



1852.

No. 5.

An Act for abating the Nuisance and Damage to Property occasioned by the great number of Dogs which are loose in the Province of South Australia.

[Assented to 11th October, 1852.]

WHEREAS the streets of the City of Adelaide and other Preamble. places within this Province are infested by great numbers of Dogs, which are allowed to go loose at all hours of the day and night, to the danger of passengers as well as to the great annoyance of the inhabitants at large: And whereas much loss is occasioned to the owners of poultry, of sheep, and other small cattle, by the ravages of such dogs, as well as by dogs of the native breed:

Be it therefore Enacted, by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council thereof, That any person who shall, after the first day of December, one thousand eight hundred and fifty-two, keep any dog within the boundaries of the City of Adelaide, or within ten miles of such boundaries, for a period of fourteen days, without causing a description of every such dog so kept by such person within the same to be registered, and such registration to be renewed from year to year in manner hereinafter mentioned, shall forfeit and pay, for every such dog, a penalty or sum of not less than Ten Shillings nor more than Twenty Shillings: All dogs within the City of Adelaide specified, to be registered. Provided always, Proviso as to dogs under four months old. that nothing herein contained shall be deemed to require the registration of any dog under the age of four months, or which shall not have been kept as aforesaid for a period of fourteen days, the proof of which shall lie upon the owner or keeper of such dog.

2. And be it Enacted, That every such registration shall be made Mode of registering dogs. by the owner or keeper of any dog intended to be registered, or some person

person on his or her behalf, delivering at the Police Office, in the said City, a description of such dog, embracing the several particulars contained in the Schedule to this Act annexed, marked with the letter A, with a declaration thereunder written to the truth thereof, under the hand of such owner or keeper, or of some person in that behalf duly authorised, and every such registration shall be deemed to be in force from the day upon which the same shall be made until the first day of January then next ensuing, and no longer; and shall, by every such owner or keeper, or some person on his or her behalf, be in like manner renewed from year to year, so long as any such dog shall continue to be kept within the boundaries of the City of Adelaide, or within ten miles of such boundaries: Provided, however, that every such registration which shall be made after the month of June in any year shall be deemed to be in force until the thirty-first day of December in the year then next ensuing.

Penalty for false description.

3. And be it Enacted, That if any person shall wilfully insert or omit, or wilfully cause or permit to be inserted or omitted in any such description, any matter or thing whatsoever, contrary to, or for the purpose of concealing the truth, he shall forfeit and pay a penalty or sum of not less than Ten nor more than Twenty Shillings.

Fees on registration.

4. And be it Enacted, That, at the time of making every such registration, there shall be paid into the hands of the Officer for that purpose duly appointed where the same shall be made, by the party making the same, the sum of One Shilling in respect of every dog mentioned in such registration, and until such amount shall have been so paid, no such registration shall be deemed to have been duly made; and every Officer for that purpose duly appointed, to whom such payment shall be made, shall, on demand, give a copy of such registration, distinguished by a number, certified under his hand, and a receipt for the sum paid, in the form in the Schedule to this Act annexed, marked with the letter C; and any such Officer, who shall, on being required, refuse or neglect to give such copy or receipt, shall forfeit and pay the sum of Ten Shillings.

Proof of registration.

5. And be it Enacted, That in any proceedings under this Act it shall not be necessary for the informant to establish the fact of non-registration, but that the proof of due registration shall be on the defendant; and for that purpose a certified copy of such registration under the hand of the Officer so appointed, where the same was made, shall be equivalent to the production of the original, for which certified copy there shall be paid to such Officer the fee of Sixpence and no more, unless such copy shall have been applied for at the time of registration, in which case the same shall be delivered without any fee whatever.

List of persons registering dogs to be exhibited.

6. And be it Enacted, That the proper Officer as aforesaid, in the City of Adelaide, or in any Hundred or District to which

which the provisions of this Act may be extended as hereinafter provided, shall keep in some convenient part of his office, during office hours, for public inspection, a correct list, arranged in alphabetical order, of the names of the persons who shall have registered any dog during the current year, and shewing the numbers registered by each; and any person applying for the particulars of any dog so registered, and of the name of the owner or keeper thereof, shall be entitled to receive the same on payment of a fee of Sixpence.

7. And be it Enacted, That it shall and may be lawful for any person at any place within the boundaries of the said City of Adelaide, or within ten miles of such boundaries, to seize and detain any dog not duly registered as aforesaid, and upon notice thereof given to any Justice of the Peace, such Justice shall summon the owner, or reputed owner, or keeper, to appear and claim such dog; and if such owner or keeper, or some one on his behalf, shall not, within twenty-four hours after service of such summons, or within such further time as such Justice may deem reasonable, attend and claim such dog, the same shall be forthwith killed; and if any dog, whether registered or not, shall, after the first day of December next, be found at large in any part of the said City of Adelaide, or within ten miles of the boundaries thereof, and without being under the immediate custody, protection, or control, of some competent person, or unless such dog shall have a collar round its neck, with the number corresponding to the register of the same legibly inscribed thereon; or if a mastiff, or bull dog, or a mongrel of either of the same, unless it shall have, in addition to such collar, a muzzle securely fixed upon the mouth of every such dog, so as to prevent the same from biting or injuring any person or property, any such dog so found at large, contrary to the provisions of this Act, shall be liable to be immediately killed or destroyed; and all persons are hereby authorised, and all constables especially ordered and required to seize, kill, and destroy every such dog so found at large accordingly.

Dogs not registered or without collars may be seized and killed.

8. And be it Enacted, That if any dog shall, in any street, thoroughfare, or public place of the said City of Adelaide, or upon any highway or thoroughfare in any part of the said Province, rush at or attack any person, or horse, or bullock, or other cattle, whereby the life or limbs of any person shall be endangered, or property injured, such dog shall be liable to be immediately killed or destroyed, and the owner or keeper of every such dog shall forfeit and pay a penalty or sum of not less than Twenty Shillings nor more than Five Pounds for every such offence, over and above the amount of any damage which such dog may have occasioned.

Penalty on owners of dogs attacking persons or frightening horses.

9. And be it Enacted, That for every unregistered dog so seized, or any dog which shall be destroyed in conformity to the provisions of this Act, there shall be paid to the person so seizing or destroying the same a reward of Two Shillings and Sixpence, or if

Rewards for seizing and destroying dogs.

if the dog so destroyed be of the native breed, or any mongrel or cross of such breed, then a reward of Seven Shillings and Sixpence, on proof being adduced to the satisfaction of the Police Magistrate, or of any Special Magistrate or Justice of the Peace; and if any dog shall have been so destroyed within the boundary of the City of Adelaide, proof shall be given that such dog, so destroyed, was immediately removed from the streets, or buried, or otherwise disposed of, so as to prevent nuisance or annoyance to any of the inhabitants thereof: Provided always, that in every such case in which a reward shall be claimed for the destruction of any dog, the party applying for such reward shall produce to such Police Magistrate, or Justice, the scalp of every such dog, which shall be immediately burned or otherwise destroyed in the presence of such Police Magistrate or Justice, or of some person duly appointed by him, so as to prevent any claim for reward being again made in respect thereof.

As to proofs of ownership.

10. And be it Enacted, That, in any prosecution under this Act, every dog shall be taken to be kept by the person who shall be in the actual occupation of the house or premises upon which such dog shall be found, unless reasonable proof to the contrary shall be adduced by the defendant; and the person by whom any dog shall be ordinarily kept, shall be liable to the several provisions of this Act, as the keeper of such dog, whether kept for his own use or that of another: Provided that with respect to any dog kept or used by a servant upon such premises, the same shall be deemed to be kept by his master or employer for the time being.

Act not to apply to sheep dogs, &c.

11. And be it Enacted, That nothing herein contained shall be deemed to apply to any dog actually employed in driving sheep or cattle, or to any dog passing through the said City of Adelaide and accompanying a cart, dray, or other carriage, if chained or otherwise securely fastened thereto, or muzzled, unless such dog shall be usually kept within the boundaries of the said City of Adelaide, or within ten miles of such boundaries.

Penalty on constables not destroying dogs improperly at large.

12. And be it Enacted, That if any constable shall neglect, when called upon, to destroy or to use his best endeavours to destroy any dog which shall be at large contrary to the provisions of this Act, within his division, district, or ward, every such constable shall, for every such neglect, forfeit and pay a sum of not less than Ten nor more than Twenty Shillings.

Penalty on constables killing dogs not improperly at large.

13. And be it Enacted, That if any constable or other person shall wilfully or maliciously kill or destroy any dog which shall not be at large contrary to the provisions of this Act, such constable or other person shall forfeit and pay to the owner of such dog the full value thereof, and also a penalty or sum of not less than Twenty Shillings nor more than Five Pounds.

14. And

14. And be it Enacted, That one moiety of every fine or penalty imposed under this Act, shall be paid to the person or persons who shall sue for the same, or who shall give such information to the police as may lead to conviction, and the other moiety of every such fine or penalty, and also all fees, shall be paid to the Colonial Treasurer, or to such other officer as shall be appointed by the Lieutenant-Governor on behalf of Her Majesty, her heirs, and successors, for the public uses of the Province and support of the Government thereof.

Appropriation of fees,
&c.

15. And be it Enacted, That all penalties and sums of money incurred or payable under this Act, shall and may be recovered before any two or more Justices of the Peace in a summary way, and any party aggrieved by any adjudication, order, or conviction, may appeal therefrom according to the laws of the said Province for the time being for regulating summary proceedings before Justices of the Peace.

Recovery of penalties,
&c.

16. And be it Enacted, That in the construction of this Act, the word "dog" shall be understood to include and shall be applied to several dogs as well as to one dog, and to female dogs as well as to males.

Construction of Act.

17. And be it further Enacted, That it shall be lawful for the Lieutenant-Governor for the time being, whenever he shall see fit, to extend the provisions of this Act to any town, village, hundred, or district, within the Province aforesaid, by notice to that effect published in the *South Australian Government Gazette*.

Act may be extended
to other towns, &c.

18. And be it Enacted, That this Act shall commence and take effect from the first day of December next.

Commencement of
Act.

JOHN MORPHETT, Speaker.

*Passed the Legislative Council this thirtieth }
day of September, one thousand eight }
hundred and fifty-two.*

F. C. SINGLETON,
Clerk of the Legislative Council.

In the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Lieutenant-Governor.

Government House, Adelaide,
October 11, 1852.

SCHEDULES REFERRED TO.

A.

FORM OF NOTICE OF REGISTERING DOGS.

A description of _____ dogs intended to be kept by A. B., of
 in _____ during the year ending on the
 day of _____ 185 .

Number.	Premises on which each dog is intended to be kept.	Sex.	Age.	Color, or peculiar marks.	Description, or kind of dog.

I, A. B., do declare the above list and description to be true in every particular, to the best of my knowledge and belief.
 A. B.

B.

FEEs TO BE TAKEN ON THE REGISTRATION OF DOGS.

For each dog s. d.
 1 0

C.

FORM OF RECEIPT.

Received this _____ day of _____ 185 , the sum
 of _____, for _____ dogs registered by A. B., in
 for the year ending on the _____ day of _____ 185 .

C. D. Clerk of _____ .