



ANNO VICESIMO TERTIO ET VICESIMO QUARTO  
**VICTORIÆ REGINÆ.**  
A.D. 1860.

---

No. 9.

*An Act to repeal an Act No. 5 of 1852, intituled "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," and to make other provisions in lieu thereof.*

[Assented to, 17th October, 1860.]

**W**HEREAS the Province of South Australia is 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 Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Preamble.

1. That from and after the coming into operation of this Act, the Act No. 5 of 1852, intituled "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to property occasioned by the great number of Dogs which are loose in the Province of South Australia," is hereby repealed.

Repeal of Act No. 5 of 1852.

2. Any person who shall, after the coming into operation of this Act, keep any dog within the said Province, for a period of fourteen days, without causing a description of every such dog so kept by such person to be registered, and such registration to be again made from year to year in manner hereinafter mentioned, shall forfeit and pay, for every such dog, a penalty or sum not exceeding Three Pounds: Provided always, that nothing herein contained shall be deemed to require the registration of any dog under the age of six months, or which shall not have been kept as aforesaid

All dogs within the Province to be registered.

Proviso as to dogs under six months old.

aforesaid for a period of fourteen days, the proof of which shall lie upon the owner or keeper of such dog.

Governor may divide the Province into districts to facilitate the carrying out of this Act.

3. It shall be lawful for the Governor, with the advice and consent of the Executive Council, in order to facilitate the carrying out the provisions of this Act, by proclamation in the *Government Gazette*, to divide the said Province into districts, and to define the limits or boundaries of such districts, and from time to time to alter and vary such districts; and to appoint in each district a place or office at which dogs may be registered under the provisions of this Act, and at which the registers required by this Act shall be kept; and to appoint a person in each district to keep such registers, and make such entries as by this Act required; and to assign to each such district a separate and distinct number: And all Corporations and District Councils shall be proclaimed districts under this Act, and shall have the working and carrying out of the provisions of the same within their respective districts.

Districts to have distinguishing numbers.

Mode of registering dogs.

4. Every such registration shall be made by the owner or keeper of any dog intended to be registered, or some person on his or her behalf, delivering at the office appointed in each district, 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 authorized, 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 July 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 again made, from year to year, so long as any such dog shall continue to be kept within the boundaries of such district: Provided, however, that every such registration which shall be made after the month of December in any year shall be deemed to be in force until the first day of July, in the year then next ensuing.

Penalty for false description.

5. 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 Twenty nor more than Forty Shillings.

Fees on registration.

6. 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 Ten Shillings 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

required, refuse or neglect to give such copy or receipt, shall forfeit and pay the sum of One Pound.

7. In any proceedings under this Act it shall not be necessary for the informant to establish the fact of non-registration, but 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 One Shilling 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.

Proof of registration.

8. The proper officer as aforesaid in each district 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 One Shilling.

List of persons registering dogs to be exhibited.

9. It shall and may be lawful for any person within the said Province, to seize and detain any dog not duly registered as aforesaid, and upon notice thereof given to any Justice of the Peace for the said Province, 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, or if the owner or keeper of such dog be unknown, the same shall be forthwith killed; and if any dog, whether registered or not, shall, after the coming into operation of this Act, be found at large in any part of the said Province, 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, the number of the district in which such dog is registered, and the name of the owner or keeper of such dog, legibly inscribed thereon, such inscription to be in form D of the Schedule to this Act; 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 authorized, and all constables, and Crown Lands Rangers, 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.

10. If any dog shall, in or upon any street, thoroughfare, highway, or public place in any part of the said Province, or on any private property other than the property of the owner or keeper of such dog

Penalty on owners of dogs attacking persons or frightening horses.

dog, rush at or attack any person, or any horse, bullock, cattle, or other animal, whereby the life or limbs of any person shall be endangered, or shall in any other way injure, or endanger property, such dog shall be liable to be immediately killed or destroyed, and the owner or keeper of every such dog shall, on conviction, forfeit and pay a penalty or sum of not less than Forty Shillings nor more than Five Pounds for every such offence, over and above the amount of any damage which such dog may have occasioned.

Rewards for seizing  
and destroying dogs.

11. 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 the dog so destroyed be of the native breed, or any mongrel or cross of such breed, then a reward of Two Shillings and Sixpence, on proof being adduced to the satisfaction of the Police Magistrate, or of any Special Magistrate, or Justice of the Peace for the said Province; and if any dog shall have been so destroyed within the boundary of any township, town, or city, 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 owner-  
ship.

12. 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.

Penalty on constables  
not destroying dogs  
improperly at large.

13. If any Constable or Crown Lands Ranger shall neglect, when called upon, to destroy or to use his best endeavors 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 or Crown Lands Ranger shall, for every such neglect, forfeit and pay a sum of not less than Twenty nor more than Forty Shillings.

Illegally removing  
collar.

14. If any person shall wilfully or maliciously remove from the neck of any dog the collar required by this Act to be worn by such dog, such person shall, on conviction, forfeit for each offence a sum  
of

of not less than Two Pounds nor more than Five Pounds; and, also, shall forfeit and pay to the owner of any dog that may have been destroyed under the provisions of this Act, and in consequence of the removal of such collar the full value of the dog so destroyed.

15. If any constable or other person shall wilfully or maliciously kill or destroy any dog 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.

Penalty on constables killing dogs not improperly at large.

16. 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 as may lead to conviction, and the other moiety of every such fine or penalty, and also all fees, shall be paid to the Treasurer, or to such officer as shall be appointed by the Governor on behalf of Her Majesty, Her heirs, and successors, for the public uses of the said Province and support of the Government thereof: Provided that when any Corporation or District Council shall have the working and carrying out of the provisions of this Act within their respective districts, the moiety of every fine and penalty imposed, and all fees received within such respective districts, shall be paid to the Corporation or District Council within whose district such fines or penalties may have been imposed, or fees received.

Appropriation of fees, &c.

17. All penalties and sums of money incurred or payable under this Act, and also the amount of any damage done by any dog, shall and may be recovered before any two or more Justices of the Peace for the said Province 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.

18. 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 as well as to male dogs.

Construction of Act.

19. Nothing in this Act contained shall be taken or deemed to repeal or alter the twenty-second clause of "The Impounding Act of 1858."

Not to alter clause 22 of Impounding Act of 1858.

20. Nothing in this Act shall be deemed to apply to the hunting dogs of the aboriginal inhabitants of the said Province.

Hunting dogs of the aborigines excepted from this Act.

21. This Act may be cited as "The Dog Act of 1860."

Short title.

22. This Act shall commence and take effect from a day to be fixed by the Governor by proclamation in the *Government Gazette*, such day to be not less than two months nor more than three months after this Act shall have been assented to by the Governor on behalf of Her Majesty.

Commencement of Act.

## 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 18 .

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.

### C

#### FORM OF RECEIPT.

Received this day of 18 , the sum of  
 for dogs registered by A. B., in for the year ending  
 on the day of 18 .  
 No. of register [27]

C. D., Officer for the Registration of dogs, District No. .

### D.

Number of District, [12].  
 Name of owner or keeper, [A. B.].  
 Number of Register [112].