ANNO QUINQUAGESIMO SEPTIMO ET QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1894.

No. 597.

An Act relating to Vermin.

[Assented to, November 21st, 1894.]

WHEREAS it is desirable to amend the law relating to the destruction of vermin, and to make provision for the creation of Vermin Districts and Vermin Boards outside the limits of District Councils—Be it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

PART I.

INTRODUCTORY.

1. This Act may be cited for all purposes as "The Vermin Districts Act, 1894."

2. This Act shall be divided into parts, under the following heads:

   Part i.—Introductory:
   Part ii.—Amendments:
   Part iii.—Constitution of Vermin Districts and Boards:
   Part iv.—Of the Members of Boards:
   Part v.—Of the Auditors:
   Part vi.—Of Elections:
   Part vii.—Of the Meetings of the Board:
   Part viii.—Of Contracts and Works:

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PART I.

PART IX.—Of Revenue and Expenditure:
PART X.—Of Making and Recovering Rates:
PART XI.—Of Loans:
PART XII.—Of the Officers of the District:
PART XIII.—Of By-laws:
PART XIV.—Of the Enforcement of this Act, and of Penalties:
PART XV.—Of Evidence and Miscellaneous Matters.

Interpretation.

3. In this Act the following expressions shall have the meanings by this section assigned to them, save where the context or subject is inconsistent with such meaning:—

"Act" includes regulations:

"Board" or "Vermin Board" means the Vermin Board of any Vermin District declared under this Act:

"Chairman" means the chairman of any Vermin Board:

"Commissioner" means the Commissioner of Crown Lands:

"Crown lands" means all lands belonging to Her Majesty within a Vermin District, whether occupied or unoccupied, which are not subject to any lease or agreement for lease or sale:

"District" means any Vermin District declared under this Act:

"Extraordinary vacancy" means and includes any vacancy in an office arising in any other way than by effluxion of time:

"Justice" or "Justices" means Justice or Justices of the Peace:

"Owner" includes the person for the time being receiving or entitled to receive the rents and profits of any lands or hereditaments within a Vermin District, whether occupied or unoccupied, which are not subject to any lease or agreement for lease or sale:

"Public notice" means notice given by advertisement in the Government 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 vermin 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:

"Surveyor-General" means the Surveyor-General of the province for the time being, or the person discharging the duties of the office of Surveyor-General for the time being:

"Vermin" includes rabbits, wild dogs, and foxes:

4. "Vermin
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4. "Vermin-proof fence" shall mean a substantial fence not less than four feet high, hung with galvanized wire netting of a maximum mesh of one and a half inches, minimum width of thirty-six inches, with the wire of a minimum gauge of seventeen, also to have two barbed wires above wire netting, or such other fence as the Vermin Board may sanction: Provided always that any similar fence erected before the passing of this Act shall be taken to be a rabbit and dog-proof fence within the meaning of this Act if, in the opinion of the Board, it is reasonably sufficient for the purpose of excluding rabbits and dogs.

5. From and after the declaration of a vermin district under the provisions of this Act, "The Wild Dog and Fox Destruction Act, 1889," shall not apply to such district: Provided, however, that this section shall not affect any right accrued or any obligation or liability incurred under the said Act before the declaration of such district.

PART II.
AMENDMENTS.

6. The words "and without interest" in section 20 of "The Vermin-proof Fencing Act, 1890," are hereby repealed, and the words "together with simple interest thereon at the rate of Five Pounds per centum per annum" substituted therefor, but such repeal shall not affect any loans granted before the first day of July, one thousand eight hundred and ninety-three.

7. Section 13 of "The Vermin-proof Fencing Act, 1890," is hereby amended by adding after the seventh line of the said section the words following, that is to say—"The Governor may, in the order granting the loan, direct that any specified part or parts of the land described in the petition shall be enclosed by continuous wire netting or vermin-proof or rabbit-proof fencing, 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."

8. Section 34 of "The Vermin-proof Fencing Act, 1890," is hereby repealed, and in lieu thereof shall be read the following:—A general notice resolved upon by any District Council for the simultaneous destruction of rabbits, and advertised for two successive weeks in the Government Gazette, and in some newspaper circulating within the District, shall, for the purposes of "The Rabbit Suppression Act, 1879," be deemed a sufficient notice to and to have been personally served upon every owner and occupier of land within the District; and every authorised person under the said Act shall have the same rights, powers, and authorities; and every owner or occupier of land within the said District shall be subject to the same obligations and liabilities as if such authorised person had signed a notice.
notice in the form contained in Schedule B to the said Act and the
said notice had been served upon the said owner or occupier, as by
the same Act required.

9. Section 35 of Act 478 of 1890 is hereby amended by adding
after the word "the" in the first line the words "publication of
notice by advertisement as hereinbefore provided."  

10. Section 34 of "The Stock Diseases Act, 1888," is hereby
amended by the addition of the words "or by any other person
whomsoever" at the end thereof.

11. Section 31 of "The Rabbit Suppression Act, 1879," is
hereby amended by the addition of the words "or by any other
person whomsoever" at the end thereof.

12. If any owner or occupier of any land, whether freehold or
leasehold, after notice for simultaneous destruction, resolved upon
and advertised pursuant to section 8 of this Act, shall not do
everything required by such notice for the destruction of rabbits on
the land owned or occupied by him, he shall be liable to the
penalties provided by section 35 of "The Vermin-proof Fencing
Act, 1890."

13. The Governor may, out of any money voted by Parliament
for the purposes of making loans under "The Vermin-proof Fencing
Act, 1890," from time to time authorise and direct the expenditure
of such sums as he may think fit for the purposes of erecting or
contributing to the erection of any wire netting or other vermin-
proof fencing around agricultural or cultivated lands situate outside
the limits of District Councils, or any Vermin District created under
this Act: Provided that the area proposed to be enclosed shall not
be less than one hundred acres: Provided also that no such expen-
diture shall be authorised unless on the written request of at least
six persons interested in such area proposed to be enclosed, and
all persons interested in such area shall constitute a Trust, and shall
jointly and severally undertake the liability for the repayment of
the amount expended, with interest thereon.

14. No such sums shall be granted by the Governor until a
Government inspector has reported to the Commissioner 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 shall have been actually erected by the applicant
to the satisfaction of a Government inspector.

15. Any sums so granted and paid shall be repaid with interest
at Five Pounds per centum per annum not later than by ten equal
yearly instalments, dating from the date of such grant, and in the
meantime shall be a first charge on the land for the enclosing or
fencing of which it is supplied.

16. If
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16. If any occupier within the special area for which a loan shall have been or shall be granted to a District Council under "The Vermin-proof Fencing Act, 1890," shall refuse to accept the materials for wire netting or other rabbit-proof or vermin-proof fencing, furnished or offered to him by such Council, the Council may, without prejudice to any rights or remedies it may have against the occupier so refusing, offer such materials to any other occupier of land within the District of such Board. If such offer be accepted by the occupier, and approved of by the Commissioner, notice of such approval shall be published by the Commissioner in the Government Gazette, and thereafter the materials may be furnished to such occupier, and he and the land in respect of which the materials are furnished shall become liable for the repayment of the value of such materials, together with interest thereon, in the manner and subject to the remedies prescribed by the said Vermin-proof Fencing Act, 1890.

PART III.

CONSTITUTION OF VERMIN DISTRICTS AND BOARDS.

17. The Governor, by Proclamation to be published in the Government Gazette, may, with the consent in writing of the holders representing one half of the ratable property, exclusive of unoccupied Crown lands, within the boundaries of such proposed area declare any lands situate outside the limits of Municipal Corporations and District Councils to be Vermin Districts for the purposes of this Act, and assign a name to any such District and fix the boundaries thereof, and may in like manner cause any lands to cease to be Vermin Districts or portion of a Vermin District, or may vary the boundaries of any District: Provided that a plan of the District or alteration proposed shall be laid before Parliament and be approved by resolution of both Houses of the Legislature, such plan to show the proposed boundaries and the amount of freehold, leased, and unleased lands within the same.

18. In the event of any apportionment of property or adjustment of rights and liabilities as between two or more Vermin Districts being rendered necessary or expedient owing to the alteration of the boundaries of any District or Districts, the Governor shall have the power, by Proclamation published in the Government Gazette, to make such apportionment or adjustment.

19. In the event of a Vermin District being declared under this Act, the boundaries or any portion of the boundaries of which consist of a vermin-proof fence already erected by the Board of any other Vermin District previously declared under this Act, the Board of such last-mentioned District shall be credited by the Commissioner with a portion not exceeding one-half of the then value of such fence, and such amount shall be debited to the new district.
PART III.

The amount so to be paid shall be agreed upon between the two Boards, and if such Boards cannot or do not agree as to the amount within three months after notice shall have been given in writing by either Board to the other requiring that such amount shall be fixed, the amount may be fixed by the Commissioner by order published in the Government Gazette, and immediately on such order being published the amount fixed therein shall become payable by the Board liable to pay the same to the other; and in the case of a vermin-proof or other fence the property of a lessee the Board or Boards may pay to the owner the value of the fence, to be fixed by mutual agreement, or, failing that, by arbitration under Act No. 510 of 1891.

20. The Governor shall, on the proclamation of any Vermin District as aforesaid, appoint five persons to be the Vermin Board for such District, and may appoint one of their number to be chairman of such Board, and may appoint two auditors, and the members and auditors so appointed shall retain office until after the first annual election after the constitution of the District, and such Board shall have and exercise all the powers, duties, and functions of a Vermin Board, as hereinafter provided.

21. If any extraordinary vacancy shall occur in a Board, the Board may appoint a member in the place of the member whose seat has so become vacant, and the member so appointed shall continue to be a member of the Board until after the first annual election after his appointment.

22. Every Vermin Board constituted under this Act shall be a body corporate under the title of "The Vermin Board of the District of ————, " such blank being filled in with the name assigned by the Governor to the Vermin District in the Proclamation constituting the same. Every such body corporate shall have perpetual succession and a common seal, and shall by such name be capable in law of suing and being sued, and of doing and suffering subject to this Act all other acts and things as bodies corporate may by law do and suffer.

PART IV.

OF THE MEMBERS OF BOARDS.

23. Every male ratepayer of the district, and every person nominated by the Surveyor-General, or by a ratepayer, by writing under his hand, who has attained the age of twenty-one years, is qualified to be elected, or, in the event of an extraordinary vacancy, to be appointed a member of a Board, unless he is—

An uncertificated insolvent:

A person who holds the office of treasurer or any place of profit in the gift of the Vermin Board;
A person who directly or indirectly participates or is interested in any contract, except for advertisements and printing, with or employment under the Vermin Board:

Provided that no person shall be disqualified from being or continuing a member of a Board by reason of his receiving travelling expenses incurred in pursuance of and authorised to be paid by a resolution of the Board: Provided also that any person nominated for election to the Board shall be a resident in the district.

24. Any of the following acts and events shall cause a vacancy in the office of member of a Board, namely:—

Death, lunacy, insolvency, the execution by the member 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, or the conviction of the member of felony:

Absence from the province, 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, and 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:

Any disqualification, and notice thereof, by the disqualified person or some person on his behalf, posted or delivered to the chairman of the Board, or, if there be no chairman, to the Commissioner:

Resignation by notice posted or delivered as aforesaid:

Retirement by rotation, as provided by this Act:

The judgment or order of any duly authorised Court or Justices declaring the office vacant.

25. At the conclusion of the first annual election after the constitution of any Board all the members of the Board of every District shall retire. At the conclusion of every subsequent annual election half the members of every Board shall retire, or, if the number be uneven, a majority of one shall retire. The members to retire shall be the member or members (if any) who hold office by appointment of the Board and those other members who have been longest in office without re-election, and, when the number cannot thus be made up, 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.

26. The chairman shall in no case be required to draw lots; but the other member or members with whom it would be necessary, but
but for his position as chairman, that he should draw lots, shall retire, or draw lots between them without the chairman, to decide which of them shall retire.

27. Members of a Board required by this Act to retire shall go out of office, but shall be deemed to hold office until their successors are appointed or elected.

28. All drawing of lots by members of a Board to decide retirements shall be had before the notice is published in the Government Gazette, as hereinafter required, appointing the time and place for the election of members of the Board.

29. Where lots are required to decide retirements, if the members of a Board who should draw lots fail to do so within the time prescribed by the last preceding section the chairman, or any Justice resident in the District, on the request, in writing, of any one member of the Board, or any three ratepayers, shall, in the presence of three or more ratepayers, draw lots and decide which of the members of the Board shall retire, and 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.

30. When, at the time of giving notice of the annual day of election, there shall be vacancies on any Board, and no more members are required to retire at the election meeting 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 up at the annual election meeting; and if any vacancy or vacancies shall exist at the time of giving notice of any annual day of election, every member whose seat is so vacant shall be taken to be a person bound to retire at the annual election meeting, and every such vacancy shall be filled up at the annual election meeting, and any other retirements which may be necessary shall be settled in manner herein provided.

31. At the first meeting of any Vermin Board after appointment, and every annual election, the members present shall elect a chairman from among them; and if there shall be an equal number of votes for two or more members having the largest number of votes, the person to act as chairman shall be chosen by lot between those members having the equality of votes; but the omission to elect a chairman shall not prevent the Board from making such appointment at any future meeting. The chairman may resign his office at any time; and any vacancy in the office of chairman may be filled up at any meeting of the Board.

32. A member of a Board or chairman retiring from or ceasing to hold office, but duly qualified, shall be eligible for re-election.
PART V.

OF THE AUDITORS.

33. The auditors appointed by the Governor for each district shall retire at the conclusion of the first annual election after the constitution of the Board; and at the first annual election two auditors for the District shall be proposed and elected by the ratepayers in like manner as members of a Board are proposed and elected. At each subsequent annual election one auditor shall retire from office, and the auditor to retire shall be the one who has held office longest without re-election, and if both shall have so held office the same length of time the auditor to retire shall be decided by lot to be drawn by the chairman before notice is given of the day for the election of candidates, and if the chairman shall so fail to draw lots both auditors shall retire; and no auditor who has been continuously in office for two years shall be eligible for re-election for the space of one year.

34. 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 an auditor need not be a ratepayer of the District, and that no member of the Board of a District shall be auditor for the District. An auditor otherwise qualified to be a member of a Board may be elected a member, and shall thereupon cease to be auditor.

35. Any of the following acts and events shall cause a vacancy in the office of auditor, namely:

Death, lunacy, being adjudicated insolvent, or the execution by the auditor 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, or on conviction of felony:

Absence from the province at the time at which any periodical audit is appointed to be held, or non-attendance at any audit after fourteen days' notice shall have been given to the auditor of the time and place appointed for holding the same:

Election as a member of a Board:

Resignation, by notice posted or delivered to the chairman, if there be a chairman, and otherwise to the Commissioner:

The judgment or order of any competent Court or Justices declaring the office vacant:

The being concerned, directly or indirectly, in any contract or dealing with the Vermin Board other than his employment as auditor.

36. Any extraordinary vacancy occurring in the office of auditor may be filled up by appointment by the Governor, but any auditor so appointed shall only hold office until the annual election next after
after his appointment, and if only one of the auditors shall have been so appointed he shall be deemed to be the auditor who is to retire under section 33, and the other shall continue in office unless he shall have acted as auditor continuously for the space of two years.

37. The auditors shall, as soon as conveniently may be after the half-yearly balancing of accounts in accordance with this Act, proceed to audit the accounts of the Vermin Board for the half-year preceding the said half-yearly balance; and the Board shall cause to be produced and laid before such auditors the said accounts, together with proper vouchers in support of the same, and all books, papers, and writings in the custody or power of the Board relating thereto; and if the said accounts be found correct, such auditors shall sign the same in token of their allowance thereof.

38. The Vermin Board shall cause the half-yearly balance-sheet to be advertised once in one of the newspapers of the said province, and in the Government Gazette, within one month after the auditors have certified the same.

39. The auditors may refuse to allow any person to be present at the audit of the accounts.

PART VI.

OF ELECTIONS.

40. The Vermin Board shall have a suitable office for transacting the business of the District, to be called the Vermin Board Office, for the District of ———.

41. At any election of members of a Board or auditors every ratepayer of the full age of twenty-one years whose name appears in the list of ratepayers entitled to vote for the current year which is required by this Act to be published in the Government Gazette, and any person nominated in writing by the Surveyor-General or by a ratepayer to vote in respect of ratable property belonging to the Crown, may give one vote for every fifty square miles, or fractional part of fifty square miles, of ratable property held by him or by the Crown respectively, if the rates have been duly paid pursuant to the next following section. In case of joint tenancy, or tenancy in common, one person only shall vote, unless the land shall exceed 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 fractional part thereof; and joint tenants, or tenants in common entitled to vote, may vote in the order in which they tender their votes until votes shall have been taken for the whole area.

42. No
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42. No ratepayer shall be entitled to vote at any election until all rates which shall have been declared six months previously, according to the provisions hereof, and which shall then be payable by him in respect of the property for which he may claim to vote, shall have been paid; and any ratepayer may object to any person attempting to vote if such rates shall not have been paid. The secretary shall cause a list of all ratepayers who owe any rates to be produced at every polling-place, but the non-production of such list shall not invalidate the proceedings.

43. The Commissioner shall, in the month of April in each year, cause to be prepared and published in the Government Gazette alphabetical lists of ratepayers entitled to vote for the election of members of the Board in each Vermin District, with the number of votes to which each ratepayer is entitled set opposite his name.

44. The Vermin Board shall, by notice published in the Government Gazette for four consecutive weeks, appoint the time and place for the meeting for the annual or any other election of members and auditors of the Board, the time of such annual meeting to be not later than six weeks after the annual meeting of the Board for the current year. The place of meeting to be fixed within the Vermin District.

45. At such meeting a chairman shall be appointed by a show of hands of the ratepayers present in person or by proxy, and if no more persons be proposed as members of the Board or auditors, as the case may be, than are required to be elected, the chairman shall forthwith declare such persons duly elected. If a greater number be proposed than are required, then the majority of the votes of the ratepayers present in person or by proxy and entitled to vote shall elect the members of the Board or auditors, as the case may be, of the district, and for the purposes of the voting each ratepayer shall be entitled to the number of votes prescribed by section 41.

46. Ratepayers may vote at every such meeting by proxy, and the forms of proxy and voting-paper contained in the Schedule hereto, or other forms to the like effect, may be used. In case of an equality of votes in any election, or on any question, the chairman of the meeting shall have a casting-vote in addition to any vote or votes he may have as a ratepayer. Upon the result of any such election being ascertained, the chairman shall certify the same to the Commissioner for the information of the Governor.

47. Wherever the annual or other election shall from any cause wholly or in part fail to be made as appointed by this Act, or, such election being made, shall afterwards become wholly or in part void, a supplementary election shall be held in the same manner as elections are hereby required to be held, or as may be prescribed by regulations made under this Act.

48. Within
PART VI.

Notice of election to be given to each person elected, and to be inserted in Gazette, Act No. 419 of 1887, section 83.

Where Board fails for twenty-one days to hold election, resident Justice or Special Magistrate, on request, to hold the election.

Ib., section 85.

48. Within forty-eight hours from the election of any person to any office in the District, the Board shall cause to be delivered or posted to such person a notice informing him of such election, and within fourteen days of such election shall cause a notice thereof to be inserted in the Government Gazette.

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

PART VII.

OF THE MEETINGS OF THE BOARD.

50. The Vermin Board shall appoint a male person of full age, who is not a member of the Board or auditor, to be secretary to the Board; but any member of the Board or other person appointed as hereinafter provided may perform the duties of such secretary in his absence.

51. The annual meeting of the Board shall be held in the twelfth month after the appointment of the Board, and thereafter in the twelfth month of every succeeding year, at the Vermin Board Office, on such day and at such hour as the Board shall determine.

52. Ordinary meetings of the Board shall be held at the Vermin Board Office at such times, not being less than one in each quarter, as the Board shall from time to time determine; and special meetings may be held at any time and at any place within the District. Any meeting may be adjourned to any time and to any place within the District, and any business required to be done at an annual or ordinary meeting may be done at a special meeting.

53. A special meeting may be called by the chairman at any time, and, on the requisition, in writing, of any three members of the Board, it shall be his duty to call such meeting; and 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.

54. Unless and until otherwise provided by by-law, fourteen days' notice of every meeting, signed by the secretary, shall be sent by post to every member of the Board informing him of the time and place of meeting, and, in the case of a special meeting, of the business to be done thereat.

55. At
55. 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, but 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 shall be no quorum, may, at the expiration of half an hour from the time fixed for such meeting, adjourn the same, and any business which could have been transacted at such meeting may be transacted at the adjourned meeting.

56. At every meeting of the Board the chairman, or, in his absence, such member as the members assembled shall choose to preside, shall preside, and shall have a deliberative vote, and, in case of equality of votes, a casting-vote.

57. Notwithstanding any vacancies in the office of 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.

58. 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 it may be afterwards discovered that there was some defect in the election or appointment of the members of such Board, or committee, or any of them, or of any person acting as aforesaid, or that they or any of them were incapable of being members of the Board, be as valid as if such members or member, or such person, had been duly elected or appointed, and was capable of being a member.

59. If, in consequence of death, absence, or any lawful impediment, it shall be impossible or inconvenient for the secretary or any 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 shall be impossible or inconvenient for the chairman, the Board, may perform the matter or thing, or appoint some member or other person to perform it.

60. If the day for any meeting, or adjourned meeting, or for any business required by this Act, or any by-law to be held or done, shall fall on a Sunday, Good Friday, Christmas Day, or public holiday, such meeting shall be held, or business done, on the third business day after the day on which it fell.

61. No resolution passed at any meeting of the Board shall be revoked or altered at any subsequent meeting, unless written notice of an intention to propose such revocation or alteration be given or posted to each of the members twenty-one days at least before holding the meeting, nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the members present at such subsequent meeting if the number of members present

PART VII.

Quorum.

Adjournment where no quorum.

Act No. 419 of 1887, section 91.

Who is to preside, and his right to vote.

Ib., section 92.

Business of Board to be carried on notwithstanding vacancy

Ib., section 93.

Proceedings of Board valid notwithstanding defect of appointment, &c.

Ib., section 94.

In case of inability of secretary, &c., to perform duties, chairman or Board may appoint another person to do so.

Ib., section 95.

Business falling on Sunday, &c.

Ib., section 96.

Resolutions, how revoked or altered

Ib., section 97.
present at such subsequent meeting be not greater than the number present when such resolution was come to, or by a majority if the number of members present at such subsequent meeting be greater than the number present at such former meeting.

62. The Board may, from time to time, as they may see fit, appoint occasional or standing committees, and may fix the quorum of every such committee; and every such committee shall appoint one of the members thereof to be chairman of such committee; and the Board may, from time to time, continue, alter, or discontinue such committee, and such committee may, from time to time, remove such chairman; and every such committee shall report to the Board.

63. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, but no business shall be done at any meeting of a committee unless the quorum (if any) fixed by the Board, or, if no quorum be fixed, three members, be present; and at every meeting of the committee, if the chairman of such committee be not present, one of the members present shall be appointed chairman of such meeting; and all questions shall be determined by a majority of the votes of the members present; but the chairman shall have a deliberative vote, and, in case of equality of votes, a casting-vote.

64. The Board shall cause minutes of all the meetings of the Board, and of every committee thereof, and of the proceedings thereat, with the names of the members who attend at each meeting, and the names of all members voting on any question for the decision of which a division is called, to be duly made from time to time in books provided for the purpose, and to be kept by the secretary under the superintendence of the Board. The minutes of every Board meeting, and of every meeting of a committee until a report is agreed upon, shall be put for confirmation to the next succeeding meeting, or if that shall be omitted, to some subsequent meeting, and, if found correct, shall be signed by the chairman of the meeting at which the same shall be confirmed, or if he shall refuse or neglect so to do for seven days after such meeting, then by any two members present and entitled to vote at such meeting; and 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.

65. Every minute purporting to be such minute as aforesaid, and to be so signed, or a copy of or extract from any such minute purporting to be attested by the seal of the Board and 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 thereat were members of the Board or members of committee, or of the signature of the chairman or members,
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; but all such matters shall be presumed until the contrary is proved, and all such books shall, at all reasonable times, be open to the inspection of any member of the Board, and of any creditor of the Board, and every ratepayer of the district may inspect and take copies of the same at all reasonable times on payment of One Shilling to the secretary.

PART VIII.

OF CONTRACTS AND WORKS.

66. The Board of every District may enter into contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows, that is to say:—

i. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the Board may make in writing and under the common seal of the Board, and in the same manner may vary or discharge the same:

ii. Any 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, the Board may make in writing under the common seal as aforesaid or in writing signed by the members of the Board, or any person acting by the direction and on behalf of the Board, and may vary or discharge such contract in the same way as it was or might have been made:

iii. Any 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 by the Board in either of the two ways aforesaid, or by any person acting by the direction and on behalf of the Board by parol, with or without writing, and may be varied or discharged in the same manner as it was or might have been made:

And all contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

67. The Board may compound with any party who has entered into any contract with the Board, or by or against whom any action or proceeding has been brought or threatened on behalf of or against the Board for any cause whatsoever, for such sums of money or other consideration as the Board shall think proper.

68. Subject to the approval of the Commissioner, the Board may, from time to time, contract, upon such terms as they think 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
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.

69. 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 wild dogs by the erection of vermin-proof fencing.

70. For the purpose of giving effect to the last preceding section, it shall be lawful for the Board, its officers, servants, and agents, to enter upon any lands within the district, and to cut timber and to clear land for a space of six feet in width on either side of any fencing erected or to be maintained by the Board, and to 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.

71. The Board may, for the purposes of this Act, purchase any fence erected along the boundaries of its District, or which it may find it convenient to acquire for the purposes of this Act.

72. Where two Vermin Districts have a common boundary, and the Board of either District desires to erect wire netting or a vermin-proof fence along such common boundary or any part thereof, such Board may require the Board of the other District to join in or contribute in an equal proportion to the cost of erection of such wire netting or fence between their respective Districts, by serving it with a notice to erect one-half of the particular kind of wire netting or fence it is desired to have erected, the situation of such half being specified in the notice.

73. Such 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.

74. If within three months after the service of any such notice to fence the Board served with the same shall not have begun to erect its portion of the wire netting or fence, or shall not be proceeding with such erection with all reasonable speed, the Board serving the notice may erect the whole of the wire netting or fence, and may recover half the cost of erecting the same from the other Board in any Court of competent jurisdiction.

75. Any Board erecting a vermin-proof fence along the common boundary between its district and another district, shall be entitled to clear all scrub for a width not exceeding six feet on each side along the length of such fence, and the cost of such clearing shall be deemed to be a part of the cost of such fence.

76. The
PART IX.

OF REVENUE AND EXPENDITURE.

Revenue Generally.

77. The revenue of a Board shall consist of the moneys following, namely:

(1) Rates which under this Act the Board is authorised to declare:

(2) Fines and penalties imposed or inflicted for any offence against this Act, or any by-law made hereunder, and committed within the District, or for any offence committed by or for any breach or neglect of duty on the part of any member of a Board, 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 other meeting or proceeding in connection with such District or Board, member of the Board or officer; all which fines and penalties shall be paid to the Board for the use and benefit of the District, save any fine or portion thereof ordered to be paid to any other person in pursuance of this or any other Act:

(3) All other moneys received by the Board, or by any officer by virtue of this Act or any by-laws, or otherwise, and not being moneys which such officer may be entitled to retain.

78. 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 the same. Such payment shall in every case be made as soon as the moneys in hand amount to Five Pounds, or more. Every payment of more than One Pound made on behalf of the Board shall be by a cheque on the Board's bank, drawn by the chairman and two members of the Board, authorised from time to time by the Board in that behalf, and countersigned by the secretary. 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.

79. A Board may expend its moneys as follows:

In preparing for, carrying out, improving, and maintaining any works and undertakings by this Act authorised:

In paying salaries and fees to any officers of the District, or persons in the employ of or appointed by the Board:
In payment of or towards the travelling expenses of members in attending the 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 shall be in writing:

In the remuneration of professional and other like services, which are necessary or desirable in and about the property and business of the Board:

And generally in performing the duties and doing the business of the Board as required or authorised by this Act, or any other Act for the time being in force in that behalf:

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

80. Every Board shall keep true and regular accounts of all sums of money received and paid by such Board, and of the several purposes for which such sums of money shall have been received and paid, and shall cause such accounts to be balanced twice at least in every year ending on the thirtieth day of June; and every ratepayer of the District shall and may, at all reasonable times, upon payment of a fee 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 in the following section mentioned.

81. Every Board shall, during the month of July next after the appointment of the Board, and, during the month of July in each succeeding year, cause an account in abstract to be prepared showing the total receipt and expenditure of all funds received by virtue of this Act for the year ending on the thirtieth day of June, as aforesaid, under the several distinct heads of receipt and expenditure; with a statement of the balance of such account duly audited and certified by the auditors and also by the chairman of the Board, or two members of the Board, and by the secretary.

PART X.

OF MAKING AND RECOVERING RATES.

82. The Board from time to time, before proceeding to make any rate by this Act authorised, shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorised to expend or apply the District Fund, showing the several sums (if any) already available for such purposes, and the several sums required, the number of square miles of ratable property within the district, and the rate or rates per square mile which will be necessary to raise the money required, which estimate, after the same has been approved of by the Board, shall be entered in a book,
book, to be called the Estimate Book, which shall be kept at the
Vermin Board Office, and shall be accessible to the ratepayers at all
reasonable hours.

83. 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 year ending the thirtieth day of June next
after the declaring of the rate: Provided that such rate shall
not exceed Four Shillings per square mile of the ratable property
within the District: Provided also that the Board may, wherever
it shall deem it equitable so to do, declare a smaller rate or
smaller rates in respect of any ratable property to be specified by
the Board, adjoining or in proximity to any existing or intended or
proposed vermin-proof fence by reason that it is not or will not be
benefited by any such fence to the same extent as the other ratable
property within the district: Provided also that in the case of land
enclosed with a vermin-proof fence, which, in the opinion of the
Vermin Board, is erected and maintained in an effective manner,
shall exempt such vermin-proof fenced land from such rate, provided
that no portion of such fence has been purchased by the Board.

84. Immediately, or as soon as may be, after the declaration of
a rate the Board shall inform the Commissioner thereof, and the Com-
missioner shall forthwith publish a notice in the Government Gazette
containing the names of the ratepayers liable to pay such rate, the
amount thereof, and the date on which the same must be paid.

85. Rates shall be payable to the Commissioner, and may be
levied and recovered by or under the authority of the Commissioner
in like manner as any rent is or shall be recoverable under any lease,
or in a summary way before any two or more Justices; and in case
such rate shall be levied by distress, an order under the hand of the
Commissioner shall be a sufficient warrant and authority to distraint.

86. If any rate payable under the authority of this Act be not
paid on or before the day appointed for the payment thereof, a
penalty of five per centum shall be added to such rate; and if the
said rate be not paid within three months after such day, together
with such penalty, a further penalty of five per centum shall be
added; and such rate and penalties shall be recoverable at any time
after they shall become due by the Commissioner, by action in his
own name in any Court of competent jurisdiction.

87. On receipt of the proceeds of any rate or rates as aforesaid,
the Commissioner shall pay the same to the credit of the Board in
the bank appointed by them.

88. The Commissioner shall be entitled to be reimbursed all
costs and expenses incurred in receiving, collecting, recovering, and
distributing rates by the Board receiving the same, and he may
deduct such costs and expenses from the proceeds of any rates
passing through his hands, or recover the same by action, as he may
deam expedient.
PART XI.

OF LOANS.

89. If the proceeds of one year's rate shall be insufficient for the erection and maintenance of the fence or fences decided upon by the Board it shall be lawful for the Board to borrow money from the Government for the purpose of defraying the cost of such work; and repayment of the sum advanced by the Government, together with interest thereon at the rate of Five Pounds per centum per annum, shall be made to the Government in equal annual instalments extending over such a term not exceeding ten years, and payable at such time or times as may be agreed upon between the Board and the Commissioner, and the payment of each annual instalment is hereby made a first charge upon the annual rates of the District.

90. The Governor may, on the application of the Board, from time to time grant a loan to such Board out of any money voted by Parliament for the purpose mentioned in the preceding section.

91. Before proceeding to borrow any money for the purpose aforesaid the Board shall cause to be prepared plans and specifications, and an estimate of the cost thereof, and also a statement showing the proposed expenditure of the money to be borrowed, and such statement shall be open to the inspection of the rate-payers.

92. Upon default being made by the Board in the repayment of any loan or instalment, the Commissioner 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 from time to time apply the proceeds of any rate or rates received by him or passing through his hands under the provisions of this Act towards the payment of any such sum of money as aforesaid until the same shall be fully paid or satisfied.

PART XII.

OF THE OFFICERS OF THE DISTRICT.

Officers Generally.

93. The Board may from time to time appoint a District secretary, a treasurer, a surveyor, an overseer of works, inspectors, and rangers, and such other officers as may be necessary to assist in the execution of this Act; and may from time to time remove any of such officers and appoint others in the room of such as may be so removed, or as shall die, resign, or discontinue their offices and may, out of the District Fund, pay such salaries and allowances to the said officers respectively as the Board may determine.

94. Before any officer entrusted by the Board with the custody or control of any moneys by virtue of his office enters thereon, the Board
Board may take sufficient security by way of guaranty from some person or company or by deposit for the fidelity of such officer in respect of such moneys.

95. Every officer appointed or employed by the Board by virtue of this Act shall, from time to time, when required by the Board, make out and deliver to them, or to any person appointed by them 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; and such accounts 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, and, together with such account, such officer shall deliver all vouchers and receipts for such payments; and every 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 from such officer upon the balance of such accounts.

96. If any such officer fail to render such accounts as aforesaid, or to produce and deliver up the vouchers and receipts relating to the same in his possession or power, or to pay any moneys in his hands payable to the Board when thereunto required, or if, for seven days after being thereunto required, any officer of the Board fail to deliver up to the Board, or to any person appointed by them to receive the same, 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 render such accounts 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; and if such officer neglect to obey such order, he may be committed to gaol by any Justice for any period not exceeding six months.

97. All such proceedings against any officer as are mentioned in this part of this Act may be had and taken and enforced against such officer after he shall have ceased to hold his office, and no such proceeding against any officer or past officer shall deprive the Board of any remedy which they may otherwise have against any surety of such officer or past officer.

PART XIII.

OF BY-LAWS.

98. Subject to the provisions of this Act, the Board may from time to time make by-laws for carrying out the provisions of this Act, and for the following purposes:

For regulating the manner of calling and holding meetings of the Board and committees thereof, and the quorum of such committees:
PART XIII.

For regulating the form and places of posting of "public notices" to be published by the Council:

For regulating elections and the taking of polls, and the appointment of all or any officers or other persons for carrying out any of the purposes of this Act in relation to elections or polls:

For regulating the appointment, duties, and control of all or any officers or servants of the Board, and of the time and mode of payment of their salaries and fees:

For fixing or regulating the securities to be taken from or on behalf or to secure the fidelity of any officer or servant:

For making or declaring rates:

For the appropriation and expenditure of the revenue of the Board:

For the punishment of persons falsely representing themselves to be officers of or appointed by the Board:

For the more effectual exercise of the powers, and discharge of the duties and liabilities, conferred and imposed by this Act on the Board:

For fixing the pecuniary penalties for offences against or breaches of such by-laws, or any of them, and for fixing additional penalties for a repetition or continuance of any offence: Provided that, except as hereinafter mentioned, no penalty for any single offence shall exceed Ten Pounds, and no penalties for a repetition or continuance of such offence shall, in the aggregate, exceed that amount.

99. Such by-laws shall not be passed except at a meeting of the Board at which at least two-thirds of the members then in office shall be present; and any such by-law shall not be of any force until signed by the chairman and secretary and confirmed by the Governor, and published in the Government Gazette; and after one month shall have elapsed from such publication, the by-law shall have the force of law, and shall, until altered or repealed, have effect within the District as if such by-laws were part of this Act.

100. No such by-law shall be repugnant to this or any Act of the Legislature of the said province, or to the general spirit and intention of the laws in force in the said province, or with any regulations made by the Governor under any Act for the time being in force, and no Board shall be authorised to inflict any punishment except by way of fine as above provided.

101. Every by-law may be altered or repealed—

By any subsequent by-law inconsistent therewith or expressly altering or repealing the same:

By
The Vermin Districts Act.—1894.

By any regulations made by the Governor under any Act for the time being in force which regulation is inconsistent with such by-law:

By Proclamation by the Governor, published in the Government Gazette, expressly altering or repealing such by-law.

102. 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 punished, 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.

103. All by-laws made under this Act 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.

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

105. If any ratepayer of a District desires to dispute the validity of any by-law made, or purporting to be made under this Act, such ratepayer 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, and the Court may make the said rule absolute or discharge it with or without costs, as to the Court shall seem fit: Provided that no such rule to show cause shall be drawn up until such ratepayer shall have paid into the Supreme Court the sum of Fifteen Pounds as security for the costs of the proceedings.

PART XIV.

OF THE ENFORCEMENT OF THIS ACT AND OF PENALTIES.

Penalties.

106. Every person who at the time of his appointment or election to the office of member of a Board or auditor shall to his knowledge be disqualified to act in such office, or who after his appointment or election shall become disqualified, and who shall in any manner act as

Disqualified person acting as member of a Board or auditor to be fined.

Tb., section 299.
PART XIV.

as a member of a Board or auditor after his appointment or election, and his knowledge of the existence of his disqualification, shall be liable to a penalty of Ten Pounds.

107. Every person appointed or elected to the office of member of a Board or auditor, and who at the time of his appointment or election shall be disqualified, or who shall after his appointment or election become disqualified, and who shall not within fourteen days after having knowledge 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 be no chairman, to the Commissioner, a notice stating the fact of such disqualification to act as member of the Board or auditor, as the case may, with the grounds thereof, shall be liable to a penalty of Ten Pounds.

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

109. Every person who, not being twenty-one years of age, shall vote at any election held under this Act, or shall sit or act as a member of a Board under this Act, shall be liable to a penalty of Ten Pounds.

110. Every member of a Board who shall be a shareholder or a member of any incorporated company, and who shall vote as member of a Board in any question in which the company of which he shall be a shareholder or member is interested, shall forfeit and pay a penalty of Twenty Pounds.

111. Every person who shall give any money or other article to a voter with a view to influence his vote, or who shall hold out to him any promise or expectation of individual profit, advancement, or enrichment in any shape in order to influence his vote, or make use of any threat to a voter with a view to influence his vote; and every voter who shall receive any money or article for his vote, or shall, in consequence of any promise of profit, advancement, or enrichment promise his vote, shall be guilty of a misdemeanor and be liable to pay a penalty of not less than Ten Pounds or more than Twenty-five Pounds, or to be imprisoned for any period not exceeding three calendar months.

112. Every person who shall wilfully make any false answer to any question put to him under this Act 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 be liable to be imprisoned, with or without hard labor, for a period not exceeding twelve calendar months.

113. Every
113. Every officer or other person who shall be entrusted with or receive money under this Act, or by virtue of any office to which he may be appointed, or by virtue of any duty confided to him by the Board, and shall fraudulently dispose of or retain in his possession or apply to his own use the same money, or any part thereof, shall be deemed to have stolen the same and be guilty of larceny.

114. Every person who shall at any time obstruct the Board, or any officer or person employed by them in the performance of anything which they are respectively empowered to do by this Act, shall be liable to a penalty not exceeding Five Pounds.

115. Any person who shall wilfully and unlawfully destroy or injure any vermin-proof fence or gate, or any part thereof, erected under the authority of this Act, shall, on conviction thereof, be guilty of an offence against this Act, and liable to a penalty not exceeding Twenty Pounds, or to be imprisoned for any term not exceeding six months. Any person wilfully leaving open any such gate as aforesaid shall be guilty of an offence against this Act, and liable to a fine not exceeding Five Pounds.

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

117. Every person who shall forge or alter, or shall utter, use, dispose of, or put 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, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years with hard labor.

118. Every person who shall wilfully publish in the Government 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 Government Gazette, or shall wilfully post any false notice in any matter of which public notice or any notice is by this Act required to be given, or shall tear down, mutilate, deface, or obliterate any public notice or other document posted in any place within the district under the authority of this Act, shall forfeit and pay a penalty of not less than One Pound or more than Ten Pounds.

119. Where any matter or thing is by or under this Act, or by any order or notice made and published under the authority hereof, directed or forbidden to be done, or where any authority is given by this Act to any person to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such act so directed

PART XIV.

Officer misappropriating money guilty of larceny.

Act No. 419 of 1887, section 310.

Penalty for obstructing board officers, &c.

Ib., section 313.

Destruction or injury of fences.

Persons examined on oath, &c., making false statement guilty of perjury, and punishable accordingly.

Ib., section 315.

Forgery.

Ib., section 316.

Persons publishing false statements in Gazette liable to fine.

Ib., section 317.

Non-performance of provisions of this Act.

Ib., section 318.
directed to be done remains undone, or such act so forbidden to be done is done, in every such case every such person offending against such direction or prohibition shall be deemed guilty of an offence against this Act.

120. Every person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed by this Act or by any by-law in force in that behalf, and, if no other penalty be imposed, to a penalty not exceeding Twenty Pounds.

121. The Board may remit any pecuniary penalty imposed by or under this Act, or any penalty which the Board are authorised to receive by virtue of this Act, in whole or in part, except any penalty imposed for any offence against the provisions of section 117 or section 118.

122. The imposition of a penalty for any offence under this Act shall not affect any action or other remedy at the instance of the Board or any person for compensation for or the prevention of injury that may result from such offence.

123. Save where it is otherwise expressly provided, every notice or demand which by this Act is required to be given to the owner of any land shall be addressed to the owner of such land and shall be served on the occupier thereof (if any), or left with some adult inmate of his abode; or, if there be no occupier, shall be put up on some conspicuous part of such land, and it shall not be necessary in any such notice or demand to name the owner of any such land; and when the owner of any such land and his residence are known to the Board, a copy of every such notice or demand shall, if such owner be resident within the district, be served on such owner or left with some adult inmate of his abode; and, if such owner be not resident within the district, be sent by the post addressed to such owner at his residence; and in the case of the Crown, by the post, addressed to the Surveyor-General.

Legal Proceedings by and against the Board.

124. Every summons, or notice, or writ, or other proceeding requiring or authorised to be served on the Board may be served by being given personally to the chairman or secretary, or at the Vermin Board Office to some officer of the Board there.

125. Every order, summons, notice, or other such document, requiring to be authenticated by the Board, may be sufficiently authenticated without the common seal of the Board if signed by the chairman, by two members of the Board, or by the secretary.

126. In the event of any person against whom the Board have any claim or demand being adjudicated insolvent, or making a statutory assignment for the benefit of or composition with his creditors,
creditors, the secretary, treasurer, or any 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 of the estate of such person as if such claim or demand had been the claim or demand of such secretary, treasurer, or officer.

127. In all proceedings before Justices or any 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.

128. The secretary, treasurer, or other officer appointed as aforesaid 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 contained in either of the two last preceding sections.

129. No writ of quo warranto, or information in the nature of a quo warranto, or other proceeding shall issue, 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 member of a Board, chairman, or auditor, or in any office or place in, or in the gift of, a Board.

130. No mandamus shall issue from the Supreme Court to admit or restore to office, or to compel the Board to proceed to the election or appointment of any member of a Board, chairman, auditor, officer, or other person to any office or place in, or in the gift of, a 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 person may be entitled under this Act.

131. The proceedings for trying the title of a member of a Board, chairman, auditor, officer, or other person to his office or place, or trying the right of any person to be admitted or restored to any such office or place, or to compel his restoration or admission, or to compel the Board to proceed to any election or appointment, or to try the validity of any rate, or to compel the production or delivery of any books, voting-papers, or other documents or papers to the production or possession whereof any Board or person may be entitled under this Act, shall be had and taken before, and determined by, two or more Justices, in a summary way.

132. The information, for the purposes of the last preceding section, may be laid at the instance of the Board, or by any rate-payer of the District, or the Commissioner or other person interested; and the Justices may make an order declaring any person to be not entitled to the office or place then possessed by him, and that such office or place is vacant, or that the informant is entitled to the said office or place, or command the Board to proceed to take the necessary steps
steps for and hold any election, or make any appointment, or to compel any person or persons to proceed to any ballot that may be necessary, or may make any order quashing any rate which for any reason is invalid, or may make an order to compel 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; but 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.

133. On non-compliance with any order made by any Justices, under the provisions hereof, on information laid at the instance of the Board, or by any ratepayer or person interested, any two or more Justices may 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 any such order, and may order any such officer or person to be imprisoned, either for a specified time not exceeding six calendar 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; and 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 this Act 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.

134. No proceedings to try the title of any person to any office or place in, or in the gift of, a Board, shall be had or taken except upon an information laid within two calendar months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person shall be liable to be ousted, whichever shall last happen; and no proceedings to try the validity of any rate shall be had or taken except upon an information laid within two calendar months from the time at which notice of the rate shall have appeared in the Government Gazette.

135. All fines and penalties for any offence against this Act, or any by-law of the Board, may be recovered before any two or more Justices in a summary way, on an information at the instance of the Board, or of any person or persons whatever.

136. All the proceedings before Justices shall be regulated by Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act," 298 of 1883-4, and any other Act that may be law for the time being in that behalf.

137. In every case of the adjudication of a fine or pecuniary penalty or amends under this Act, and of the non-payment of such fine or pecuniary penalty or amends, any Justice may commit the offender
The Vermin Districts Act.—1894.

offender or person making default in payment to any gaol in the said province for any time not exceeding three calendar months, the imprisonment to cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof; but this section shall not affect any remedy under the said Ordinance No. 6 of 1850, or the Act No. 298 of 1883-4, for the recovery of any fine or any pecuniary penalty or amends.

138. There shall be an appeal from any order of Justices made under the provisions herein contained, and from any conviction by Justices for any offence against this Act or any by-law of a Board, and from any order dismissing any information or complaint under this Act, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only; and the proceedings in such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, and the Act No. 298 of 1883-4, for appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to payment of the costs of such appeal as the Court shall think fit, although such costs may exceed Ten Pounds.

139. The Court of Appeal, upon the hearing of any appeal under the last preceding section, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases; and the Supreme Court shall make such order as to the costs of any such special case as to the said Court shall appear just; and any Justice or Justices or the Local Court of Adelaide shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the Justice or Justices or Local Court shall be enforced in manner provided by this Act, or otherwise, for the enforcement of orders of Justices; and, save as herein provided, no order or proceeding of Justices, or of any Local Court made under the authority of this Act, shall be appealed against or removed by certiorari or otherwise into the Supreme Court of the said province.

140. All fines, penalties, and forfeitures recovered before any two or more Justices for any offence committed within the District against this Act, or against any by-law made under this Act, shall be paid to the Board of the District, save such portion of any such fine, penalty, or forfeiture as may by law be appropriated to any informer other than the Board or an officer thereof, or save such portion as shall be payable by the Board, and such portion shall be paid into the General Revenue.

141. No member of the Board shall be subject to be sued or prosecuted by any person whomsoever, and the body, goods, or lands of a member of a Board shall not be liable to any execution of any legal process by reason of any contractual or other instrument entered into by the Board, or by reason of any other lawful act done
done by the Board in the execution of any of their powers; and every member of a Board, his heirs, executors, and administrators, shall be indemnified by the 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 bonâ fide execution of the powers granted to him by this or any other Act.

142. All prosecutions for the infliction of pecuniary penalties upon, and all actions against, any member of a Board, chairman, officer, or person for anything done or omitted to be done in pursuance of this Act shall be commenced within six calendar months after the happening of the cause of prosecution or action, and not otherwise, except as hereinbefore to the contrary provided; and 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; and the defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at the trial; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if, after action brought, the defendant shall pay 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, and if a verdict shall pass for the defendant, or the plaintiff become nonsuit, or discontinue, or the defendant otherwise recover judgment, he shall recover full costs as between attorney and client and have his remedy for the same in the usual way.

143. If any difference, whether arising out of the construction of this Act or not, arise between any two or more Boards touching and relating to the carrying out of the provisions of this Act, or touching and relating to the fulfilment and exercise of the duties, powers, privileges, or authorities of any such Boards, such difference shall be referred to the Commissioner, who is hereby authorised and empowered to entertain, inquire into, and decide upon the same, and for that purpose to hear, receive, and examine evidence upon oath (which oath he is hereby empowered to administer), summon, if he think fit, two or more assessors, compel the attendance of witnesses, call for the production and examination of documents, commit for contempt, and do all such other matters and things relating to the same 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; and the decision of such Commissioner with regard to such difference shall be final, and may be made a rule of the Supreme Court.

Regulations.

144. The Governor may make regulations for the carrying out of this Act, and in particular, and without derogating from his general power, he may make regulations prescribing the mode in which the account books, and any other books of Boards shall be kept; and also regulations requiring Boards to collect, for a remuneration
neration to be fixed by the Governor in the case of each Board, agricultural, pastoral, and live stock statistics relating to their respective Districts, and forward returns of the same to the Government Statist, or to the Chief Secretary of the province, and may from time to time annul, amend, and add to any such regulations as aforesaid, or make others in lieu thereof; and such regulations shall be published in the Government Gazette, and shall thenceforth, save as hereafter provided, have the force of law. Such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if the Parliament be then sitting, and if not, then within fourteen days after the next Session of Parliament shall begin; and if during that Session either House of Parliament pass 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 Government Gazette.

145. The Government Gazette containing any regulations purporting to be made by the Governor by virtue of this Act shall be conclusive evidence of the making of such regulations; and the Government Gazette containing a notice of a resolution being passed by either House of Parliament objecting to any such regulation shall be conclusive evidence of the passing of such resolution.

146. If in any regulations made by the Governor by virtue of this Act, any models of by-laws shall be given, the Board shall be at liberty, by a majority at any meeting at which a quorum of the Board is present, to adopt any such models and make them by-laws of the District.

PART XV.

OF EVIDENCE AND MISCELLANEOUS MATTERS.

147. Any Vermin Board may, by by-law, require owners and occupiers of land within the District to erect and maintain vermin-proof fencing around all artificial and permanent supplies of water (except running streams) upon their holding, subject to the directions of an inspector appointed by the Board, who shall determine the position of such fencing; and such fencing shall be provided with a proper gate or gates, to be approved of by the inspector, and such gate or gates shall, during such months of the year and during such hours as may be fixed by the Board, be kept closed by the owner or occupier; and any owner or occupier who shall fail to keep such gate or gates closed as aforesaid shall be guilty of an offence against this Act, and shall, upon conviction, be liable to a penalty not exceeding Ten Pounds.

148. If any owner or occupier shall fail to erect or maintain fencing, as provided in the preceding section, the Board shall give written
PART XV.

Board to fence in default.

written notice to such owner or occupier to erect or maintain the same within a time to be limited in such notice; and any owner or occupier failing to comply with such notice shall be guilty of an offence against this Act, and shall, on conviction, be liable to a penalty not exceeding Twenty Pounds.

149. If, after the expiration of the time limited in any such written notice, any direction therein is not complied with by the owner or occupier 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.

150. The Government Gazette containing any Proclamation or Order made by the Governor or Commissioner under this Act shall be conclusive evidence of the fact, tenor, and validity of such Proclamation or Order, and shall be evidence of the facts stated, recited, or assumed therein; and no such Proclamation shall be invalid by reason of anything required as preliminary thereto not having been duly done.

151. The Government Gazette containing a notice of the appointment or election of any person to any office in the 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.

152. The Government Gazette containing a notice that any resolution was passed or order made at a meeting of the Board shall be conclusive evidence of such resolution being passed or order made, and of the meeting being lawfully convened, and 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.

153. The Government Gazette containing a notice that any rate declared by a Vermin Board is payable shall, except on proceedings to quash such rate, be conclusive evidence that the rate has been duly declared or made.

154. By-laws, minutes of any Board or any committee thereof, books and contracts, specifications, plans, estimates, and other documents in the hands of the Board by this Act required or authorised, and any copy thereof or extract therefrom purporting to be signed by the chairman, 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 thereof.

155. The
155. The corporate name of every Board shall be part of the
seal of such Board, and judicial notice shall be taken of such seal
by every Court and Justice, and the seal shall be kept at the District
Office.

156. Nothing in this Act contained shall prevent proof being
given of the tenure of any office by evidence of acting in such
office, nor any notice purporting to be a notice given by the
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, or shall negative any statutory or
other rule of law as to evidence or presumptions therefrom.

157. The cost of any advertisement required by this Act shall be
paid by the Board, corporation, or person whose action immediately
necessitates such advertisement, and the Commissioner may require
payment of such costs before causing any advertisement to be in-
serted.

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

KINTORE, Governor.
SCHEDULE REFERRED TO.

SCHEDULE.

Form of Proxy.

I, , of District of , being a ratepayer of the Vermin District of , in respect of [here state land] and entitled to vote 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 , 18.

As witness my hand this day of 18.

Signed by the said in the presence of .

Voting Paper.

I, the undersigned, being entitled to vote for the election of members of the Vermin Board [or auditors] of the district of , of , as members of the Board [or auditors] for the said district.

Dated this day of 18.

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* If the vote is given by proxy, the signature should be "A.B. (person entitled to vote) by his duly authorised proxy."