

Act No. 44, 1898.

An Act to consolidate the Acts relating to Dogs and to Goats. [29th December, 1898.] DOG AND GOAT.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

*Preliminary.*

1. (1) This Act may be cited as the "Dog and Goat Act, 1898," and is divided into Parts, as follows:— Short title and division.

PART I.—*Preliminary, s. 1.*

PART II.—*Registration of dogs, ss. 2-23.*

PART III.—*Dogs or goats not to be used for purposes of draught, ss. 24-25.*

(2) The Acts mentioned in the First Schedule to this Act are hereby repealed. Repeals.  
First Schedule.

PART II.

*Registration of dogs.*

2. (1) This Part shall apply to the cities, towns, and police districts mentioned in the Second Schedule hereto. Application of this Part.

(2) The Governor may whenever he sees fit, by notice published in the Gazette, extend the provisions of this Part— 6 Wm. IV No. 4,  
ss. 1 and 19.  
39 Vic. No. 6, s. 4.  
Second Schedule.

(a) to any city or town; and

(b) to any police district, whether this Act has been previously extended to any city or town within such police district or not.

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Interpretation.

39 Vic. No. 6, s. 11.

3. In this Part, unless the context or subject matter otherwise indicates or requires—

- (1) "Animal" means any horse, mare, gelding, filly, foal, ass, mule, bull, cow, bullock, steer, heifer, calf, ram, ewe, wether, lamb, alpaca, goat, pig, or domestic poultry.
- (2) "City" means any city to which this Part for the time being applies, or has been extended.
- (3) "Constable" means any officer of the police force.
- (4) "Place where such dog is intended to be kept" includes the place where such dog is actually kept as well as the place where such dog is ordinarily kept.
- (5) "Police district" means any police district to which this Part for the time being applies, or has been extended.
- (6) "Town" means any town to which this Part for the time being applies, or has been extended.

All dogs within cities, towns or police districts to be registered.

6 Wm. IV No. 4, s. 1.

39 Vic. No. 6, s. 4.

4. Any person who keeps any dog within the boundaries or reputed boundaries of any city, town, or police district for a period of fourteen days without causing a description of such dog 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 of not less than ten shillings nor more than twenty shillings:

Provided that nothing herein contained shall be deemed to require the registration of any dog under the age of six months, or which has not been kept as aforesaid for a period of fourteen days, the proof of which shall lie upon the owner or keeper of such dog.

Mode of registering dogs.

6 Wm. IV No. 4, s. 2.

39 Vic. No. 6, ss. 4 and 5.

Third Schedule.

5. (1) Every such registration shall be made by the owner or keeper of any dog intended to be registered, or by some person on his behalf delivering at the court of petty sessions of the city, town, or police district nearest to the place where such dog is intended to be kept a description of such dog, embracing the several particulars contained in the form in the Third Schedule hereto, 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.

Duration of registration.

(2) Every such registration shall be in force from the day upon which the same is so made until the thirtieth day of September then next ensuing, and no longer, and shall by every such owner or keeper, or by some person on his behalf, be in like manner renewed from year to year so long as any such dog continues to be kept within the boundaries or reputed boundaries of any city, town, or police district:

Provided that every such registration which is made in September in any year shall be deemed so be in force until the thirtieth day of September of the year then next ensuing.

Penalty for false description.

6 Wm. IV No. 4, s. 3.

6. Whosoever wilfully inserts or omits or wilfully causes or permits to be inserted or omitted in any such description any matter

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or thing whatsoever contrary to or for the purpose of concealing the truth shall forfeit and pay a penalty of not less than ten nor more than twenty shillings.

7. (1) At the time of making every such registration there shall be paid into the hands of the clerk of the petty sessions where the same is made, by the party making the same, a fee of two shillings and sixpence in respect of every dog mentioned in such registration, and until such amount has been so paid no such registration shall be deemed to have been duly made:

Fees on registration.  
6 Wm. IV No. 4, s. 4.  
39 Vic. No. 6, ss. 3, 5.

Provided that where the registration is made after the month of March and before the month of September one half only of such fee shall be payable.

(2) Every clerk of petty sessions to whom such payment is made shall, on demand, give a copy of such registration certified under his hand and a receipt for the fee paid in the form of the Fourth Schedule hereto, and any such clerk who on being required so to do refuses or neglects to give such copy or receipt shall forfeit and pay the sum of ten shillings.

Copy of registration and receipt.  
Fourth Schedule.

8. In any proceedings under this Part 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 clerk of the petty sessions where the same was made shall be equivalent to the production of the original, for which certified copy there shall be paid to such clerk the fee of sixpence and no more unless such copy has been applied for at the time of registration, in which case the same shall be delivered without any fee whatever.

Proof of registration.  
6 Wm. IV No. 4, s. 5.  
39 Vic. No. 6, s. 5.

9. The clerk of the petty sessions of every city, town, or police 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 all persons who have registered any dog during the current year, and showing the number of dogs registered by each person, 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.

List of persons to be exhibited.  
6 Wm. IV No. 4, s. 6.  
39 Vic. No. 6, ss. 4, 5.

10. Where any owner or keeper of a dog resides more than ten miles distant from the court of petty sessions nearest to the place where such dog is intended to be kept he may register such dog by transmitting to the clerk of such petty sessions a registered letter setting forth the particulars of such dog according to the form prescribed in the Third Schedule hereto, and containing postage or duty stamps to the value of two shillings and sixpence.

Registration by registered letter.  
*Ibid.* s. 6.

11. The clerk of petty sessions shall, within fourteen days after the receipt of such registration fee so enclosed as aforesaid, forward by letter

Third Schedule.  
Clerk of petty sessions to forward receipt of registration free to owner of dog.  
*Ibid.* s. 7.

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Fourth Schedule. letter to the owner or keeper of such dog a receipt in the form of the Fourth Schedule hereto, or in default forfeit and pay a penalty of not more than one pound nor less than ten shillings.

Dogs not registered may be seized and killed.

6 Wm. IV No. 4, s. 7.  
39 Vic. No. 6, s. 4.

**12.** (1) Any person may, at any place within the boundaries or reputed boundaries of any city, town, or police district, 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 of such dog to appear and claim such dog, and if such owner or keeper or some one on his behalf does 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.

Dogs without collars and bull dogs and mastiffs with muzzles to be killed.

(2) Every dog, whether registered or not, found at large in any part of any city, town, or police district without being under the immediate custody, protection, or control of some competent person, may, unless such dog has a collar round its neck with the name and address of its owner legibly engraven thereon, and if a mastiff or bull dog or a mongrel of either of the same has in addition to such collar a muzzle securely fixed upon the mouth of such dog so as to prevent it from biting or injuring any person or property, be immediately killed or destroyed, and all persons are hereby authorised and all constables especially ordered to seize, kill, and destroy every such dog.

Penalty on owners of dogs attacking persons or frightening horses.

6 Wm. IV No. 4, s. 8.  
39 Vic. No. 6, s. 4.

**13.** If any dog in any street of any city, town, or police district, or upon any highway in any part of New South Wales, rushes at or attacks any person or horse or bullock, whereby the life or limbs of any person are endangered or property injured, the owner or keeper of such dog shall forfeit and pay a penalty 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.

Rewards for seizing and destroying dogs.

6 Wm. IV No. 4, s. 9.  
39 Vic. No. 6, s. 4.

**14.** For every unregistered dog so seized, and for every dog which is destroyed in conformity to the provisions of this Part, there shall be paid to the person so seizing or destroying the same a reward of two shillings and sixpence on proof being adduced to the satisfaction of the police magistrate or any justice of the petty sessions for the city, town, or police district in which the same was so seized or destroyed that such dog was seized or destroyed by the party applying for such reward within the boundaries or reputed boundaries of any city, town, or police district, and that such dog if destroyed was immediately removed from the streets of such city, town, or police district, or buried or otherwise disposed of so as to prevent nuisance or annoyance to any of the inhabitants thereof:

Provided that in every case in which a reward is claimed for the destruction of any dog the party applying for such reward shall produce

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produce to such police magistrate or justice the tail of 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.

15. In any prosecution under this Part every dog shall be taken to be kept by the person who is in the actual occupation of the house or premises upon which such dog is found, unless reasonable proof to the contrary is adduced by the defendant, and the person by whom any such dog is 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:

As to proof of ownership.  
6 Wm. IV No. 4, s. 19.

Provided that with respect to any dog kept or used by a servant the same shall be deemed to be kept by his master or employer for the time being.

16. Any constable having charge of a division, district, or ward of any city, town, or police district who fails or neglects to report to the police magistrate or justices of the petty sessions of such city, town, or police district any dog which is kept within his district, division, or ward without being duly registered in manner required by this Act shall forfeit and pay a penalty or sum of not less than ten nor more than twenty shillings for every such dog which he so fails or neglects to report unless he shows reasonable cause why the fact of non-registration could not have been known to him.

Penalty on constables failing to report unregistered dogs.  
*Ibid.* s. 12.  
39 Vic. No. 6, s. 4.

17. Every constable who neglects to destroy or use his best endeavours to destroy every dog which he finds at large contrary to the provisions of this Part within his district, division, or ward shall for every such neglect forfeit and pay a sum of not less than ten nor more than twenty shillings.

Penalty on constables not destroying dogs improperly at large.  
6 Wm. IV No. 4, s. 13.

18. Every constable or other person who wilfully or maliciously kills or destroys any dog which is not at large contrary to the provisions of this Part shall forfeit and pay to the owner of such dog the full value thereof, and also a penalty of not less than twenty shillings nor more than five pounds.

Penalty on constables killing dogs not improperly at large.  
*Ibid.* s. 14.

19. The owner of every dog shall be liable in damages for injury done to any person, property, or animal by his dog, and it shall not be necessary for the party seeking such damages to show a previous mischievous propensity in such dog, or the owner's knowledge of such previous propensity, or that the injury was attributable to neglect on the part of such owner.

Owner of dog to be liable in damages for any injury committed by his dog.  
39 Vic. No. 6, s. 9.

20. Any dog attacking any person or animal may be destroyed by any person whomsoever if the attack be not on premises belonging to or occupied by the owner or keeper of such dog.

Dog attacking any person, &c., may be destroyed.  
*Ibid.* s. 10.

21. All fees received under the provisions of this Part shall be paid, applied, and accounted for, and returns made thereof in such and the like manner as is directed with respect to fees levied under the Act

Appropriation of fees.  
6 Wm. IV No. 4, s. 15.

fourth

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fourth William the Fourth number five entitled *An Act for appointing fees to be taken in the several Courts of Police and Petty Sessions, and by the Clerks of Justices acting singly in the Colony of New South Wales.*

General issue.  
6 Wm. IV No. 4,  
s. 18.

**22.** If any action is brought against any person for anything done in pursuance of this Part the defendant may plead the general issue and give the special matter in evidence thereupon, and if the verdict be for the defendant or the plaintiff be nonsuited or discontinue his action, or if upon demurrer judgment be given against the plaintiff, the defendant shall have treble costs, and the like remedy for the same as any defendant has in any case to recover costs by law.

## PART III.

*Dogs or goats not to be used for purposes of draught.*

Dogs or goats not to  
be used to draw  
carts, &c.  
29 Vic. No. 17, s. 1.

**23.** Every person who uses any dog or goat for the purpose of drawing or helping to draw any cart, carriage, truck, or barrow shall be liable to a penalty of not more than forty shillings for the first offence and not more than five pounds for the second or any subsequent offence.

## PART IV.

*Recovery of penalties and damages.*

Recovery of fines  
and penalties.  
39 Vic No. 6, s. 8.  
29 Vic. No. 17, s. 2.

**24.** All fines, fees, and penalties imposed under the provisions of this Act, and all damages which may be sued for under the provisions of this Act, where the amount claimed does not exceed ten pounds, shall be recoverable in a summary way before any one or more justice or justices of the peace, and the fines or penalties inflicted or order for damages made by such justice or justices shall be levied by distress and sale of the offender or defendant's goods or chattels, and in failure of distress shall be enforced in the manner provided by Act eleventh and twelfth Victoria chapter forty-three, or any Act amending the same.

## SCHEDULES.

## FIRST SCHEDULE.

Sec. 1.

Reference to Act.	Title or Short Title.	Extent of Repeal.
6 Wm. IV No. 4 ...	An Act for abating the nuisance occasioned by dogs in the streets of certain towns and on highways in New South Wales.	The whole Act.
29 Vic. No. 17 ...	Dog and Goat Act of 1866 ...	The whole Act.
39 Vic. No. 6 ...	Dog Act Amendment Act of 1875 ...	The whole Act.

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## SECOND SCHEDULE.

Sec. 2 (1).

*Cities and Towns.*

Adelong	Gundagai	Penrith
Albury	Gunning	Picton
Appin		Port Macquarie, East
Armidale	Hartley	Port Macquarie, West
Arthurstown (Trunkey Creek)	Hay	
	Haydonton	Queanbeyan
	Hill End	
Balmain		Randwick and Coogee
Balranald	Ivanhoe	Raymond Terrace
Bathurst		Redfern
Bega	Jerilderie	Richmond
Bendemeer		Roxburgh
Berrima	Kelso	
Binalong	Kempsey, West and East	Scone and St. Aubins
Bombala	Kiama	Singleton
Boorowa	Kiandra	Sofala
Bourke		St. Albans
Braidwood	Lawrence	St. Leonards
Broken Hill	Liverpool	St. Mary's
Bungonia		Stroud
	Macleay (Rocky Mouth)	Sydney
Camden	Macquarie	Swansea
Campbelltown	Maitland	
Camperdown (O'Connell Town)	Marulan	Tambaroora
Carcoar, W. and E.	Merriwa	Tamworth
Catherine Hill Bay	Moama	Tareutta
Clarence Town	Molong, West	Tarce
Cooma	Morpeth	Tenterfield
Coonabarabran	Moruya	Tumberumba
Coonamble	Moulamein	Tumut
Cuddeletown	Mudgee	
	Murrumbidgee	Ulladulla
	Musclebrook	Ulmarra
Delkeith		
Deniliquin, N. and S.	Narrabri	Wagga Wagga
Dubbo	Nelligen	Waterloo
	Nerrigundah	Waverley
Eden	Newcastle	Wellington and Montefiores
Euston	Newtown	Wentworth
	Nimmitabel	West Maitland
Forbes	Nowra	Wilcannia
Frederickton	Nundle	Windsor
	Nymagee	Woollahra
Glebe		Wollombi
Glen Innes	Orange	Wollongong
Gosford, East and West		
Goulburn	Paddington	
Grafton, North and South	Panbula	Yamba
Grafton	Parramatta	Yass
Grenfell	Paterson	Young

*Police*

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*Police Districts.*

Albury	Hay	Picton
Balranald	Hillston	Port Stephens
Bathurst	Inverell	Queanbeyan
Bega	Liverpool	Raymond Terrace
Berrima	Macleay River	Richmond River
Bingara	Maitland	Rylstone
Bombala	Metropolitan	Scone
Bourke	Mitchell	Shoalhaven
Braidwood	Moama	Tamworth
Brewarrina	Moree	Tenterfield
Camden	Moruya	Tumut
Campbelltown	Murrurundi	Tweed River
Carcoar	Muselebrook and Merton	Vegetable Creek
Cowra	Narellan	Wagga Wagga
Dowling	Narrabri	Walgett
Dungog	Narrandera	Warialda
Eden	Newcastle	Wellington
Glen Innes	Orange	Wentworth
Goulburn	Paterson	Windsor
Gundagai	Patrick's Plains	Wollongong
Gunnedah	Penrith	Young
Hartley		

Secs. 5 and 10.

THIRD SCHEDULE.

*Form of Notice of Registering Dogs.*

A description of \_\_\_\_\_ dogs intended to be kept by A.B., of \_\_\_\_\_ street, in the town of \_\_\_\_\_ during the year ending on the thirtieth day of September, one thousand eight hundred and \_\_\_\_\_

No.	Premises on which each dog is intended to be kept.	Sex.	Age.	Colour 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.

Secs. 7 and 11.

FOURTH SCHEDULE.

*Form of Receipt.*

RECEIVED this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred \_\_\_\_\_ the sum of \_\_\_\_\_ for \_\_\_\_\_ dogs registered by A.B., in the *city, town, or police district* of \_\_\_\_\_ for the year ending on the thirtieth day of September, one thousand eight hundred \_\_\_\_\_

C.D.,  
Clerk of \_\_\_\_\_

Act