate thereof open, or
(b) opens and leaves open a gate in any such fence
shall be liable to a penalty not exceeding Twenty Pounds, and in default of payment to be imprisoned for a term not exceeding six months, with or without hard labor.

231. Any person who falsely represents himself to be an authorised person, either by giving a notice to an owner or occupier purporting to be a notice under Part II., or in any other manner howsoever personating an authorised person, shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for any period not exceeding twelve calendar months; and shall, in addition to such imprisonment, be liable to a penalty not less than Twenty Pounds nor more than One Hundred Pounds.

232. (1) Any person who—
(a) wilfully obstructs, hinders, or interrupts an authorised person in the exercise of a power or authority vested in such authorised person by Part II, or
(b) threatens, assaults, or uses improper language to an authorised person whilst in the performance of his duty,
shall be liable to a penalty not exceeding Twenty Pounds.
(2) No proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to an action at law by such authorised person for or in respect of any such assault.

233. Any person who lets loose any vermin, or permits any vermin to be let loose, in any part of the State shall be liable to a penalty for each offence not exceeding One Hundred Pounds, or to be imprisoned for a term not exceeding six months with hard labor.

234. Any
Vermin not to be taken or let loose on Kangaroo Island or any of the other islands on the coast of South Australia.

Ibid., s. 218.

The Vermin Act.—1914.

234. Any person who—

(a) imports into or lets loose on Kangaroo Island, or any of the other islands on the coast of the State, or

(b) permits to be let loose on any of those islands, or

(c) keeps alive on any vessel touching any of those islands, any vermin, shall be liable to a penalty of One Hundred Pounds, or to be imprisoned with or without hard labor for a term not exceeding six months.

235. Every person who—

(a) at the time of his appointment or election as a member of a Board or as an auditor, is, to his knowledge, disqualified to act in such office, or

(b) in any manner acts as a member of a Board or as an auditor knowing that he has become disqualified so to act, shall be liable to a penalty of Ten Pounds.

236. Every person appointed or elected to the office of member of a Board or of auditor, who at the time of his appointment or election is disqualified, or who after his appointment or election becomes disqualified, and who does not, within fourteen days after becoming aware of his appointment or election and the existence of his disqualification, deliver or send through the post to the Chairman of the Board, or, if there is no Chairman, to the Commissioner, a notice containing his resignation, with the grounds thereof, shall be liable to a penalty of Ten Pounds.

237. Every member of a Board who, being duly qualified and duly elected or appointed, is called upon in manner by Division III. of this Part prescribed to defend his title to his office, and by default, or in collusion with any person laying the information against him, suffers an order to be made declaring his seat to be vacant, or that he is not a member, shall be liable to a penalty not exceeding Twenty Pounds.

238. Every person under eighteen years of age who votes at an election held under Part III., or sits or acts as a member of a Board, shall be liable to a penalty not exceeding Ten Pounds.

239. Every person who—

(a) gives any money or article to a voter with a view to influencing his vote;

(b) holds out to a voter any promise or expectation of individual profit, advancement, or enrichment in any shape in order to influence his vote; or

(c) makes use of any threat to a voter with a view to influencing his vote;
and every voter who—

(d) receives any money or article for his vote; or

(e) in consequence of any promise of profit, advancement, or enrichment promises his vote,

shall be guilty of a misdemeanor, and be liable to a penalty not less than Ten Pounds nor more than Twenty-five Pounds, or to be imprisoned for any period not exceeding three months.

240. Every person who wilfully makes any false answer to any question put to him under Part III. by any officer or person having authority in that behalf touching any voting-paper tendered by such person, or the right of such person to vote, shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for a period not exceeding twelve months.

241. Every officer or other person who is entrusted with or who receives money under this Act, or by virtue of any office to which he is appointed, or by virtue of any duty confided in him by a Board, and fraudulently disposes of or retains in his possession or applies to his own use the same money, or any part thereof, shall be deemed to have stolen the same and shall be guilty of larceny.

242. Every person who obstructs a Board, or any officer or person employed by it in the performance of anything which it or he is empowered by this Act to do, shall be liable to a penalty not exceeding Five Pounds.

243. Where any matter or thing is by or under Part III., or by any order or notice made and published under the authority of this Act, directed or forbidden to be done, or where under any authority given by Part III. to any person any matter or thing is directed to be done, or is forbidden to be done, and the act so directed to be done remains undone, or the act so forbidden to be done is done, in every such case every person offending against such direction or prohibition shall be deemed to be guilty of an offence against Part III.

244. Every person guilty of an offence against Part III. shall, for every such offence, be liable to the penalty expressly imposed by the said Part III. or by any by-law in force in that behalf, and, if no penalty is so imposed, to a penalty not exceeding Twenty Pounds.

245. Any occupier (within the meaning of Part VI.) who fails to comply with a notice given pursuant to subsection (2) of section 174, and any person who uses any wire netting furnished by a Council under subsection (1) of section 174 for any purpose other than the purpose for which it was so furnished, shall be liable to a penalty not exceeding Twenty Pounds.

246. Any
246. Any owner or occupier who does not, within fourteen days after service upon him by a District Council or Vermin Trust of a notice requiring him to repair a wire netting fence erected upon his land under the provisions of this Act or of any repealed Act, or any gate therein, or to keep such fence or gate clear of sand, rubbish, or other accumulation, duly comply with such notice, shall be liable to a penalty not exceeding Twenty Pounds.

DIVISION II.—EVIDENCE.

247. (1) A copy of the Gazette containing a proclamation made by the Governor or by the Commissioner under this Act or any Act hereby repealed shall be conclusive evidence of the fact, tenor, and validity of such proclamation, and shall be evidence of the facts stated, recited, or assumed therein.

(2) No such proclamation shall be invalid by reason of anything required as preliminary thereto not having been duly done.

248. A copy of the Gazette containing a notice of the appointment or election of any person to any office in a District shall be conclusive evidence of such appointment or election, except in any proceeding brought to try the title of the person so appointed or elected.

249. A copy of the Gazette containing a notice that a resolution was passed or an order made at a meeting of a Board shall be conclusive evidence—

(a) of such resolution having been passed or such order having been made:

(b) of the meeting having been lawfully convened:

(c) of any facts stated in such notice relating to the majority by which such resolution was passed, and the number and proportion of members of the Board present.

250. A copy of the Gazette containing a notice that a rate declared by a Board is payable shall, except on proceedings to quash such rate, be conclusive evidence that the rate has been duly declared or made.

251. By-laws, minutes of a Board or a committee thereof, books and contracts, specifications, plans, estimates, and other documents by this Act required or authorised, which are in the hands of a Board, and any copy thereof or extract therefrom respectively which purports to be signed by the Chairman, or two members of the Board, or the Secretary, shall be receivable in any proceeding before any Court or person as evidence of the matters therein contained, and, in the case of by-laws, shall be evidence of the passing, confirmation, and publication thereof, and of the performance of the requirements of this Act in respect thereto.

252. Judicial
252. Judicial notice shall be taken of the seal of a Board by every Court and every Justice.

253. Nothing in this Act contained shall—

(a) prevent proof being given of the tenure by any person of any office by evidence that such person acted in such office:

(b) prevent any notice purporting to be a notice given by a Board and published or posted as by this Act directed, or a copy thereof, being given in evidence in any proceeding against the Board, or any officer thereof:

(c) negative any statutory or other rule of law as to evidence or any presumption arising therefrom.

254. In any proceedings for the recovery of the cost and expense of destroying vermin under Part II., a certificate purporting to be under the seal of the Council or Vermin Board, or under the hand of the Chairman of an Associated Board, or of the Commissioner (as the case may require), and specifying the amount of the cost and expense of such destruction, shall be received as prima facie evidence of the amount of such cost and expense.

255. (1) A copy of the Gazette containing any regulations purporting to be made by the Governor by virtue of this Act, or of any Act hereby repealed, shall be conclusive evidence of the making of such regulations.

(2) A copy of the Gazette containing a notice that a resolution has been passed by either House of Parliament objecting to any such regulations shall be conclusive evidence of the passing of such resolution.

256. In any proceeding where it is desired to prove the amount of any payments due at the time of such proceeding or thereafter payable under Part VI. in respect of any land, a certificate as to such amount, signed by the Commissioner or by the Clerk of the Council (as the case may require) shall be prima facie evidence as to such amount.

DIVISION III.—LEGAL PROCEDURE.

257. In the event of any person against whom a Board has any claim or demand being adjudicated insolvent, or making a statutory assignment for the benefit of, or a composition with, his creditors, the Secretary, treasurer, or any other officer of the Board, appointed by the Chairman, in writing under his hand, may represent the Board in all proceedings relating to the insolvency or assignment or composition of such person, as if such claim or demand had been the claim or demand of such Secretary, treasurer, or officer.
258. In all proceedings before Justices or a Local Court, the Secretary, treasurer, or any other officer of the Board, appointed by the Chairman in writing under his hand, may represent the Board in all respects, as though such officer had been the party concerned.

259. The Secretary, treasurer, or other officer, appointed as provided by section 257 or 258, shall be reimbursed out of the District Fund all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything done under the authority of either of those sections.

260. It shall be sufficient in any information under this Act if such information gives the accused a reasonably clear and intelligent statement of the offence with which he is charged; and no conviction shall be held void or invalid or be quashed for any defect in substance or form therein; and the Court shall amend or permit the amendment of every information which in its opinion is defective.

261. No writ of quo warranto, or information in the nature of a quo warranto, or any other process shall issue from, or be filed, or had, or taken in, the Supreme Court, to try or question the title of any Board, or the title of any person to act as a member or Chairman of a Board, or as an auditor for any District, or in any office or place in the gift of a Board.

262. No mandamus shall issue from the Supreme Court to admit or restore to office, or to compel a Board to proceed to the election of, any member or Chairman of the Board, or of any auditor for the District, or to the appointment of any officer of the Board or of any person to any office or place in the gift of the Board, or to compel the production or delivery of any books, voting-papers, or other documents or papers, to the production or possession whereof the Board or any person is entitled under this Act.

263. The proceedings—
(a) to try the title of a member or Chairman of a Board, or of an auditor, or of an officer or other person holding a place in the gift of a Board, to his office or place;
(b) to try the right of any person to be admitted or restored to any such office or place, or to compel his admission or restoration thereto;
(c) to compel the Board to proceed to any election or appointment;
(d) to try the validity of any rate; or
(e) to compel the production or delivery of any books, voting-papers, or other documents or papers to the production or possession whereof the Board or any person is entitled under this Act,
shall be had and taken before, and be determined by, two or more Justices in a summary way.

264. (1) An
264. (1) An information for the purposes of section 263 may be laid at the instance of the Board, or by a ratepayer of the District, or by the Commissioner or any other person interested.

(2) The Justices may make an order—

(a) declaring any person to be not entitled to the office or place then held by him, and that such office or place is vacant;

(b) declaring that the informant is entitled to the said office or place;

(c) commanding the Board to proceed to take the necessary steps for and to hold any election, or to make any appointment:

(d) compelling any person or persons to proceed to any ballot that may be necessary:

(e) quashing any rate which for any reason is invalid:

(f) compelling the production or delivery of any books, voting-papers, or documents by or to the Board, or any officer thereof, to or by any person.

(3) No order to admit or restore any person to any office or place shall be made whilst any other person is in possession of such office or place.

265. On non-compliance with any order made by any Justices, under the provisions of section 264, the following provisions shall apply:—

(a) Any two or more Justices may, on information laid at the instance of the Board, or by any ratepayer or person interested, order any sum of money to be paid by or to the Board, or any officer thereof, to or by any person, as compensation for any injury sustained by reason of the non-compliance with such order:

(b) Such Justices may order any such officer or person to be imprisoned, either for a specified time not exceeding six months, or until the aforesaid order is obeyed, and such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid:

(c) On non-compliance with any order commanding anything to be done by the Board, any two or more Justices may order the payment of any sum of money by, or the imprisonment of, any person who would before the passing of "The Vermin Act, 1905," have been liable to attachment, or subject to process of contempt, for disobedience to any peremptory writ of mandamus issued out of the Supreme Court commanding the Board to do the act directed by such order.
266. No proceedings to try the title of any person to any office or place on, or in the gift of, a Board shall be had or taken except upon an information laid within two months from the time when the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person is liable to be ousted, whichever last happens.

267. No proceedings to try the validity of any rate under Part III. shall be had or taken except upon an information laid within two months from the time when notice of the rate has appeared in the Gazette.

268. (1) All prosecutions for the infliction of pecuniary penalties upon, and all actions against, any member or Chairman of a Board or any officer or other person for anything done or omitted to be done in pursuance of Part III. shall be commenced within six months after the happening of the cause of prosecution or action, and not otherwise, except as hereinbefore to the contrary provided.

(2) Notice in writing of any such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action.

(3) The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at the trial.

(4) The plaintiff shall not recover in such action if tender of sufficient amends is made before action brought, or if, after action brought, the defendant pays into court sufficient amends; but in such last-mentioned case the plaintiff shall recover his costs of suit up to the time of payment into Court.

(5) If a verdict passes for the defendant, or the plaintiff becomes nonsuit, or discontinues, or the defendant otherwise recovers judgment, he shall recover full costs as between solicitor and client, and shall have his remedy for the same in the usual way.

269. A District Council, Vermin Board, or Associated Board may remit, in whole or in part, a pecuniary penalty imposed by or under this Act, or a penalty which such Council, Board, or Associated Board is authorised to receive by virtue of this Act, except a penalty imposed for an offence under section 23.

270. The imposition of a penalty for an offence under Part III. shall not affect any action or other remedy at the instance of the Board or any person for compensation for, or for the prevention of, injury that may result from such offence.

271. All fines and penalties for any offence against this Act, or any by-law of a Board, may be recovered before any two or more Justices in a summary way, on an information at the instance (except where otherwise expressly provided) of any person or persons whosoever.

272. Any
272. Any amount which any occupier is liable to pay to any other occupier under the provisions of Part VI. may be recovered in any Court of competent jurisdiction.

273. All the proceedings before Justices shall be regulated by the Ordinance No. 6 of 1850, “The Justices Procedure Amendment Act, 1883-4,” and any other Act that may be law for the time being in that behalf.

274. (1) In every case of the imposition of a fine or pecuniary penalty or the award of amends under this Act, and of the non-payment of such fine or pecuniary penalty or amends, any Justice may commit the person making default in payment to any gaol in the State, for any time not exceeding three months, the imprisonment to cease on payment of the sum due and the costs of any proceedings which have been taken for the recovery thereof.

(2) This section shall not affect any remedy under the said Ordinance No. 6 of 1850 or “The Justices Procedure Amendment Act, 1883-4,” for the recovery of any fine or any pecuniary penalty or amends.

275. (1) There shall be an appeal from an order of Justices made under the provisions of this Act, and from a conviction by Justices for an offence against this Act, and from an order dismissing an information or complaint under this Act.

(2) Such appeal shall be to the Local Court of Adelaide in its Full Jurisdiction.

(3) The proceedings in such appeal shall be conducted in manner provided by the said Ordinance No. 6 of 1850, and “The Justices Procedure Amendment Act, 1883-4,” for appeals to Local Courts.

(4) The Local Court of Adelaide aforesaid may make such order as to payment of the costs of such appeal as the Court thinks fit, and the amount of costs so ordered may exceed Ten Pounds.

276. (1) The Local Court upon the hearing of any such appeal may state one or more special case or cases for the opinion of the Supreme Court.

(2) The Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases.

(3) The Supreme Court shall make such order as to the costs of any such special case as to the said Court appears just.

(4) Any Justice or Justices or the said Local Court shall make an order in respect of the matters referred to the Supreme Court in conformity with the certificate of the Supreme Court, or a Judge.

(5) Such
(5) Such order of the Justice or Justices or of the said Local Court shall be enforced in manner provided by this Act or otherwise for the enforcement of orders of Justices.

277. Save as provided in this Act, no order or proceeding of Justices, or of any Local Court made or taken under the authority of this Act, shall be appealed against or removed by *certiorari* or otherwise into the Supreme Court.

278. All fines, penalties, and forfeitures recovered before Justices for offences against this Act committed within the District of a Vermin Board, District Council, or Associated Board, shall, except where otherwise provided, be paid to such Vermin Board, District Council, or Associated Board (as the case may be), save such portion of any such fine, penalty, or forfeiture as may by law be appropriated to any informer other than such Vermin Board, District Council, or Associated Board, or an officer thereof.

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

H. L. GALWAY, Governor.
SCHEDULES.

THE FIRST SCHEDULE.

ACTS CONSOLIDATED AND REPEALED.

<table>
<thead>
<tr>
<th>Reference to Acts.</th>
<th>Short Title of Acts.</th>
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<tbody>
<tr>
<td>No. 905 of 1905...</td>
<td>&quot;The Vermin Act, 1905.&quot;</td>
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<tr>
<td>No. 940 of 1907...</td>
<td>&quot;The Vermin Act Amendment Act, 1907.&quot;</td>
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<tr>
<td>No. 1066 of 1911...</td>
<td>&quot;The Vermin Act Amendment Act, 1911.&quot;</td>
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<tr>
<td>No. 1107 of 1912...</td>
<td>&quot;The Vermin Act Further Amendment Act, 1912.&quot;</td>
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<tr>
<td>No. 1135 of 1913...</td>
<td>&quot;The Vermin Act Further Amendment Act, 1913.&quot;</td>
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Section 3.

THE SECOND SCHEDULE.

RABBIT-PROOF FENCE.

Strainers not less than about five inches in thickness at smaller end, one hundred and fifty yards apart, two feet six inches in the ground, three feet six inches out of ground.

Posts of approved timber not less than three inches in thickness at smaller end, twenty feet apart, eighteen inches in the ground, three feet three inches out of the ground.

A wire netting of not less than eighteen gauge, of a minimum width of thirty-six inches and maximum mesh of one and a half inches, four inches of such netting to be fixed in the ground and thirty-two inches out of the ground.

Two plain wires—one foot four inches and two feet eight inches above the surface, one barbed wire three feet from the ground, hung with S hooks, four feet apart.

Optional as to the use of a plain wire on or below the surface.

THE
Strainers not less than about six inches in thickness at smaller end, one hundred and fifty yards apart, two feet nine inches in the ground, fifty-four inches out of ground.

Posts not less than about five inches in thickness at smaller end, twenty feet apart, twenty-four inches in the ground, fifty-four inches out of ground.

A wire netting, eighteen gauge, of a minimum width of forty-two inches and maximum mesh of one and a half inches, four inches of such netting to be fixed in the ground and thirty-eight inches out of the ground.

A barbed wire, with barbs not more than three inches apart, three and a half inches above netting hung with S hooks three feet apart.

A second top similar barbed wire hung with S hooks nine and a half inches above other barbed wire.

The barbed wires to be fastened to the post with a wire staple put through a hole in the post and turned up on the other side.

Two number ten plain wires—one foot seven inches and three feet ten inches above the surface.

Optional as to the use of a barbed or plain wire on or below the surface.

---

**THE FOURTH SCHEDULE.**

"The Vermin Act, 1914."

**NOTICE TO DESTROY VERMIN.**

To Mr. [name of owner or occupier] of [his address and occupation].

Take notice that I, the undersigned, being an authorised person under the above Act, do hereby, pursuant to the provisions of the said Act, require you forthwith to destroy all vermin upon the land occupied by you in [hundred or other locality of land] being [numbers of sections or other description of land], containing [area in acres or square miles], [if necessary, add and also upon the half width of all roads adjoining the said land or any part thereof.]

Dated this day of 19 .

[Signature.]

Every notice under this Act is deemed to have been duly served upon the owner or occupier if left at his usual or last known place of abode in the State.

On neglect or failure to comply with this notice, the destruction of the vermin upon the land and roads (if any) therein referred to will be effected by the [District Council, Vermin Board, Associated Board, or Commissioner of Crown Lands, as the case may be], at the expense of the owner or occupier.

THE
THE FIFTH SCHEDULE.

FORM No. 1.
INFORMATION.
South [Royal Arms] Australia.

(To wit.)

Be it remembered that on this day of in the year of Our Lord one thousand nine hundred and , at in the State of South Australia, in the Commonwealth of Australia, of in the said State, an authorised person within the meaning of Part II. of “The Vermin Act, 1914,” came before me, , Esquire, one of His Majesty’s Justices of the Peace in and for the said State, and gave me to understand and be informed that, in the said State, being the owner (or occupier as the case may be) of certain land, to wit [here sufficiently describe the land] did not during the simultaneous vermin destruction months of January, February, March, and April, in the year 19, destroy all vermin upon such land [if necessary, add and upon the half width of all roads adjoining the same] contrary to the form of the Statute in such case made and provided.

Taken before me at the day and year first above written. , J.P.

FORM No. 2.
INFORMATION.
South [Royal Arms] Australia.

(To wit.)

Be it remembered that on this day of in the year of Our Lord one thousand nine hundred and , at in the State of South Australia, in the Commonwealth of Australia, of in the said State, an authorised person within the meaning of Part II. of “The Vermin Act, 1914,” came before me, , Esquire, one of His Majesty’s Justices of the Peace in and for the said State, and gave me to understand and be informed that, in the said State, being the owner (or occupier as the case may be) of certain land, to wit [here sufficiently describe the land] did not within the time prescribed by the Commissioner of Crown Lands under section 23 of “The Vermin Act, 1914,” after the service upon him of a notice under section 22 of the said Act, destroy all vermin upon such land [if necessary, add and upon the half width of all roads adjoining the same] contrary to the form of the Statute in such case made and provided.

Taken before me at the day and year first above written. , J.P.

FORM No. 3.
INFORMATION.
South [Royal Arms] Australia.

(To wit.)

Be it remembered that on this day of in the year of Our Lord one thousand nine hundred and , at in the State of South Australia, in the Commonwealth of Australia, of in the said State, an authorised person within the meaning of Part II. of “The Vermin Act, 1914,” came before me, , Esquire, one of His Majesty’s Justices of the Peace in and for the said State, and gave me to understand and be informed that, in the said State, being the owner (or occupier as the case may be) of certain land, to wit [here sufficiently describe the land], and, being as such owner (or occupier), bound by section 39 of the said Act to destroy the vermin upon a certain breakwind reserve
The Vermin Act.—1914.

reserve [or a certain breakwind reserve and a certain road (or certain roads) adjoining the same] [or a certain part (or parts) of a certain breakwind reserve (or of a certain breakwind reserve and a certain road (or certain roads) adjoining the same)] did not during the simultaneous vermin destruction months of January, February, March, and April, in the year 19\ldots, destroy all vermin upon such reserve [or such reserve and road (or roads)] [or such part (or parts) of the said reserve (or the said reserve and road) (or roads)] contrary to the form of the Statute in such case made and provided.

Taken before me at the day and year first above written.

J.P.

FORM NO. 4.
INFORMATION.
South [Royal Arms] Australia.

(To wit.)

Be it remembered that on this day of\ldots, in the State of South Australia, in the Commonwealth of Australia, of \ldots, in the said State, an authorised person within the meaning of Part II. of "The Vermin Act, 1914," came before me, \ldots, Esquire, one of His Majesty's Justices of the Peace in and for the said State, and gave me to understand and be informed that\ldots, being the owner (or occupier as the case may be) of certain land, to wit [here sufficiently describe the land], and being, as such owner (or occupier), bound by section 39 of the said Act to destroy the vermin upon a certain breakwind reserve [or a certain breakwind reserve and a certain road (or certain roads) adjoining the same] [or a certain part (or parts) of a certain breakwind reserve (or of a certain breakwind reserve and a certain road (or certain roads) adjoining the same)] did not, within the time prescribed by the Commissioner of Crown Lands under section 23 of "The Vermin Act, 1914," after the service upon him of a notice under section 22 of the said Act, destroy all vermin upon such reserve [or such reserve and road (or roads)] [or such part (or parts) of the said reserve (or the said reserve and road) (or roads)] contrary to the form of the Statute in such case made and provided.

Taken before me at the day and year first above written.

J.P.

THE SIXTH SCHEDULE.
"The Vermin Act, 1914."

NOTICES OF MONIES PAYABLE FOR DESTRUCTION OF VERMIN.

Notice is hereby given that there is now due and payable in respect of the cost and expense of the destruction of vermin upon the land (or lands, as the case may be) mentioned in the Schedule hereto, the sum set opposite to the description of such land (or lands), and the owner or owners of such land (or lands) are required to take notice that unless the amount (or amounts) so due, together with the cost of and attending this notice, are paid to the [set out name of District Council, Associated Board, or Vermin Board, or Commissioner of Crown Lands, as the case may require] on or before the day of\ldots, 19\ldots [one month from the third publication of this notice], the said [District Council, Board, or Commissioner, as the case may be] will let such of the said land (or lands) in respect of which any money shall be then unpaid, from year to year, in manner provided by "The Vermin Act, 1914," or apply...
apply to the Supreme Court for an order for the sale of such land (or lands or so much thereof as may be necessary to produce the amount or amounts remaining unpaid, and also the costs of and attending such application and sale.

Dated this day of 19.

The Schedule referred to.

<table>
<thead>
<tr>
<th>Description of Land</th>
<th>Name of Owner or Occupier (if unknown, state so)</th>
<th>Amount due</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>£</td>
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</tbody>
</table>

*Signature of Chairman of District Council, Associated Board, or Vermin Board, or Commissioner (as the case may be).

THE SEVENTH SCHEDULE.

FORM No. 1.

Vermin-Fenced District of .—Annual Election.

Nominations will be received at the Vermin Board Office for the District of at , up to 12 o'clock noon on , the day of , 19 , for members of the Board, and for auditors. Should more than the required number be nominated, either for members of the Board or for auditors, further proceedings will be adjourned until , the day of , 19 , when an election will take place by ballot.

Dated the day of 19 .

By order,

Secretary.

FORM No. 2.

NOMINATION OF MEMBER OF VERMIN BOARD.

Vermin-Fenced District of .—Annual Election, 19.

We, the undersigned, ratepayers of the Vermin-Fenced District of , do hereby nominate [here state names of candidate in full, with address and occupation] as a candidate for the office of a member of the Vermin Board of such District at the election to be held on the day of 19 .

I, the above-named, hereby consent to the above nomination. [Signature of Candidate.]

FORM No. 3.

FORM OF PROXY.

I, , of , being a ratepayer of the Vermin-Fenced District of , in respect of [here state land] and entitled to votes for the election of members of the Board (and auditors) for the said District, hereby appoint , of , as my proxy to vote for me and on my behalf at the election of members of the said Board (and auditors) to be held on the day of 19 .

As witness my hand this day of 19 .

Signed by the said in the presence of .

Section 76.
905, 1905, Sixth Schedule.
The Vermin Act.—1914.

Form No. 4.

VOTING PAPER.

I, the undersigned, being entitled to votes for the election of members of the Vermin Board (or auditors) of the District of , hereby vote for of , as members of the Board (or auditors) for the said District.

Dated this day of 19 .

<table>
<thead>
<tr>
<th>* Signature</th>
<th>Address</th>
<th>Number of Votes</th>
</tr>
</thead>
</table>

* If the vote is given by proxy, the signature should be “A.B. (person entitled to vote) by his duly authorised proxy.”

---

THE EIGHTH SCHEDULE.

I, of , do hereby solemnly and sincerely declare that all the signatures [or, if the case so require, such and such signatures (describing them as initialled or otherwise marked by the declarant)] affixed to the above petition are the genuine signatures of the persons whose signatures they purport to be, and that such persons are occupiers of land in the area therein referred to.

Declared at this day of 19 , before me, J.P.

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THE NINTH SCHEDULE.

“The Vermin Act, 1914.”

UNDERTAKING TO REPAY LOAN.

The District Council of hereby makes application to His Excellency the Governor, pursuant to section 169 of “The Vermin Act, 1914,” for a loan of £ , in accordance with the petition which accompanies this application; and the said District Council hereby undertakes to repay the amount of such loan in accordance with the provisions of the said Act.

Dated this day of 19 .
NOTICE OF MONEY PAYABLE FOR WIRE NETTING.

Notice is hereby given that there is now due and payable in respect of wire netting furnished in respect of (or furnished and erected on) the land (or lands, as the case may be) mentioned in the Schedule hereto the sum (or sums) set opposite to the description of such land (or lands); and the occupier (or occupiers) of such land (or lands) is (or are) required to take notice that unless the amount (or amounts) so due, together with the cost of and attending this notice, is (or are) paid to the [set out name of Vermin Board] on or before the day of [set out name of date].

Dated this [set out name of date].

[Signature.]
Chairman of [name of Board].

<table>
<thead>
<tr>
<th>Description of Land</th>
<th>Name of Occupier (if unknown, state so)</th>
<th>Amount due</th>
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</table>
THE VERMIN ACT, 1914.

Table showing how the Sections of Acts Consolidated have been dealt with.

<table>
<thead>
<tr>
<th>Section of Repealed Act</th>
<th>Remarks</th>
<th>Section of Consolodating Act</th>
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<tbody>
<tr>
<td>The Vermin Act, 905 of 1905 s. 1</td>
<td>Short title .................</td>
<td>—</td>
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<tr>
<td>Ibid. s. 2</td>
<td>Commencement of Act .................</td>
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<td>“ s. 3</td>
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<tr>
<td>“ s. 4</td>
<td>(As amended by 1107, 1912, s. 3 (3), and 1135, 1913, s. 3). In defining “occupier,” reference to “credit selector” omitted as being obsolete</td>
<td>4, 42, 160, 201</td>
</tr>
<tr>
<td>“ s. 5</td>
<td>Repeal .................</td>
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<td>“ s. 6</td>
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<td>“ s. 7</td>
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<td>“ s. 12</td>
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<td>“ s. 13</td>
<td>Subsection (4) omitted as operation exhausted</td>
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<td>“ s. 14</td>
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<td>“ s. 17</td>
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<tr>
<td>“ s. 18</td>
<td>(As amended by 940, 1907, s. 2)</td>
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<td>“ s. 19</td>
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<td>(As substituted by 1135, 1913, s. 5)</td>
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The Vermin Act.—1914.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

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The Vermin Act.—1914.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

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Table
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<td>Ibid. s. 222</td>
<td>&quot;Part III. of this Act&quot; interpreted as &quot;Division III. of this Part&quot;</td>
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<td>Ibid. s. 223</td>
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The Vermin Act.—1914.

Table showing how the Sections of Acts Consolidated have been dealt with—continued.

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<td>The Vermin Act, 905 of 1905</td>
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First Schedule | Acts repealed | — |

Second Schedule (Form No. 1) | — | 4th Sched. |

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Table showing how the Sections of Acts Consolidated have been dealt with—continued

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<td>The Vermin Act, 905 of 1906—Second Schedule (Form No. 4)</td>
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<td>The Vermin Act Amendment Act, 1066 of 1911</td>
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<td>Amendment of District Councils Act—Effect contained in District Councils Bill</td>
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