VEHICLES (ILLEGAL USE OF).

[*See Police Offences Act* 1915.]

VERMIN DESTRUCTION ACT 1915.

6 GEORGE V., No. 2745.

An Act to consolidate the Law relating to the Destruction and Suppression of Rabbits and other Vermin.

[6th *September*, 1915.]

Vermin Destruction Act 1890.

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title commencement and division.

1. This Act may be cited as the *Vermin Destruction Act* 1915, and shall come into operation on the first day of October One thousand nine hundred and fifteen, and is divided into Parts as follows:—

PART I.—General Provisions ss. 3–52.

PART II.—Special Fencing Provisions.
- Division 1.—Loans to Shires for Vermin-proof Fencing ss. 53–80.
- Division 2.—Supplying of Wire Netting to Municipalities and Owners ss. 81–97.

Repeal. First Schedule.

2. The Acts mentioned in the First Schedule to this Act to the extent to which the same are thereby expressed to be repealed are hereby repealed. Provided that such repeal shall not affect any proclamation appointment application Order in Council regulation by-law or declaration made or published, or any notice certificate or permit given, or any petition presented, or any summons issued, or any service effected, or any loan advanced, or any bond entered into or executed, or any expenditure validated under the said Acts or any of them before the commencement of this Act.

PART I.—GENERAL PROVISIONS.

Interpretation. *Ib. s.* 3.

3. In the construction of Part I., and of Division 1 of Part II. of this Act, unless inconsistent with the context or subject-matter—

"Owner or occupier."

"Owner or occupier" includes the agent of any owner or occupier, and also any joint owner or joint occupier.(a)

(a) Though the fact of the legal estate being in the person proceeded against under this Act may be *primâ facie* evidence of ownership, this may be rebutted by showing that all rights of ownership have passed to another person.

An insolvent whose estate had been sequestrated several years prior to the proceedings taken against him as an owner of land under this section and who has never had anything to do with the land in any form since his insolvency, is not an "owner"

"Owner" includes any person holding any land under any lease or licence from the Crown, or any person deriving title from under or through such person, and any person who is for the time being the grantee or holder of a grazing licence under section one hundred and twenty-one of the *Land Act* 1915 or any corresponding enactment previously in force, and save as to lands so held or as hereinafter provided the Board of Land and Works shall be deemed the owner of all Crown lands, and it shall also be deemed to be the occupier of all Crown lands not shown to be otherwise occupied.[a] *Vermin Destruction Act* 1890. "Owner." *Vermin Destruction Act* 1901 *s.* 2. Owner or occupier of Crown lands.

"Vermin" includes rabbits foxes dingoes and dogs run wild[b] or at large and also includes any kind of animal or bird which the Governor in Council by proclamation in the *Government Gazette* declares to be vermin for the purposes of this Act. "Vermin."

4. Any lands permanently or temporarily vested in or (as the case may be) occupied or managed by any municipality council commissioners board or trustees whatsoever shall for all the purposes of this Act be deemed to be owned by such municipality council commissioners board or trustees respectively, and for the purposes of this Act such municipality council commissioners board or trustees (as the case may be) shall be deemed to be the owners of all lands so vested in or occupied or managed by them.[c] Lands held for trust purposes. *Vermin Destruction Act* 1890 *s.* 4.

5. Any municipality council commissioners or board and any trustee or trustees who are owners within the meaning of this Act of any land under or for the purposes of any public or private trust shall have power to apply any of the funds under their control in defraying any costs or expenses necessarily or properly incurred by them as such owners under this Act. Trust funds applicable for purposes of Act. *Ib. s.* 5.

6. It shall be the duty of every occupier and of every owner of land from time to time to suppress and destroy all vermin from time to time on any land so occupied or owned by him, or on the adjacent half-width of all roads bounding or adjoining the same or any part thereof, and for such purpose to do all necessary or proper acts or things. Duty of occupiers or owners to destroy vermin. *Ib. s.* 7.

The Governor in Council shall have power from time to time by proclamation in the *Government Gazette* to name any specified day on and from and after which the duty hereby declared shall in any part of Victoria described in such proclamation be simultaneously commenced continued and performed by every occupier and every owner of any land and every such proclamation shall also be advertised in some newspaper Simultaneous destruction may be ordered.

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within the meaning of the Act.—*Graham* v. *Jones*, 1905 V.L.R., 645.

(*a*) The effect of this provision is that the word "owner," as used in Division 1 of Part II. of the Act, means, in respect of all Crown land not for the time being falling within the first part of the definition, or within the exception, the Board of Land and Works.—*The President, &c., of the Shire of Arapiles* v. *The Board of Land and Works*, 1 C.L.R., 670; and see note to sections 14 and 22.

(*b*) See section 34.

(*c*) There is no duty cast upon a municipality by this Act to keep its roads, culverts, &c., within the municipal district free from vermin.

Semble, the duty is thrown upon the owners or occupiers of the property adjoining the road in the case of private property, or the Board of Land and Works where there is no private owner or occupier of the adjoining land.—*Treganowan* v. *Shire of Minhamite*, 29 V.L.R., 690.

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circulating in the neighbourhood of the part of Victoria to which such proclamation may relate.

Penalty.

Any occupier or owner who after such day has failed to have fully and continuously performed such duty to the best of his means and ability shall thereupon be guilty of an offence against this Act, and shall be liable to a penalty of not less than Two nor more than Fifty pounds in addition to any other penalty or liability to which he may be subject.

Proof.
Ib. s. 7

7. Upon proof being given that in the opinion of the Chief Inspector (hereinafter mentioned) any occupier or owner has failed to have fully and continuously performed such duty to the best of his means and ability the burden of proof that such occupier or owner has complied with the provisions of the last preceding section shall lie on the defendant.

Burning without notice during winter months.
Ib. s. 8.

8. For the purpose of destroying or suppressing vermin any owner or occupier at any time during the months of May June July August or September, without giving notice to any authority or person of his intention so to do, may notwithstanding anything in any Act contained burn or ignite any straw stubble grass herbage wood or other inflammable material on his land after he has cleared of inflammable substance a space of land round the straw stubble grass herbage wood or other inflammable material intended to be burnt or ignited of not less than fifteen feet in breadth.

Chief Inspector to be appointed to carry out Act.
Ib. s. 9.

9. Subject to the provisions of the *Public Service Act* 1915 the Governor in Council shall from time to time appoint an officer to be called the Chief Inspector for Suppression of Vermin, in this Act hereinafter referred to as the "Chief Inspector," whose duty it shall be to carry out the provisions and purposes of this Act under the direction and control of the Minister and to visit and inspect whenever and so far as may for such purposes as aforesaid be proper all or any lands whatsoever and to exercise all or any of the powers by this Act on him or any inspector conferred.

Inspectors to be appointed.
Ib. s. 10.

10. The Governor in Council may from time to time appoint such persons as he thinks necessary to be inspectors under this Act, and may appoint such persons either generally as inspectors under this Act or as inspectors for or within some prescribed area only or with authority only to discharge or exercise some particular duty or power of an inspector under this Act or to carry out the provisions of this Act in some particular respect or otherwise and in such manner as to the Minister seems fit, and all such inspectors so appointed shall act and be under and subject to the control of the Chief Inspector as well as of the Minister.

Proof of and cancellation of inspector's appointment.
Ib. s. 11.

11. A certificate of his appointment under this Act signed by the Minister shall be furnished to every person appointed as inspector under this Act, and shall be *primâ facie* evidence in all cases of the appointment of any such person as such inspector, and the Governor in Council shall have power at any time to dismiss or remove any such person as such inspector or to cancel any such appointment of any such person.

Upon such cancellation the certificate of such person's appointment shall immediately be delivered by him to such person as the Minister or the Chief Inspector requires. *Vermin Destruction Act 1890.*

12. Any inspector shall have power from time to time to engage or employ all such assistants or other persons as may be proper to enable the proper performance of the duties cast by this Act upon any inspector, and from time to time to dismiss or dispense with the services of all persons so engaged or employed. Inspector may employ assistants. *Ib. s. 12.*

13. Any inspector may from time to time enter upon any land at any time with or without any assistants in order to search and may search whether any vermin are on such land, and may remain thereon so long as is reasonable for such purpose, and may take one dog and such horses as he requires. Inspector may enter and search for vermin. *Ib. s. 13.*

Such inspector before taking a dog on any land shall give to the occupier thereof notice of the day when he intends to take such dog upon such land, and such inspector shall be liable for any damage whatsoever done by any dog so taken by him.

14. When any inspector finds[a] vermin upon any land, such inspector may by notice signed by him in the form contained in the Second Schedule hereto or to the like effect[b] require the owner or occupier[c] of such land to forthwith destroy all vermin upon such land and upon the adjacent half-width of all roads bounding or adjoining the same or any part thereof, and also thenceforth to keep such land and half-width of roads clear and free of all vermin. Notice to owner or occupier to destroy vermin. *Ib. s. 14.* Second Schedule

(a) *Held*, that the word "finds" does not mean that the inspector shall himself visit the land and see the vermin there before issuing such notice, but that he may issue such notice if he is satisfied by observation or any other means that there is vermin on the land.—*Stewart* v. *Richardson*, 14 A.L.T., 235.

(b) A form of notice to destroy rabbits given to the owner or occupier of land is sufficient if it convey to him reasonable and correct information as to the property affected by the notice. The mere omission to state the "acreage" as provided in the form in the schedule, does not invalidate the notice.

The requirements of this section as to the notice are mandatory.—*Rothwell* v. *Murphy*, 15 V.L.R., 19.

(c) A notice under this section addressed to a person who is neither owner nor occupier, and not describing him as agent of any owner or occupier, is bad; but, *semble*, a notice addressed to the owner or occupier would be good if served on his agent. *Quære*, whether a notice addressed to A.B., as agent for C.D., the owner or occupier would be good.—*Fraser* v. *Vanrennen*, 14 A.L.T., 144.

A mortgagor of land under the *Transfer of Land Act* 1890 is the "owner" of such land within the meaning of this section, and is not divested of liability under section 15 by reason of the fact that the mortgagee had made demand for payment of the mortgage debt and interest, and the mortgagor had thereupon abandoned possession of the land.—*Tresider* v. *Jack*, 22 V.L.R., 161.

An owner of land, although such land be occupied by his tenant, is compellable to take all necessary and proper steps to destroy the vermin upon such land when required by the inspector so to do.—*Marshall* v. *Cox*, 27 V.L.R., 290.

Where the notice prescribed by this section has once been duly served, the owner or occupier on whom it is served may without service of any fresh notice be summoned as often as the inspector thinks fit, even after the dismissal of a previous summons under the same notice.

The defendant was summoned and convicted for neglecting to comply with the provisions of sections 14 and 15 with regard to the destruction of vermin between April and December, 1904. He had been previously summoned for failing so to comply between April and June, 1904, and that summons had been dismissed.

On an order *nisi* to review this decision: *Held*, that the conviction ought not to be set aside on this ground in the absence of proof by the defendant that the justices were influenced in their decision by evidence of what had happened during the period from April to June.—*Hunter* v. *Williams*, 1905 V.L.R., 513; and see notes to section 3.

Vermin Destruction Act 1890 *s.* 15.

Owner or occupier failing to destroy vermin to be subject to penalties.

Vermin Destruction Act 1901 *ss.* 4 & 5.

15. After fourteen days from the date of the service or giving of such notice as aforesaid any inspector may if he thinks fit from time to time and without any further notice summon such owner or occupier to whom such notice was directed before a court of petty sessions consisting of two or more justices (one of whom shall be a police magistrate), and if such owner or occupier in the opinion of such justices has failed or neglected to take all practicable and reasonable means to destroy all vermin upon the land so owned or occupied by him and upon the adjacent half-width of all roads bounding or adjoining the same or any part thereof, he shall in respect of each such summons be liable to a penalty of not more than Ten pounds for a first offence and of not more than Fifty pounds for a second or any subsequent offence in addition to any other costs expenses or payments which he has paid or to which he may be liable under this Act.(a)

Second Schedule.

In the event of the owner or occupier being the Board of Land and Works any owner or occupier of any other land situated within one mile of such land of the said Board may by notice signed by him as nearly as may be to the effect of the form in the Second Schedule (such notice being delivered personally to the Chief Inspector or sent by post in a registered letter addressed to him) require the said Board to forthwith destroy all vermin upon the land mentioned or referred to in such notice and upon the adjacent half-width of all roads bounding or adjoining the same or any part thereof, and also thenceforth to keep any land and the half-width of roads adjacent thereto clear and free of all vermin, and after fourteen days from the date of the personal delivery or posting of such notice as aforesaid such owner or occupier may summon such Board before such court of petty sessions, and if such Board in the opinion of the adjudicating justices has failed or neglected to take all practicable and reasonable means to destroy all vermin upon the land so owned or occupied by it, such Board in respect to each such summons shall be liable to a penalty of not more than Ten pounds for a first offence, and of not more than Fifty pounds for a second or any subsequent offence, and such penalties shall be paid to the council of the shire in which the land is situated, together with such costs as the said justices allow.

Owner or occupier failing to comply with notice, inspector may enter and destroy.

Vermin Destruction Act 1890 *s.* 16.

16. If after fourteen days from the date of the service or giving of such notice upon him as aforesaid any owner or occupier has in the opinion of any inspector not complied with the requirements thereof, any inspector may in addition to any other proceeding by this Act provided enter upon and remain on any land referred to in such notice

(a) Where a notice has been given under section 14 to an owner of land to destroy vermin upon his land, and such owner has been summoned to answer the charge of having failed to take all necessary means to destroy all vermin on the land, the mere fact that vermin still exists on the land is not sufficient to render the defendant guilty of an offence against the Act if in the opinion of the justices the defendant has taken necessary means to destroy the vermin within a reasonable time after the service of the notice.

A second offence under this section is not created by the proof of a former conviction under a summons for disobedience of a previous notice to destroy vermin. Where a notice to destroy vermin has been served, and the defendant has been convicted under a summons for disobeying that notice, and a second summons is taken for disobeying the same notice, the defendant is liable to the penalty fixed for a second offence.—*Delahenty* v. *Hay*, 27 V.L.R., 385.

The second offence contemplated is a second offence in not obeying a particular notice in respect of which a summons may be issued from time to time without any further notice.—*Delahenty* v. *Hay*, *supra*, approved. *R.* v. *Shuler*, 13 V.L.R., 730, distinguished. *McCullough* v. *Osborne*, 8 A.L.R., 134; 24 A.L.T., 13.

with such assistants and for such time as is reasonable in order to take or destroy or suppress all or any vermin thereon. *Vermin Destruction Act 1890.*

Powers of inspector entering to destroy. *Ib. s. 17.*

17. Any inspector entering on any land after such notice as aforesaid may use all such means and take all such measures either by himself or his assistants as he thinks proper for destroying or suppressing or preventing the breeding or harbouring of any vermin on such land including the digging out filling up and stopping of all warrens and burrows, and may lay poison on such land, and do all other things thereon proper or reasonable for the destruction and suppression of vermin without any liability being thereby thrown upon him or upon any other person employed by him for injury other than wilful caused to any sheep cattle or horses on such land by reason of using such poison, and may remain upon and have for himself and his assistants with all requisite vehicles instruments or appliances free right of ingress egress and regress into over and across such land for such period as is reasonable for carrying into effect the purposes of this Act.

Notice to be given before poison laid.

Before any poison is laid on such land by such inspector he shall give to the owner or occupier of such land fourteen days' notice in writing stating the particular land upon which such poison is to be laid.

Notice to destroy fences or timber giving harbour to vermin. *Ib. s. 18.* **Third Schedule.**

18. When any inspector finds that any live fence or any brushwood or log fence or hedge or stone wall or dead or fallen timber on any land is a harbour or cover for vermin, he may with the sanction in writing of the Minister or Chief Inspector by notice signed by him in the form contained in the Third Schedule hereto or to the like effect require the owner or occupier of such land—

(*a*) to cause such live fence to be cut so that the branches or leaves thereof shall not be within one foot of the ground and to cause the ground under and for at least two feet on each side of such live fence to be cleared of grass or rubbish, and to cause such fence to be limited to a width not exceeding two feet in extent up to a height of one foot from the ground, or

(*b*) to cause such brushwood fence to be destroyed and the materials thereof burnt, or

(*c*) to cause such log fence hedge or stone wall to be so improved pulled down or removed as to be no longer a harbour or cover for vermin, or

(*d*) to cause such dead or fallen timber to be removed or burnt.

When land upon which there is dead or fallen timber is securely surrounded with a rabbit-proof fence, the owner or occupier of such land shall not be so required to remove or burn the dead or fallen timber thereon.

In any case where a dividing brushwood or log fence or hedge or stone wall separates the lands of different owners or occupiers notice shall be given to the owners or occupiers of the lands so separated, and anything done after such notice by any inspector in pursuance of the powers of this Act in respect of such live fence or brushwood or log fence hedge or wall shall be deemed to have been done as to one-half

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thereof upon the lands on one side and as to the other half thereof upon the lands on the other side of such live fence or brushwood or log fence or hedge or wall.

Powers of inspector to destroy such fences &c. *Ib. s* 19.

19. If after six months from the date of the service or giving of any such notice as aforesaid such owner or occupier has in the opinion of any inspector not complied with the requirements thereof, such inspector may with the sanction in writing of the Chief Inspector enter on any lands to which such notice refers with such assistants as he thinks proper and may take all such measures as he thinks necessary for cutting such live fence or clearing the grass or rubbish and limiting the width of such fence or for destroying such brushwood fence and burning the materials thereof or for improving pulling down or removing such log fences hedges or stone walls or for removing or burning such dead or fallen timber as the case requires, and may remain upon and have for himself and his assistants with all required vehicles instruments appliances and material free right of ingress egress and regress into over and across such lands for such period as may in his opinion be necessary.

No liability shall be thrown upon him or any other person for any injury or damage other than is proved to have been wilfully or negligently caused and not to have been reasonably necessary for the purposes hereof.

Notices how served. *Ib. s.* 20.

20. In any case where any notice to any owner or occupier is required under this Act, such notice may be served upon such owner or occupier either by delivering the same to him personally or to his agent or by leaving the same at his usual or last-known place of abode or by posting the same in a registered letter addressed to him at his usual or last-known place of abode, or in the case of a municipality by delivering the same addressed to the town clerk or secretary at the municipal offices.[a]

Where no known occupier notice to be affixed on land and advertised. *Ib. s.* 21.

21. In any case under this Act where the occupier or owner of any land is unknown to any inspector or shire council wishing to serve any notice upon such owner or occupier or is believed by such inspector to be absent from his land, and such occupier or owner has no agent known to such inspector and resident in Victoria, then such notice may be affixed on the dwelling-house or in some conspicuous place upon such land, and also be published once in some newspaper circulating in the neighbourhood thereof, and every notice so affixed and published shall be deemed and taken to be sufficient notice to the owner or occupier of such land from the time of its being so affixed and published.

It shall not be necessary for any such notice to specify the name of any person as owner or occupier of the land in such notice referred to.

Expenses incurred by inspector a charge upon ownership or occupation of land. *Ib. s.* 22.

22. The amount of all costs charges and expenses from time to time reasonably incurred by any inspector (including the Chief Inspector) in doing upon or in respect of any land any of the things which he is by this Act authorized to do shall be from time to time payable by any person who may be the owner or occupier of such land

(a) Where the name on the letter was misspelt but was identical in sound with that of the defendant, while the address itself was correct, it was *held* that the notice had been duly served.—*McCallum* v. *Purvis*, 1906 V.L.R., 578.

at the time when proceedings are taken to recover such amount notwithstanding any change of ownership or occupation of such land or of any part thereof.[a] *Vermin Destruction Act 1890.*

Until paid the obligation to pay such amount shall be a liability from time to time attaching to any owner or occupier for the time being, and such amount shall be recoverable from such owner or occupier by such inspector or by any other person authorized in writing by the Chief Inspector to receive or recover the same, and such inspector or other authorized person may in his own name sue for and recover such amount in any court of competent jurisdiction as money paid under this Act for such owner or occupier at his request.

One of several joint owners or occupiers may recover contributions from others. *Ib. s. 23.*

23. Where any person being one of several joint owners or one of several joint occupiers of any land has been compelled to pay any sums to any inspector or other authorized person in respect of any acts or things done by any inspector upon such land, such person may in any court of competent jurisdiction sue for and recover from any one or more of such other joint owners or joint occupiers of such land such proportion of such sum so paid by him as in the opinion of the court is fairly proportionate to the interest or interests in such land of such one or more of such other joint owners or joint occupiers.

Occupier under a year may recover from landlord. *Ib. s. 24.*

24. Any occupier who while occupying land under any agreement with any landlord or lessor has incurred any expense in doing any acts or things upon such land which he is by this Act under any duty to do, or has been compelled to pay any sum to any inspector or other authorized person in respect of any acts or things done by any inspector upon such land may unless otherwise expressly provided by such agreement sue for and recover from such landlord or lessor in any court of competent jurisdiction one-half the amount of such expense or sum if such agreement otherwise than by default of such occupier terminates within twelve but not within six months, and two-thirds of such amount if such agreement so terminates within six months from the incurring of such expense or paying of such sum.

Distress not to be levied by landlord indebted under this Act to occupier. *Ib. s. 25.*

25. No judgment shall be recovered or distress levied by the landlord or lessor of any occupier for any rent due to him by such occupier whilst any sum remains payable by such landlord or lessor by virtue of this Act, unless the rent so due by such occupier exceeds the sum so payable by such landlord or lessor and then only for the amount by which such rent so due exceeds the sum so payable to him by such landlord or lessor as aforesaid.

No assignment by any landlord or lessor 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 such rent.

(a) A person who, at the time proceedings are taken under this section, is the registered proprietor or owner of the legal estate in any land, notwithstanding that he may have sold and parted with the possession of such land under a contract of sale, remains an "owner" and liable under this section in respect of such land, at all events until the whole of the purchase money has been paid.—*Moore* v. *Irvine*, 1913 V.L.R., 14.

Vermin Destruction Act 1899 *s.* 26. Inspector's certificate *primâ facie* evidence of expense.

26. In any proceeding whatsoever where it may be desired to prove the amount of any costs charges or expenses reasonably incurred by any inspector under this Act, a certificate as to such amount signed by such inspector and by the Chief Inspector shall be *primâ facie* evidence as to such amount.

Minister's certificate to be a discharge. *Ib. s.* 27.

27. In any case where the Minister is satisfied that no costs charges or expenses are recoverable by any inspector for or in consideration of any thing done under this Act upon or in respect of any land or the adjacent half-width of all roads bounding or adjoining the same or any part thereof he shall if so requested by the owner or occupier of such land sign and give a certificate in the form contained in the Fourth Schedule hereto or to the like effect, and the production of such certificate so signed shall for all purposes whatsoever be deemed conclusive proof that at the date thereof no costs charges or expenses were recoverable by any inspector for or in consideration of any thing done upon or in respect of such land.

Fourth Schedule.

Penalty for keeping or setting loose any vermin or bringing scalps into Victoria. *Ib. s.* 28.

28. Any person who either keeps in his possession (except as provided in the next succeeding section) or wilfully sets loose or permits to be set loose any live vermin or who brings or causes to be brought into Victoria any skin or scalp or portion of the skin or scalp of any vermin and obtains or attempts to obtain therewith or thereby any bonus or reward provided in this Part shall be guilty of an offence against this Act and shall for each offence be liable to a penalty of not less than Five nor more than Fifty pounds or to imprisonment with or without hard labour for a term of not more than six months.

Animals may be kept in cages. *Ib. s.* 29.

29. Nothing in this Act contained shall be so construed as to prohibit any person in any city or town from keeping any live animal within any cage or similar enclosure with the permission of the Governor in Council.

Payment for destruction of foxes. *Vermin Destruction Act* 1899 *s.* 2.

30. The council of every municipality shall out of the municipal fund thereof from time to time pay by way of bonus or reward a sum of Two shillings and sixpence for the destruction of every fox destroyed within the boundaries of such municipality.

Conditions of payment. *Ib. s.* 3. *Vermin Destruction Act* 1904 *s.* 2.

31. (1) Every person claiming to be entitled to any such bonus or reward for the destruction of a fox or foxes shall if required to do so by any councillor or officer of such municipality when presenting his account therefor and before payment thereof furnish to the council of such municipality a statutory declaration setting forth the parish and particular place in such municipality in which such fox or foxes was or were destroyed and shall also hand to the secretary or other authorized officer of the municipality the skin of every such fox with the brush and scalp attached thereto and without any letter perforated thereon.

Brush and scalp to be dried &c.

(2) Such skin with the brush and scalp attached thereto shall before being handed to such officer as aforesaid be thoroughly dried and properly freed from fat or other objectionable matter.

Municipal officer to perforate fox skins before selling. *Ib. s.* 3.

(3) The secretary or other authorized officer of a municipality after receiving from any person the skin of a fox with the brush and scalp attached thereto shall legibly stamp or mark such skin as nearly as possible in the middle thereof with five or more small holes perforated

therein representing the letter V; and after being so perforated such skin with the brush and scalp shall belong to and may be sold by such municipality. *Vermin Destruction Act 1899.*

(4) The council of a municipality shall not under the provisions of this section be liable for the payment of any bonus or reward for the destruction of any fox destroyed outside the boundaries of such municipality. No reward for foxes destroyed outside municipality.

32. (1) The Governor in Council shall in each year pay to the council of every municipality a sum equal to one-half of the difference between the amount paid as aforesaid by such council during the twelve months ending the thirtieth day of June in such year, by way of bonus or reward for the destruction of foxes and the amount received by such council for the sale of skins during such twelve months. Governor in Council to refund moiety of amount paid for destruction of foxes. *Ib. s. 4.* *Vermin Destruction Act 1904 s. 4.*

(2) No sum shall be payable by the Governor in Council for any year under the provisions of this section unless on or before the thirty-first day of July in such year the council of the municipality sends to the Minister a written claim under the seal of the municipality for such sum as aforesaid made up to the preceding thirtieth day of June and also furnishes him with such evidence as the Minister requires.

33. Notwithstanding anything hereinbefore contained the council of any municipality may out of the municipal fund thereof from time to time pay such larger sums than Two shillings and sixpence by way of bonus or reward for the destruction of foxes as to such council seems fit: Provided however that the Governor in Council shall not pay to the council of any municipality any sum exceeding One shilling and threepence for any fox destroyed. Council may increase reward for destruction of foxes. *Vermin Destruction Act 1899 s. 5.*

34. For the purposes of this Act "wild dog" means a dingo or any undomesticated dog generally known as a wild dog inhabiting the bush and apparently having no owner and being under no control and which in the opinion of the dog inspector of any municipality is a wild dog and not a dog apparently belonging to a breed commonly owned or kept by persons residing in Victoria. Definition of wild dog. *Wild Dogs Act 1901 s. 2.*

35. The council of every municipality shall out of the municipal fund thereof from time to time pay by way of bonus or reward a sum of Twenty shillings for the destruction of every wild dog destroyed within the boundaries of such municipality after the passing of this Act. Provided that the council of any municipality shall not be compelled to pay in any one financial year for the destruction of wild dogs a total sum exceeding Two hundred pounds. Power to pay for destruction of wild dogs. *Ib. s. 3.*

36. (1) Every person claiming to be entitled to any such bonus or reward for the destruction of a wild dog shall if required to do so by any councillor or clerk or officer of such municipality before payment thereof furnish to the council of such municipality a statutory declaration setting forth the parish and particular place in such municipality in which and when such wild dog was destroyed and declaring that such dog was a dingo or (as the case may be) an undomesticated dog inhabiting the bush and which apparently had no owner and was under no control and that he did not breed or raise the said wild dog nor was Conditions of payment. *Ib. s. 4.*

Wild Dogs Act 1901.

it done by any one to his knowledge or belief and he shall also hand to the said councillor or clerk or officer the skin of such dog.

Skin to be dried &c.

(2) Such skin shall before being handed to such councillor or clerk or officer as aforesaid be thoroughly dried and properly freed from fat or other objectionable matter.

Governor in Council to refund moiety of amount paid for destruction of wild dogs.

Ib. s. 5.

37. (1) The Governor in Council shall in each year pay to the council of each municipality a sum equal to one-half of the amount paid pursuant to the foregoing provisions of this Act by such council during the twelve months ending the thirtieth day of June in such year by way of bonus or reward for the destruction of wild dogs.

(2) No sum shall be payable by the Governor in Council for any such twelve months unless on or before the thirty-first day of July in any year the council of the municipality sends to the Minister a written claim under the seal of the municipality for such sum as aforesaid made up to the preceding thirtieth day of June and also furnishes him with such evidence as the Minister requires.

Council may increase reward for destruction of wild dogs.

Ib. s. 6.

38. Notwithstanding anything hereinbefore contained the council of any municipality may out of the municipal fund thereof from time to time pay such larger sums than Twenty shillings by way of bonus or reward for the destruction of wild dogs as to such council seems fit: Provided however that the Governor in Council shall not pay to the council of any municipality any sum exceeding Ten shillings for any wild dog destroyed.

One-half reward for destruction of wild dogs under the age of six months.

Ib. s. 7.

39. Notwithstanding anything hereinbefore contained only one-half of the said amounts shall be paid in the case of wild dogs under the age of six months.

Limit of expenditure.

Ib. s. 8.

40. The amount which in any financial year may be paid to municipalities pursuant to the six last preceding sections shall not in the whole exceed Five hundred pounds.

Power to pay for destruction of vermin generally.

Vermin Destruction Act 1890 *s.* 2.

41. The council may subject to the provisions hereinbefore contained relating to foxes and wild dogs pay out of the municipal fund for the destruction of vermin whether killed within or without the boundaries of the municipality such sum as the council deems fit.

Natural enemy of vermin may be proclaimed.

Vermin Destruction Act 1890 *s.* 30.

42. The Governor may from time to time by proclamation in the *Government Gazette* declare any animal bird or reptile therein named to be a natural enemy of vermin, and may prohibit within any districts therein described the wounding killing or capturing, selling or disposing of any such animal bird or reptile without a special permit on that behalf signed by the Chief Inspector, and may from time to time alter or revoke any such proclamation.

Permit may be issued.

Ib. s. 32.

43. The Chief Inspector may from time to time issue to any person a permit in writing signed by him authorizing the person named therein to wound kill or capture sell or dispose of any animal bird or reptile declared to be a natural enemy of vermin under this Act, and may from time to time alter or revoke any such permit.

Penalty for destroying such natural enemy.

Ib. s. 33.

44. Any person wounding killing capturing selling or disposing of any animal bird or reptile so declared to be a natural enemy of vermin without a permit so to do signed by the Chief Inspector, and any person

in whose possession or on whose premises any such animal bird or reptile is found to be confined or wounded or killed unless such person proves that such animal bird or reptile was so confined wounded or killed without his knowledge or consent, shall be guilty of an offence against this Act and liable to a penalty of not less than One pound nor more than Ten pounds. *Vermin Destruction Act 1890.*

45. Any owner or occupier of any land within twenty-five miles of any inspector's usual place of abode may by writing posted to or served at such place of abode call on such inspector to visit such land for the purpose of ascertaining whether any vermin are on such land, and such inspector shall visit such land accordingly, and inspect and report to such owner or occupier whether in such inspector's opinion there are any and what vermin on such land. Owner or occupier may call on inspector to visit land. *Ib. s. 34.*

46. No inspector or assistant of such inspector shall be deemed a trespasser or be liable for any damage reasonably caused or occasioned in the performance or exercise of any of the duties authorities powers or discretions imposed upon or vested in any inspector under this Act. Inspectors not to be liable in exercising their powers. *Ib. s. 35.*

Any inspector entering or remaining upon any land for the purposes of this Act shall whenever required exhibit the certificate of his appointment as such inspector or a copy thereof certified to by the Chief Inspector to the owner or occupier of such land. Appointment must be produced if required.

If being so required he without reasonable cause or excuse then shown or made by him to such owner or occupier fails so to do he and any assistants with him shall then be liable to be deemed and dealt with as trespassers on such land.

47. Any person who personates or falsely represents himself to be an inspector under this Act shall be guilty of an offence against this Act and shall be liable to a penalty of not less than Five nor more than Fifty pounds and to imprisonment with or without hard labour for a term of not more than three months. Penalty for personating inspector. *Ib. s. 36.*

48. Any person who—

wilfully obstructs hinders or interrupts any inspector or assistant of any inspector in the performance or exercise of any of the duties authorities powers or discretions imposed upon or vested in any inspector by this Act; or Penalty for obstructing &c. persons carrying out this Act. *Ib. s. 37.*

disobeys or fails to comply with any lawful notice or order of any inspector; or

threatens assaults or uses improper language to any such inspector or assistant while so performing or exercising such duties authorities powers or discretions; or

destroys alters or removes any notice signed by any inspector; or Interfering with notices or other proceedings of inspector.

destroys injures removes or interferes with any trap snare poison matter or thing placed or used or required on any land by any inspector or his assistants; or

disobeys any provision of this Act for which no penalty is expressly provided,

shall be guilty of an offence against this Act, and shall be liable to a penalty of not more than Twenty pounds.

No proceeding for the recovery of any such penalty nor the payment thereof shall be a bar to any other proceedings at law for or in respect of the same matter.

Vermin Destruction Act 1890 s. 38.
Technical objections not to prevail.

49. In all proceedings which may be had for the enforcement or carrying out of the provisions of this Act no technical objection as to any matter of form or procedure shall prevail so long as there is a substantial matter on its merits to be determined.(a)

Power to make regulations &c.
Ib. s. 39.

50. The Governor in Council shall have power from time to time by notification in the *Government Gazette* to make alter or rescind and publish any regulations, not inconsistent herewith, for carrying this Act into effect, and such regulations shall have the full force and effect of this Act as from the date at which they are by such notification respectively stated to come into force.

All such regulations shall be signed by the Minister, and upon being published in the *Government Gazette* shall be valid in law as if the same were enacted in this Act and shall be judicially noticed.

To be laid before Parliament.

All such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting, and if Parliament is not sitting then within fourteen days after the commencement of the next sitting of Parliament.

Crown Lands.

Minister may authorize enclosure of unoccupied Crown lands with rabbit-proof fence.
Ib. s. 43.

51. Out of any moneys available for the purposes of this Part the Governor in Council shall have power from time to time to authorize and direct the expenditure of such sums as he thinks fit for the purposes of erecting and maintaining any wire netting or other rabbit-proof or vermin-proof fencing to enclose any portion of any Crown lands not owned or occupied otherwise than by the Board of Land and Works.

Repayment of expenditure to be secured from subsequent grantees.
Ib. s. 44.

52. Where any expenditure has been made under this Part or any corresponding previous enactment upon any Crown lands not owned or occupied otherwise than by the Board of Land and Works, and any part of such Crown lands afterwards is sold leased licensed or otherwise dealt with by or on behalf of the Crown or Board of Land and Works, the responsible Minister of the Crown for the time being administering the Act under which such subsequent sale lease licence or other dealing is made shall (in addition to any other powers) have the power to make and provide and he shall cause to be made and provided such terms or conditions as on such sale lease licence or other dealing shall secure the repayment to the Crown by the person taking under such sale lease licence or other dealing or his assigns of such part of the expenditure then already made under this Act or any corresponding previous enactment on such Crown lands.

PART II.—SPECIAL FENCING PROVISIONS.

DIVISION 1.—LOANS TO SHIRES FOR VERMIN-PROOF FENCING.

Application.
Ib. s. 45.

53. The power in this Division conferred on shires of obtaining loans from the Governor in Council shall be by way of addition to any

(a) An objection that petitions under Part II. have been irregularly verified is a technical objection of form or procedure which cannot be allowed to prevail by reason of the provisions of this section.—*Shire of Mansfield* v. *Crockett*, 23 V.L.R., 394.

power to borrow conferred by any Act for the time being in force relating to local government. *Vermin Destruction Act 1890.*

54. In the construction of this Division "special area" means any land comprising the whole or part of any shire and for the benefit of which a loan is intended to be applied, or which is described in any Order in Council granting any loan under this Division, and "property" or "properties" means the land of any "owner." Interpretation. *Ib. s. 46.*

55. On the application of the council of any shire the Governor in Council out of any moneys which may be provided by Parliament for the purpose may from time to time grant a loan to any such shire, and such shire shall thereupon have power to borrow the amount of such loan accordingly for the purpose of enabling such shire to obtain materials for wire netting or other rabbit-proof or vermin-proof fencing, and to supply such materials to owners of land in any special area for which such loan is granted. Loan for rabbit-proof fencing may be made by Governor in Council. *Ib. s. 47.*

56. No application shall be made by any shire for a loan until after the receipt by the council of such shire of a petition from the owner or owners of land forming the special area in such shire.[a] Application to be preceded by a petition. *Ib. s. 48.*

57. Every such petition from owners of land shall— Requisites of petitions. *Ib. s. 49.*

(1) Describe the special area for which the petitioners desire a loan to be obtained by the shire and state the acreage of the whole of such special area and the acreage owned by each and every owner of any part thereof:

(2) Be signed by a majority in number of the owners of the land in the special area:

(3) Be signed by petitioners owning more than one-half of the land in such area:

(4) Describe shortly the land owned by each petitioner, and state the acreage thereof:

(5) Give an estimate of the probable cost of the whole of the materials for wire netting or other rabbit-proof or vermin-proof fencing required for the land in such area, and ask that the shire council will apply to the Governor in Council for a loan of the amount of such estimate:

(6) Give an estimate of the materials required for each petitioner's land and the probable cost of such material, and an estimate of the extent of fencing to be erected by each owner; and state whether in such special area any two or more adjoining properties could advantageously be enclosed by one continuous wire netting or other rabbit-proof or vermin-proof 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 every owner of property to be enclosed by such fence:

(a) An Order in Council sanctioning a loan under this Part is not bad though founded upon several petitions.—*Shire of Mansfield* v. *Crockett*, 23 V.L.R., 394.

Vermin Destruction Act 1890.

(7) State that each petitioner signing the petition undertakes to pay to the council in each and every year one-tenth part of his proportion of the value of all materials for wire netting or other rabbit-proof or vermin-proof fencing which the council may obtain by means of the loan proposed to be obtained from the Governor in Council and such undertaking shall as between such petitioner or the owner for the time being of the land of such petitioner or any part thereof and the council be deemed to be and may be enforced as a specialty contract:

(8) State that each petitioner undertakes to erect on his land with the materials with which he may be furnished wire netting or other rabbit-proof or vermin-proof fencing to the satisfaction of the council, or that he will join with other owners in erecting all necessary fencing:

(9) Where a petition is signed by one owner only the requirements of this Division shall be complied with as nearly as possible by such owner, and the signature of such petitioner instead of being verified as hereinafter provided shall be verified by a justice.

Signatures to petition. *Ib. s. 50.* Fifth Schedule.

58. Every signature to any petition shall be verified by the solemn declaration of some person signing such petition and such declaration shall be in the form or to the effect in the Fifth Schedule hereto. No petition shall be received by any shire council unless the same is accompanied by a declaration in accordance with the provisions of this section.

Presentation of petition to shire. *Ib. s. 51.*

59. Every petition shall be left with the municipal clerk of the shire, which shall be deemed the presentation thereof.

Council to transmit petition to the Minister. *Ib. s. 52.*

60. The shire council shall consider the prayer of such petition, and if it determines to apply for a loan from the Governor in Council in accordance therewith it shall transmit to the Minister such petition as well as any information it desires to convey in reference thereto or which the Minister at any time requires.

Accompanying such petition the council on behalf of the shire shall send an application under seal for a loan on the terms prayed in such petition, or on such other terms as it thinks fit.

Such application shall contain an undertaking to repay such loan in accordance with the provisions of this Division and of any Order in Council granting such loan.

Governor in Council may grant loan. *Ib. s. 53.*

61. On the recommendation of the Minister the Governor in Council may by order subject to such terms and conditions as he thinks fit grant either the whole or any part of the loan applied for by any shire council.

If part only of the desired loan is granted the Order in Council 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.

Every loan shall be payable to the council in such instalments as shall be specified in such order or as may be determined by any regulations made or in force for the time being under this Division.

All land in any special area whether or not owned by any persons signing the petition as aforesaid shall (unless certified by the council when forwarding the petition to be already sufficiently fenced with wire netting or other rabbit-proof or vermin-proof fencing) be chargeable with the payment of all materials for wire netting or other rabbit-proof or vermin-proof fencing which the shire council furnishes to the owner of any such land or which the shire council offers to furnish to the owner of any such land and whether the same is accepted by such owner or not. *Vermin Destruction Act* 1890.

The proportion of the loan which each and every owner of land in the special area shall pay to the council shall be set out in such Order in Council.

Every Order in Council shall be published in the *Government Gazette*, and shall be conclusive evidence of the statements in such order contained.(a)

62. Full particulars of such loan and of the mode of repayment thereof and of all lands affected by such loan and of all moneys collected and received in respect thereof and of the mode of application of such moneys and of all owners of land to whom materials have been furnished or offered to be furnished and of the amounts payable by each owner shall be separately kept and recorded by the council of such municipality in a book kept by such council. Particulars of loan to be kept. *Ib. s. 54.*

63. On receiving any loan or instalment from the Governor in Council every council shall expend the whole amount thereof in purchasing and obtaining materials for wire netting or other rabbit-proof or vermin-proof fencing, and shall furnish or offer to furnish such materials to the owners of the lands in the special area for the benefit of which such loan was granted proportionately to the requirements of such land. Loans to be used for purchase of material for wire fencing &c. *Ib. s. 55.*

When furnishing or offering to furnish such materials to any owner, the council shall notify such owner of the amount of value of such materials.

Thereupon such amount (whether the materials are accepted by such owner or not) shall become a debt due to such municipality by such owner.(b)

(a) The Order in Council under this section is conclusive evidence as to the ownership of the land referred to therein only at the date of such order. —*The President, &c., of the Shire of Dimboola* v. *Yarrick*, 28 V.L.R., 210.

(b) The owner of the land for the time being is answerable for the debt, and also for the interest upon such debt under this section.—*Shire of Mansfield* v. *Crockett*, 23 V.L.R., 394.

The owner for the time being, who is in case of default made liable by this section for the cost of materials supplied under the Act, is the owner at the time proceedings are brought in a court of competent jurisdiction to enforce the yearly payments.

Such owner for the time being is liable not only for the amount which has become due since he became owner, but also for all arrears.—*The President, &c., of the Shire of Dimboola* v. *Yarrick, supra.*

Where a council has supplied an owner with wire netting, a notification of the value is a condition precedent to recovery of such value from the owner.—*Shire of Omeo* v. *Hamilton*, 2 A.L.R., 312; 18 A.L.T., 154.

Where wire netting was supplied to a Crown lessee pursuant to the provisions of the Act, and the lease was subsequently determined by the Crown: *Held*, that the Board of Land and Works was, under this section, liable for the unpaid instalments which became due before the determination of the lease, and also for those which became due subsequently.

Held, further, that the Board was under this section liable for interest on those instalments which became due subsequently to the determination of the lease, but not on those which became due before such determination.—*The President, &c., of the Shire of Arapiles* v. *the Board of Land and Works*, 1 C.L.R., 679.

Vermin Destruction Act 1890.

Repayment of loans.

In the month of February in each and every year one-tenth part of the amount of such debt shall be payable by the owner of such land for the time being to the municipality until the whole debt is paid, and every yearly payment shall bear interest at the rate of Eight pounds per centum per annum from the date when the same is hereby declared payable until actual payment, and such interest shall be deemed a further debt due to the municipality by the owner by whom such yearly payment is due.

If default is made in respect to any such yearly payment the amount of such payment may be enforced at any time by the municipality before a court of petty sessions or by action in any court of competent jurisdiction from the owner for the time being of such land or any part thereof.

The amount of every such yearly payment as it becomes due shall be, and until paid shall remain, a first charge on such land. Provided that every mortgagee or lienee shall be at liberty upon any default being made in the payment of such yearly payment by the owner to pay the said yearly payment to the municipality, and such payment when so made shall be deemed a part of the principal sum secured by such mortgage or lien respectively, and be subject to the provisions powers and trusts thereof.(a)

Notice to owners to erect fencing.

Ib. s. 56.

64. When furnishing or offering to furnish any owner of land in any special area with materials for wire netting or other rabbit-proof or vermin-proof fencing the municipal council shall give such owner written notice to erect such fencing on the land for which it is furnished or offered within a time to be limited in such notice.

Penalties.

If any owner fails to comply with such notice or if any person uses any of such materials except for the purpose for which they were furnished he shall be guilty of an offence against this Act, and shall be liable to a penalty of not more than Twenty pounds.

If after the time limited in any such written notice any direction therein is not complied with by the owner to the satisfaction of the council then such council shall undertake and carry out such direction at the expense of such owner, and may recover such expense from him before a court of petty sessions or by action in any court of competent jurisdiction ; and until paid such expenses shall be a charge upon the land affected, and be recoverable at any time from the owner for the time being of such land or any part thereof.

Adjoining owners may enclose with one continuous fence.

Ib. s. 57.

65. Any two or more owners of adjoining properties with the sanction of the shire council if within a special area, instead of having dividing fences between such lands may enclose the whole of such adjoining lands with a continuous wire netting or other rabbit-proof or vermin-proof fence having when enclosing any road swing gates covered with wire netting.

(a) Although the amount of the yearly instalments becomes a charge upon the land, and although interest is made payable on such instalments, such interest does not become a charge upon the land. —*The President, Councillors, and Ratepayers of the Shire of Dimboola* v. *Yarrick*, 28 V.L.R., 210.

Vermin Destruction Act 1890 *s.* 58. Owner may enclose with one continuous fence.

66. Any owner of land intersected with roads with the sanction of the shire council instead of having dividing fences between such lands may enclose at his own expense the whole of such land with a continuous wire netting or other rabbit-proof or vermin-proof fence having when enclosing any road swing gates covered with wire netting. Nothing in this or the last preceding or next succeeding section shall authorize the enclosing as therein provided of any main road.

Power to fence across unused public roads. *Ib. s.* 59.

67. In enclosing any two or more adjoining properties with one continuous fence under this Division it shall be lawful, with the approval in writing of the shire council, to erect such fence across any public road if in the opinion of such council such road is not required for public use and if a swing gate covered with wire netting is erected wherever the fence crosses such road.(a)

Penalty for destroying fences across roads &c. *Vermin Destruction Act* 1901 *s.* 3.

If any person wilfully damages or destroys any such fence or swing gate erected pursuant to this or either of the two last preceding sections or leaves any such swing gate open or breaks or injures any wire netting or other rabbit-proof or vermin-proof fence or portion thereof he shall be liable to imprisonment with or without hard labour for a term of not more than six months and to a penalty of not more than Fifty pounds.(b)

Councils may erect fencing on request of owners. *Vermin Destruction Act* 1890 *s.* 60.

68. On the application of any two or more owners of adjoining properties in any special area who have been furnished by the shire council with materials for wire netting or other rabbit-proof or vermin-proof fencing the shire council may at the cost and on behalf of the owners undertake to erect all wire netting or other rabbit-proof or vermin-proof fencing necessary to enclose such properties so as to make the same secure against the intrusion of vermin, and also if the council thinks fit any properties any two sides of which adjoin the same.

In the first instance, the cost of such erection may be defrayed out of the municipal fund, but such cost shall be repaid to the council by the owners of any land so fenced in such proportions as they agree upon among themselves, or failing agreement as the shire council determines and such determination shall be final.

No council shall undertake to erect any such fence on any land until the owners thereof have entered into bonds conditioned to repay the actual cost of erecting such fencing in the manner aforesaid.

Every such payment shall become a charge upon the land of such owners in the proportion agreed upon as aforesaid and may at any time be recovered before a court of petty sessions or by action in any court of competent jurisdiction from the owner for the time being of such land or any part thereof.

(a) Permission given by a shire council under this section to an owner of land within the shire (such land not being with a "special area" under Part II. of the Act) to enclose at his own expense his land, which is intersected with roads, with a continuous wire-netted fence, having swing gates covered with wire netting when enclosing any road, was held to be an answer to an application under the Local Government Act for a mandamus to open and keep open for public use and free from obstruction the roads across which such swing gates were erected.—*King and another* v. *Cheyne*, 1900 A.C., 622.

(b) The penalty provided in this section for leaving swing gates open was held not to apply to the swing gates erected by one owner of land under section 66.—*Ross* v. *Heil*, 27 V.L.R., 157. But the section has now been altered.

Vermin Destruction Act 1890 s. 61. Repayment of loans.

69. The amount of the loan granted under this Division by the Governor in Council to any shire shall within ten years and without interest be repaid to the Secretary for Lands by the council of such shire by yearly payments received from owners of land or out of the municipal fund.

It shall be the duty of such council to take all proper steps to recover all moneys due from any owner.

All such moneys when received shall be paid into a separate account in some bank from time to time approved by the said Minister and shall be applied only for the purpose of reducing the amount of the loan.

In the month of May in each and every year all moneys so recovered by the council of any shire during the year ended on the last day of April in such year shall be drawn from such separate account by such council and paid to the Secretary for Lands, who shall pay the same into the consolidated revenue in reduction of the amount of the loan granted to such municipality under this Act.

Procedure on default by municipality. *Ib.* s. 62. All yearly payments payable under this Act to such municipality.

70. In default of payment being made to the Secretary for Lands during May in any year by any municipality of any moneys so recovered, or in the event of one-tenth part of any loan made to such municipality under this Division not being fully repaid either by means of moneys so recovered or out of the municipal fund to the Secretary for Lands in each and every year or during the month of May, it shall become the duty of the said secretary to make and sign a certificate to that effect and to forward such certificate to the Crown Solicitor.

Upon the receipt of such certificate the Crown Solicitor shall apply to the Supreme Court or any County Court to appoint, and the Supreme Court or any County Court may thereupon appoint, some person or persons not exceeding three to receive or collect all yearly payments due in respect of materials for fencing as the court directs.

Such person or persons shall act under the directions of and may from time to time be removed by the Supreme Court or County Court (as the case may be).

Powers. *Ib.* s. 63.

71. The person or persons so appointed under this Division shall be deemed for the purpose of collecting such payments to be the council of such municipality, and may exercise all the powers thereof.

Collector's commission. *Ib.* s. 64.

72. Every such person shall be entitled to such commission as remuneration for his services as the court appoints.

Application of moneys recovered by receivers. *Ib.* s. 65.

73. Such person or persons shall apply all moneys received by him or them in payment of all proper costs and expenses including his or their commission and in payment and discharge of the whole amount due for principal in respect of any loan made under this Division of which he or they have been appointed and the surplus (if any) shall be paid to such municipality.

When councillors personally liable. *Ib.* s. 66

74. If any such payments recovered by any municipality is not so paid into a separate account in some bank as aforesaid, or if any money is drawn from such separate account and is appropriated whether temporarily or permanently for any purpose other than that of reducing the loan, the councillors who have consented to such moneys being not so

paid into such separate account or who have consented to such misappropriation shall be jointly and severally liable to refund the same and interest thereon at the rate of Eight pounds per centum per annum; and the same may be recovered in any court of competent jurisdiction from such councillors or any of them as money lent to such councillors, and may be sued for by any ratepayer of the municipality on behalf of the municipality. *Vermin Destruction Act* 1909.

75. With regard to all moneys due to any shire council pursuant to the provisions of this Division every such council in addition to any powers in this Act contained shall also have the like powers of enforcement and recovery as are conferred on municipal councils with regard to unpaid rates by any Act in force for the time being relating to local government. Powers of recovery. *Ib. s.* 67.

76. In any proceeding whatever where it is desired to prove the amount of any payments then due or hereafter payable under this Division, in respect of any land a certificate as to such amount, signed by the municipal clerk of the shire shall be *primâ facie* evidence as to such amount. Evidence of moneys owing on land. *Ib. s.* 68.

77. The council of every shire shall have power to make by-laws pursuant to the provisions of the *Local Government Act* 1915 for— Additional power to make by-laws. *Ib. s.* 69.

(1) apportioning the liability of every owner of land in any special area;

(2) facilitating and regulating the collection and recovery of all moneys due and payable to such council pursuant to this Division; and

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

78. For the purposes of this Division any inspector shall have recourse to all books and documents under the control of the council of any municipal district and may make extracts therefrom at all reasonable times without fee. Inspector may have recourse to municipal documents. *Ib. s.* 70.

79. The Governor in Council may from time to time by order as to the whole or any part of Victoria proclaim any wire-netting or other vermin-proof or rabbit-proof fence described in such order to be a wire-netting or other vermin-proof or rabbit-proof fence within the meaning of this Act, and in the making of such fence may authorize the use of barbed wire, and the Governor in Council may at any time revoke any such order. Vermin-proof fence to be a sufficient fence. *Ib. s.* 71.

Every fence erected in the manner so proclaimed if at least three feet six inches in height shall be deemed to be a "sufficient fence" within the meaning of the *Fences Act* 1915.

80. (1) Pursuant to the provisions of this Division the Governor in Council may out of any trust funds or moneys under the control of the Treasurer of Victoria grant as loans to shires for the purposes specified in section fifty-five such sums as may be necessary not exceeding in the whole Fifty thousand pounds. Power to grant loans out of trust funds &c. *Vermin Proof Fences Advances Act* 1896 *s.* 2.

(2) In the month of May in each and every year every shire which receives a loan under this section shall out of any interest received by such shire as hereinafter provided or out of its municipal fund pay to Councils to pay three per cent. interest. *Ib s.* 3.

Vermin Proof Fences Advances Act 1906.

the Treasurer of Victoria on such loan or on so much thereof as is unpaid interest at the rate of Three pounds per centum per annum from the time or times of receiving such loan whether in one amount or in instalments.

Treasurer to deduct overdue instalment of advance before paying endowment &c. to borrowing shire.
Ib. s. 4.

(3) Where any shire receives a loan under this section and fails to pay any instalment thereof pursuant to this Division and the Order in Council granting such loan or to pay interest thereon as hereinbefore provided, the Treasurer of Victoria shall not pay to such shire any moneys in his hands which may at any time be or become by virtue of any Act payable by him to such shire on account of fees fines penalties or out of the Licensing Fund or any half-yearly moiety of any endowment payable to such shire until he has first deducted therefrom so much money as together with any payments received from such shire in part repayment of such loan or for interest thereon amount to the total sum which should have been paid by such shire up to the date of such deduction pursuant to this Division and the said Order in Council and this section.

Deductions and repayments on account of loans to be credited to trust fund.
Ib. s. 5.

(4) All sums (other than for interest) so deducted pursuant to the last preceding sub-section or repaid as provided in section sixty-nine shall be paid by the Treasurer of Victoria to the credit of the trust fund or money from which the loan was made, and all sums deducted by or paid to the Treasurer for interest shall form part of the consolidated revenue.

Provisions of this section to be ancillary.
Ib. s. 6.

(5) Subject to the next succeeding sub-section this section shall not take away or lessen the force of or be substituted for or alter any of the provisions of this Division with regard to the enforcement of the repayment by a shire of any loan granted to such shire thereunder, but shall be ancillary to the provisions thereof.

Repayments to be made to Treasurer.
Ib. s. 7.

(6) In respect of all loans granted to shires under the provisions of this section all repayments shall be made to the Treasurer of Victoria, and the Treasurer shall have and exercise all rights powers and duties which by this Division are conferred or imposed upon the Secretary for Lands.

Limitation on supply to owners.
Ib. s. 8.

(7) Notwithstanding anything to the contrary in this Act it shall not be lawful for the council of any shire which receives a loan under this section to furnish or offer to furnish to any owner of land materials for wire netting or other rabbit-proof or vermin-proof fencing to a greater extent than is sufficient for four lineal miles of fencing.

Payment and recovery of interest.
Ib. s. 8.

(8) Every owner of land who receives any such materials from a shire shall from the time of receiving the same pay to such shire interest at the rate of Three pounds per centum per annum on the amount of the value of such materials or on so much thereof as shall be unpaid. Such interest shall be payable in the month of February in each and every year, and if default is made in paying the same the amount thereof may be recovered by the municipality before a court of petty sessions or by action in any court of competent jurisdiction from the owner for the time being of such land or any part thereof.

DIVISION 2.—SUPPLYING OF WIRE NETTING TO MUNICIPALITIES AND OWNERS.

Interpretation.
Wire Netting Act 1909 s. 2.

81. In the construction of this Division unless inconsistent with the context or subject-matter—

"Board" means the Board of Land and Works;

"Municipality" means any municipality other than a city or town.

Wire Netting Act 1909.

Power to sell wire netting to municipalities.

82. In order to enable the council of any municipality to supply owners of land with wire netting for vermin-proof fences for protecting their land from vermin the Governor in Council may authorize the Minister to sell wire netting to any municipal council which undertakes to make arrangements with owners of land in the district of such municipality to buy such wire netting from the council at the price payable therefor by the council for the purpose of using the same for their respective holdings.

Agreements with shires as to price and payment for wire netting.

Ib. s. 4.

83. (1) Every municipal council which obtains wire netting under this Division shall previously thereto enter into an agreement with the Minister to pay therefor out of its municipal fund a price fixed in such agreement.

(2) Ten per centum of the said price shall be paid by the council in cash on the signing of the agreement, and unless otherwise expressly provided in the agreement the balance of the price shall be paid yearly in nine equal instalments, with interest thereon at the rate of Four pounds per centum per annum from the date of the supplying of such wire netting in pursuance of such agreement.

Treasurer to deduct overdue instalment of price before paying endowment &c. to borrowing shire.

Ib. s. 6.

84. Where the council of a municipality fails to pay any instalment of the price or to pay interest thereon as hereinbefore provided, the Treasurer of Victoria shall not pay to such council any moneys in his hands which may at any time be or become by virtue of any Act payable by him to such municipality on account of fees fines or penalties or out of the Licensing Fund or any half-yearly moiety of any endowment payable to such municipality until he has first deducted therefrom so much money as together with any payments received from such municipality in part repayment of such price or for interest thereon amounts to the total sum which should have been paid by such council up to the date of such deduction.

Deductions and repayments on account to be credited.

Ib. s. 6.

85. All sums (other than for interest) so deducted pursuant to the last preceding section or repaid by any council shall be paid by the Treasurer of Victoria to the credit of the Victorian Loan Redemption Fund and all sums deducted by or paid to the Treasurer for interest shall form part of the Consolidated Revenue.

Limit of assistance to any one owner and interest payable by him.

Ib. s. 7

86. (1) The council of any municipality which obtains wire netting from the Minister under this Division may grant an advance of wire netting to an extent sufficient for five lineal miles of fencing to any owner of land for enclosing his land for vermin-proof fencing.

(2) Every owner of land who receives any such wire netting from any council shall from the date of the supplying of the same pay to such council interest at a rate not exceeding Four pounds and five shillings per centum per annum on the amount of the price of such wire netting or on so much thereof as remains unpaid.

(3) Such interest shall, unless otherwise agreed upon between the council and the owner, be payable on the first day of January in each and every year, and if default is made in paying the same the amount thereof may be recovered and enforced by the municipality in a summary way or by action in any court of competent jurisdiction from the owner for the time being of such land or any part thereof.

Wire Netting Act 1909 s. 8. Advances to Crown licensees or adjoining land-owners. Limit of advance. *Closer Settlement Act* 1909 s. 88.

87. [a]An advance of wire netting but not in any case to a greater extent than is sufficient for six lineal miles of fencing for the vermin-proof fencing of his land may be made by the Minister on behalf of the Board to any owner of land in any part of Victoria on such terms as to security and otherwise as may be arranged—

(*a*) if such land is held under a licence or conditional purchase lease as an agricultural allotment or grazing allotment or under a lease as a selection purchase allotment under any Act relating to Crown lands, or

(*b*) if such land is licensed under section eighty-six of the *Land Act* 1915 or the corresponding provision of any Act thereby repealed, or

(*c*) if such land immediately adjoins any unoccupied Crown land or is not included in a municipality.

Amount of advance. *Wire Netting Act* 1909 s. 9. *Wire Netting Act* 1913 s. 2.

88. (1) For the purposes of this Division the price of the wire netting advanced to any owner by any council or the Board shall be deemed and taken to be the amount of the advance granted to such owner. Provided that where the fence for which wire netting is required is to be erected on a boundary between private land whether freehold or leased or licensed and unoccupied Crown land or is separated only by a public road therefrom the price of the wire netting to be advanced to the owner of such private land shall be Fifty per centum only of the value of such wire netting.

(2) The amount of the price of any wire netting advanced to any owner of land by any council or the Board with interest thereon at the rate agreed upon shall be and until paid to such council or Board (as the case may be) remain a first charge upon the land for the fencing of which such wire netting is supplied unless the land reverts to the Crown.

(3) Upon payment of a fee of One shilling the clerk of any municipal council or the Board (as the case may be) shall give to any owner of land a certificate signed by such clerk or the Board stating what moneys if any are a charge on such land under this section and are due and payable to the council or the Board (as the case may be) in respect of such land or that no moneys are then so charged or due or payable.

(4) The production of such certificate so signed shall be deemed conclusive evidence that at the date thereof no moneys other than such as are stated in the certificate were due and payable to such council or Board (as the case may be) in pursuance of this section.

(5) Wire netting advanced to an owner under this Division shall not (unless in conjunction with any land to which it is attached or affixed) be sold by the sheriff or any other officer by virtue of any writ of *fieri facias* or other writ or process of execution of any court whatsoever.

(a) The power to make advances is extended to persons other than those mentioned in this section by section 103 of the Closer Settlement Act.

Wire Netting Act 1909 s. 10

Security by way of mortgage or licence lien for advance.

89. (1) In order to further secure the repayment of the amount of an advance to an owner under this Division and the payment of interest thereon an owner of land (except as hereinafter provided) shall if required to the necessary extent give the council or Board (as the case may be) a mortgage over his land or a lien over and to the full value of the improvements thereon, and also if the council or Board thinks it necessary preferable liens under Part VII. of the *Instruments Act* 1915 (notwithstanding anything therein to the contrary) on the crops of the ten next ensuing harvests of such owner in respect of the instalments hereinafter mentioned, and each such lien shall successively to the extent only of instalments that have accrued due at the date when the crop is harvested be a first charge upon the produce of the crop over which it is given whether sown at the time of giving such lien or not.

(2) Any council or the Board (as the case may be) may require an owner to give two or more of such securities or classes of securities to secure the repayment of any advance and the payment of interest thereon.

(3) The repayment of any advance shall unless otherwise agreed upon be made by an owner in ten yearly instalments the first of which shall become due and payable on the first day of January next after the date of the advance.

(4) Notwithstanding anything contained in any Act relating to the lands of the Crown or in any perpetual lease, a perpetual lessee shall for the purposes of this Act have full and complete authority to mortgage his lease.

Priority of security.

Ib. s. 11.

90. (1) Where the land or improvements of an owner is or are subject to any mortgage or incumbrance legal or equitable no advance shall be made to any such owner without the written consent of each mortgagee or incumbrancer of such land or improvements who shall produce the mortgage or incumbrance to the Registrar-General or Registrar of Titles as the case may be in order that a note of the advance under this Division may be indorsed thereon by such registrar.

(2) Such consent shall be in the form or to the effect prescribed by the regulations under this Division.

(3) In the event of any mortgagee or incumbrancer of land refusing his consent as aforesaid or failing to give the same within ten days after request in writing by the owner then if the Chief Inspector after a personal inspection or on consideration of a recommendation or report by any inspector certifies in writing that he is of opinion that the advance would increase the value of the security the advance may be made without the consent of such mortgagee or incumbrancer.

Wire Netting Act 1914 s. 2.

(4) When any advance has been granted and made to an owner the charge thereby arising upon such owner's land and any security taken by the council or Board shall without further or other authority than this Act have priority over any such mortgage and incumbrance as first aforesaid.

Power to raise money by mortgage.

Wire Netting Act 1900 s. 12.

91. It shall be lawful for any person in whom any land is vested as mortgagee to add to his mortgage debt any sums expended or contributed by or recovered from him for or towards the erection of a rabbit-proof fence, or the converting of a fence into a rabbit-proof fence

Wire Netting Act 1909.

upon near or for the benefit of such land, or for or towards the maintenance or repair of any such fence; and it shall be lawful for any person in whom any land is vested as a trustee to raise sums required or recovered for any such purpose by mortgage of such land in the same way as if a power to mortgage for any or all of such purposes had been contained in the instrument creating or declaring the trusts.

Preferable liens on crops. *Ib.* s. 13.

92. (1) Notwithstanding anything contained in Part VII. of the *Instruments Act* 1915 a preferable lien on crops although given for the purposes of this Division before the existence of a growing crop shall be as valid and effectual and have the like force and effect as if it had been given on a growing crop.

Adoption of Schedule of Instruments Act.

(2) For the purposes of any such preferable lien the Ninth Schedule to the said Act shall be used with such modifications as the regulations may prescribe.

Non-application of sections 160 and 161 of the Instruments Act.

(3) Sections one hundred and sixty and one hundred and sixty-one of the *Instruments Act* 1915 shall not apply to any preferable lien given to the Board or council pursuant to this Division.

No fees to be charged. *Wire Netting Act* 1914 s. 3.

(4) No fee or charge shall be demanded by or paid to the Registrar-General or Registrar of Titles for the registry of any mortgage or preferable lien under this Division or any affidavit sworn before him or made in verification thereof.

Personal liability for advance. *Wire Netting Act* 1909 s. 14.

93. In addition to the security to be given by any owner who receives an advance of wire netting as in this Division provided it is hereby enacted that the amount at any time due to a council or the Board by any owner in respect of an advance under this Division shall with interest thereon be a debt due to the council or Board as the case may be by the owner and payment thereof or of any instalment which is due and owing may be recovered and enforced by the council or Board in a summary way or by action in any court of competent jurisdiction from the owner for the time being of such land or any part thereof.

Repayments to Board on account to be credited. *Ib.* s. 15

94. All sums received or recovered by the Board in repayment of any advance to any owner pursuant to this Division shall be paid by the Board to the Treasurer of Victoria who shall place the same to the credit of the Victorian Loan Redemption Fund and all sums received for interest shall form part of the Consolidated Revenue.

Penalty for using wire netting not for purposes of advance. *Ib.* s. 16.

95. Any person—

(*a*) who receives any wire netting from a council or from the Minister as hereinbefore provided and who without written authority in any manner directly or indirectly uses the same or any part thereof or permits the same or any part thereof to be used for any purpose whatsoever other than fencing his land; or

(*b*) who receives an advance of wire netting and without written authority sells or gives away the same or any part thereof or allows any of the same to be sold or given away or who without written authority in any way or by any means whatever directly or indirectly disposes thereof or uses the same for any purpose other than the fencing of his land,

shall be guilty of an offence, and shall be liable to a penalty of not more than One hundred pounds or to imprisonment with or without hard labour for a term of not more than six months. *Wire Netting Act* 1909.

96. The forms in the Sixth and Seventh Schedules to this Act or forms to the like effect varied as circumstances require may be used and shall be sufficient in law for the purposes of liens on improvements or liens on crops under this Division. Forms. *Ib. s.* 17. Sixth Schedule. Seventh Schedule.

97. (1) The Governor in Council may make regulations prescribing— Power to make regulations. *Ib. s.* 18.

(*a*) the mode and form of making applications for advances of wire netting and whether by statutory declaration or otherwise;

(*b*) the form of renewal of any security and the entry of satisfaction;

(*c*) the form of consent of mortgagees and incumbrancers to any mortgage or incumbrance being given for any advance under this Division;

(*d*) the mode of procedure before the Chief Inspector where written consent of a mortgagee or incumbrancer is refused or is not given; and

(*e*) any other matters whatsoever not being contrary to the provisions of this Division is necessary to give effect to this Division.

(2) All such regulations when made by the Governor in Council shall be published in the *Government Gazette* and when so published shall have the force of law and shall be judicially noticed and shall be laid before both Houses of Parliament within fourteen days after the same shall have been made if Parliament is then sitting and if not then within ten days after the next meeting of Parliament, and a copy of any proposed regulations shall be posted to each Member of Parliament at least twenty-one days before such regulations are approved by the Governor in Council. Publication.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Number of Act.	Title of Act.	Extent of Repeal.
1153	*Vermin Destruction Act* 1890	So much as is not already repealed.
1434	*Vermin Proof Fences Advances Act* 1896	The whole.
1538	*Vermin Destruction Act* 1897	The whole.
1615	*Vermin Destruction Act* 1899	The whole.
1741	*Wild Dogs Act* 1901	The whole.
1770	*Vermin Destruction Act* 1901	The whole.
1908	*Wild Dogs (Continuation) Act* 1904 ...	The whole.
1913	*Vermin Destruction Act* 1904 ...	The whole.
2181	*Wire Netting Act* 1909 . ..	The whole.
2457	*Wire Netting Act* 1913	The whole.
2509	*Wire Netting Act* 1914	The whole.

Section 14.

SECOND SCHEDULE.

Vermin Destruction Act 1915.

NOTICE TO DESTROY VERMIN.

To [*name of owner or occupier*] of [*address and occupation*].

TAKE NOTICE that I [*name of inspector*] of [*address of inspector*], being an inspector under the *Vermin Destruction Act* 1915 and authorized for this purpose, do hereby in pursuance of the provisions of such Act require you to forthwith destroy all rabbits or other vermin within the meaning of such Act upon the land owned or occupied by you in the [*state municipal district and the division thereof in which the land is*] containing about [*area in acres*] and upon the adjacent half-width of all roads bounding or adjoining the same or any part thereof, and I also require you henceforth to keep such land and half-width of roads clear and free of all rabbits and other vermin as aforesaid.

Dated at this day of 19 .

(Signed) [*Signature of inspector.*]

NOTE.—Your attention is directed to the several sections of the *Vermin Destruction Act* 1915 which are printed at the back of this Notice. [*At the back of the Notice there shall be printed such sections of the Act as the Minister thinks fit.*]

Section 18.

THIRD SCHEDULE.

Vermin Destruction Act 1915.

NOTICE AS TO LIVE FENCE, OR BRUSHWOOD OR LOG FENCES OR HEDGES, OR STONE WALLS, OR DEAD OR FALLEN TIMBER.

To [*name of owner or occupier*] of [*address and occupation*].

TAKE NOTICE that I [*name of inspector*] of [*address of inspector*], being an inspector under the *Vermin Destruction Act* 1915 and duly authorized for this purpose, and with the sanction in writing of the Minister [*or* Chief Inspector] first obtained, do hereby in pursuance of the provisions of such Act require you—

(*a*) To cause the whole of the live fence standing or lying [*describe the position as nearly as possible of any particular fence referred to*] on the land owned or occupied by you in the [*state municipal district and the division thereof in which the land is*] containing about [*area in acres*] to be cut so that the branches or leaves of such live fence shall not be within one foot of the ground and also to cause the ground under and for at least two feet on each side of such live fence to be cleared of grass or rubbish and also to cause such fence to be limited to a width not exceeding two feet in extent, up to a height of one foot from the ground, or

(*b*) To cause the whole of the brushwood fence [*describe fully as before*] to be so destroyed, and the materials thereof to be burnt, or

(*c*) To cause such log fence hedge or stone wall [*describe fully as before*] to be so improved pulled down or removed as to be no longer a harbour or cover for vermin, or

(*d*) To cause the whole of the dead or fallen timber [*describe fully as before*] to be removed or burnt.

And I hereby give you notice that if at the expiration of six months from the date of service hereof upon you you shall not have complied with the requirements hereof, I shall with the sanction of the Chief Inspector take such measures as I may think necessary in accordance with the provisions of the *Vermin Destruction Act* 1915.

Dated at this day of 19 .

(Signed) [*Signature of inspector.*]

NOTE.—Your attention is directed to the several sections of the *Vermin Destruction Act* 1915 which are printed at the back of this Notice. [*At the back of the Notice there shall be printed such sections of the Act as the Minister thinks fit.*]

FOURTH SCHEDULE.

Section 27.

Vermin Destruction Act 1915.

This is to certify that at the date hereof no costs charges or expenses are recoverable by any inspector under the *Vermin Destruction Act* 1915 for or in consideration of anything done upon or in respect of the land now owned or occupied by [*name of owner or occupier*] in the [*state municipal district and division thereof in which the land is*] containing about acres or the adjacent half-width of all roads bounding or adjoining the same or any part thereof.

Dated at this day of 19 .

(Signed) [*Signature of Minister.*]

Minister for

FIFTH SCHEDULE.

Section 38.

I A.B. do solemnly and sincerely declare that all the signatures [*or if the case so require such and such signatures describing them as initialed or otherwise marked by each declarant*] affixed to the above petition are the genuine signatures of the persons whose they purport to be and that such persons are owners of land in the area therein referred to.

(Signed) A.B.

SIXTH SCHEDULE.

Section 96.

Vermin Destruction Act 1915.

PART II.—DIVISION 2.

FORM WHICH MAY BE USED AS A LICENSEE'S [*or* LESSEE'S] LIEN ON IMPROVEMENTS.

Parish—

Extent of Land—
A. R. P.

Date of Licence [*or* Lease]—

of being the holder of a licence, No. [or *as the case may be*] to occupy specified in the margin hereof in consideration of wire netting for vermin-proof fences for protecting my holding to the value of £ which I have this day received from of do hereby give the said a preferential lien (to the extent of the said sum and the interest hereinafter mentioned) on all my improvements on the said allotment; and it is hereby agreed that the said shall be entitled to interest at the rate of per centum per annum on the sum of £ the value of the wire netting supplied as aforesaid, and that the said sum of £ shall be repaid on the day of and the interest aforesaid shall be payable half-yearly from the date hereof.

Dated this day of

Signature—

Witness—

Section 98.

SEVENTH SCHEDULE.

Vermin Destruction Act 1915.

PART II.—DIVISION 2.

LIEN ON CROPS.

In consideration of (1) under the *Vermin Destruction Act* 1915 having supplied me to the value of with wire netting for protecting the land from vermin which value with interest thereon at the rate of per centum per annum I have agreed to pay by (2) equal yearly instalments of each on the day of in each year hereafter until the whole is paid. I do hereby give the said (1) a preferable lien to the extent of the instalment falling due on the day of which will be in the year 19 as well as to the further extent of any instalment or part thereof falling due prior to that date which remains unpaid on that date and to the further extent of all interest due on any account up to the date named on (3) which between the last harvest time of the particular kind of crop and the subsequent harvest time of the same kind of crop which may occur prior to the said day of 19 may be grown or produced on my farm at containing acres or thereabouts being Allotment section Parish of County of . It is agreed that the said (1) shall be entitled to interest at the rate of per centum per annum on the amount for the time being unpaid of the value of the wire netting supplied until full payment has been made. And it is further agreed that (3) shall be harvested by me or at my expense and shall be delivered at to the order of the said (1) and that the said (1) may sell (4) so delivered and from the proceeds of sale retain the expenses of sale and the amount owing on all instalments which have accrued due prior to the date of sale with any interest or arrears of interest then due.

Dated the day of A.D. 19

Witness—

(1) "the Council of the " or "The Board of Land and Works."

(2) "Ten" or as the case may be.

(3) "all crops of agricultural and horticultural products" or name kind of crop or crops as the case may be.

(4) "the said (crop for which lien is given) or if general "all crops the subject of this lien."