

*Dog Nuisance.***No. VIII.**

An Act for abating the Nuisance occasioned by the great number of Dogs which are loose in the Streets of the Towns of Sydney Parramatta Liverpool and Windsor in the Colony of New South Wales. [14th April, 1830.]

DOG NUISANCE.

WHEREAS the Streets of the Towns of Sydney Parramatta Preamble.

Liverpool and Windsor are infested by the great number 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 it is expedient to abate this nuisance as far as it may be practicable so to do without detriment to that species of security to property which dogs afford Be it enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council That from and after the first day of June next every dog which shall be found loose in any part of the streets of the said towns shall be liable to be immediately killed or destroyed unless such dog have a collar round its neck with the name and address of its owner legibly engraven thereon and all persons are hereby authorized and all Constables and Peace Officers are hereby specially ordered and required to seize kill and destroy every dog so found loose without a collar accordingly.

Dogs found loose in the streets of certain towns and without collars may be killed.

2. And be it further enacted That a reward of two shillings and sixpence for every such dog which shall be so destroyed shall be paid to the Constable or the Peace Officer who shall kill or destroy the same upon proof being adduced to the satisfaction of the Superintendent of Police or Bench of Magistrates of the said towns respectively of the actual destruction of such dog by the party or parties applying for such reward.

Reward to constables for killing dogs.

3. And be it further enacted That every owner or proprietor of a dog or dogs who is or shall be residing in either of the Towns of Sydney Parramatta Liverpool or Windsor aforesaid shall on or before the said first day of June next after the passing of this Act deliver to the Superintendent of Police or Bench of Magistrates in the town in which he or she resides a paper signed with his or her name and in the form hereunto annexed containing a description of each and every dog kept by him or her in the said towns respectively and shall at the same time pay into the hands of the said Superintendent of Police or Bench of Magistrates a fee for registering every dog so kept by him or her and described as aforesaid at the several rates following that is to say for one dog if one only be kept the sum of one shilling for two dogs if two be the number kept the sum of five shillings for three dogs fifteen shillings and so on for every dog above that number the sum of ten shillings and the said Superintendent of Police or Bench of Magistrates shall thereupon cause every such description of the dog or dogs kept by every such owner or proprietor to be filed in his or their office and to be carefully registered accordingly in a book which is to be kept for that purpose and shall deliver to such owner or proprietor a certificate according to the form hereunto annexed declaring the number and description of dogs so registered and the amount of fee paid for the same And if any owner or proprietor shall fail or neglect to deliver to the Superintendent of Police or Bench of Magistrates in his or her town within the time abovementioned a correct list of all dogs kept by him or her as aforesaid and pay the

Registry of dogs and payment of fees to be certified by a Magistrate.

Penalty for failure.

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Proviso as to persons
not householders.

What shall be
deemed proof of
registry.

How certificate of
registry shall be
dated.

Renewal of registry
and of certificates.

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Registry of addi-
tional dogs obtained
after the certificate.

Proviso as to dogs
under six months.

Who shall be deemed
owners of dogs.

Owners not liable for
sheep dogs &c.

fee for the same at the rates abovementioned such owner or proprietor shall for every dog which he or she shall so fail or neglect to register and correctly to describe forfeit and pay a sum not less than Twenty Shillings nor more than Five Pounds Provided always that every owner or proprietor of a dog or dogs who shall not at the time of registering be *bonâ fide* a householder shall pay a fee of ten shillings for registering each and every dog kept by him or her without distinction as to the number.

4. And be it further enacted That the certificate so granted as aforesaid shall be a sufficient proof of the registry of such dogs by the person in whose favour the same shall be granted and every such certificate which shall be granted within one calendar month previously to the thirty-first day of May in each year shall be dated on the first day of June following and every such certificate which shall be granted at any other time shall be dated on the day on which the same shall be granted and all such certificates respectively shall have effect and continue in force from the day of the date thereof until the thirty-first day of May following inclusive and no longer.

5. And be it further enacted That before the expiration of such yearly certificate every owner or proprietor of a dog or dogs shall deliver to the Superintendent of Police or Bench of Magistrates of his or her town a fresh list and description of the dog or dogs then actually kept by him or her and shall pay for the same at the rates aforesaid for registering the same for the ensuing year and the said Superintendent of Police or Bench of Magistrates is or are to grant a certificate for the same as hereinbefore described and any owner or proprietor of a dog or dogs who shall fail or neglect to make such yearly registry and pay such fee or fees as aforesaid shall for every dog which he or she shall so neglect or fail to register and pay for forfeit and pay a sum not less than Twenty Shillings nor more than Five Pounds.

6. And be it further enacted That if at any time after the obtaining of a yearly certificate and before the expiration thereof any person shall become possessed of a dog or dogs in addition to those registered by him or her for that year he or she shall immediately register and pay the fee for such additional dog or dogs and receive a certificate for the same in the like manner in all respects as hereinbefore directed for the yearly registry of dogs and if any person so becoming possessed of a dog or dogs shall neglect or fail to register the same and pay the stipulated fee within fourteen days after he or she shall have become so possessed of such dog or dogs such person shall for every dog so neglected to be registered forfeit and pay a sum not less than Twenty Shillings nor more than Five Pounds Provided always that no dog under the age of six months shall be required to be registered and if a question shall arise as to the age of any dog the proof that such dog is under the age of six months shall rest with the owner thereof.

7. And be it further enacted That in order to ascertain the owner or proprietor of a dog so as to make him or her liable for the forfeitures and penalties imposed by this Act in respect to such dog it shall be sufficient to prove that such dog usually resorts to and takes shelter in the house or premises of such alleged owner or proprietor.

8. And be it further enacted That no dog actually employed in driving sheep or cattle or accompanying a cart dray or any other carriage to either of the said towns respectively or returning therefrom shall be deemed to be at large according to the meaning of this Act or shall subject the owner or proprietor to the penalty hereby directed.

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9. And be it further enacted That if any Constable or other person shall wilfully or maliciously kill or destroy a dog having on a collar on which the name and address of its owner are plainly legible such Constable or other person shall forfeit and pay to the owner the full value of such dog and also pay a fine of not less than Twenty Shillings and not more than Five Pounds upon conviction before one or more Justice or Justices of the Peace.

Penalty for maliciously killing dogs.

10. And be it further enacted That if any District Constable or any Constable having special charge of a district division or ward of any of the towns aforesaid shall fail or neglect to report to the Superintendent of Police or Bench of Magistrates of such town any dog or dogs which shall be kept within his district division or ward and not registered as required by this Act such Constable shall for every dog which he shall so fail or neglect to report forfeit and pay a sum not less than Ten Shillings nor more than Two Pounds.

Constables failing to report dogs not registered.

11. And be it further enacted That if any Constable neglect to destroy or to use his best endeavours to destroy every dog which he shall find at large and without a collar within his district division or ward every such constable shall for every such instance of neglect forfeit and pay a sum not less than Ten Shillings nor more than Two Pounds.

Constables not destroying dogs improperly at large.

12. And be it further enacted That if any dog either with or without a collar shall be at large and shall attack any person passing in a street of any town or on any highway or turnpike road on foot on horseback or in a carriage the owner or proprietor of such dog shall forfeit and pay a fine of not less than Twenty Shillings nor more than Five Pounds over and above the amount of any damage which such dog may occasion.

Dogs attacking in the streets or on the highway owners to be fined.

13. And be it further enacted That in any proceeding under this Act excepting what may relate to the description and registry of dogs and bitches it shall not be necessary to specify the sex of any dog.

The sex of dogs need not be specified.

14. And be it further enacted by the authority aforesaid That all fines and penalties imposed by this Act shall be recoverable before one or more Justice or Justices of the Peace on proof of the offence on the oath or oaths of one or more credible witness or witnesses or on confession of the offender and in case of non-payment they shall be levied by distress and sale of the offenders' goods and chattels by warrant under the hands and seals of two or more of such Justices and the overplus of the money raised after deducting the penalty and the expenses of the distress and sale shall be rendered to the owner and if any person shall feel aggrieved by the summary judgment or conviction of any Justice or Justices under this Act such person shall be entitled to appeal from such judgment or conviction to the Court of Quarter Sessions to be holden next after the expiration of ten days from the date of such judgment or conviction and the decision of such Court of Quarter Sessions shall be final.

Recovery of penalties.

Appeal to the Quarter Sessions.

15. And be it further 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 a conviction and the other moiety of every such fine or penalty and also all fees levied and imposed under this Act shall be applied in and towards carrying the same into effect and the surplus if any shall be applied towards defraying the expense of lighting and watching the town in which the conviction shall be obtained.

Appropriation of fines.

16. And be it further enacted That this Act shall be and continue in force until the thirty-first day of May in the year of our Lord one thousand eight hundred and thirty-two and no longer.

Duration of Act.

Dog-Nuisance.

FORM OF NOTICE OF REGISTERING OF DOGS REFERRED TO.

I A. B. of _____ Street in the Town of _____ do hereby
 give notice in pursuance of the Act of the Governor and Council No. 8 of the eleventh year
 of the reign of His Majesty King George the Fourth that I desire that the dogs hereunder
 described may be registered as my property in the said town this _____ day of
 one thousand eight hundred and _____

No.	Description or kind of dog	Colour.	Peculiar Marks.	Sex.	Height at the Shoulder.	Probable Age.	Name.
1	Bull Dog	Liver-coloured	Cut ears and tail	Dog	2 Years
2	Newfoundland	Black with white spots and white feet	Bitch	1 Year

and I do declare that the above contains a true description in every particular of all the
 dogs now belonging to me in the said town of _____ to the best of my knowledge
 and belief.

A. B.

(No. .)

FORM OF CERTIFICATE REFERRED TO.

This is to certify that A. B. of _____ Street in the Town of _____ has
 registered the following dogs in this office and paid the established fee for the same in
 conformity with the Act of Council No 8 passed in the eleventh year of the reign of His
 present Majesty King George the Fourth.

No.	Description or kind of dog.	Colour.	Peculiar Marks.	Sex.	Height at the Shoulder.	Probable Age.	Name.	Amount of Fee.

This Certificate is to be in force till the 31st day of May 183

Registered folio _____ by _____ } Given under hand at _____ this
 C. D. day of _____ 183
 Clerk to the Magistrates. } A. B. Superintendent of Police
 or Magistrates for