



ANNO UNDECIMO

## VICTORIÆ REGINÆ,

No. 7.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,  
Lieutenant-Governor of the Island of Van Diemen's Land and  
its Dependencies, with the Advice of the Legislative Council.*

*AN ACT to repeal the Act of Council of this Island  
intituled An Act to restrain the Increase of Dogs and  
to substitute other Provisions in lieu thereof.*

**W**HEREAS an Act was passed by the Lieutenant-Governor and Legislative Council of Van Diemen's Land in the tenth year of the reign of Her present Majesty QUEEN VICTORIA intituled *An Act to restrain the Increase of Dogs*—AND WHEREAS it is expedient that the said Act should be repealed and other provisions be substituted in lieu thereof in manner hereinafter provided—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council of the said Island that the said recited Act so passed in the tenth year of the reign of Her said Majesty shall be and the same is hereby repealed.

PREAMBLE.  
10 Vict. No. 5.

Repeals 10 Vict.  
No. 5.

II. AND BE IT ENACTED that if any person shall after the first day of May one thousand eight hundred and forty-eight keep any Dog within the boundaries of any of the Police Districts in this Island 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 renewed from year to year in manner hereinafter mentioned such person shall forfeit and pay for every such dog a penalty or sum of not less than Ten Shillings nor more than Twenty Shillings—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 for a period of fourteen days but the proof that such dog is so under age or shall not have been so kept shall in all cases lie upon the owner or keeper of such dog.

All Dogs within  
any of the Police  
Districts in this  
Island to be an-  
nually registered.

Proviso as to  
dogs under six  
months old.

Mode of registering dogs.

III. AND BE IT ENACTED that 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 Police Office of the Police District within which any such dog is intended to be kept a description of such dog embracing the several particulars contained in the form in the Schedule to this Act annexed marked 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 so made until the thirtieth day of April then next ensuing and no longer and every such registration 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 any such Police District as aforesaid—PROVIDED ALWAYS that every such registration which shall be made in the month of April in any year shall be deemed to be and shall be in force until the thirtieth day of April of the year then next ensuing and no longer.

Penalty for false description.

IV. 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 the truth or for the purpose of concealing the same he or she shall forfeit and pay a penalty or sum of not less than One Pound nor more than Two Pounds.

Fees payable on registration.

V. AND BE IT ENACTED that at the time of making every such registration there shall be paid into the hands of the Police Magistrate Assistant Police Magistrate or the Clerk of such Police or Assistant Police Magistrate of the Police District where such registration shall be made by the party making the same the sum or sums mentioned in the Schedule to this Act annexed marked B 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 or shall have been duly made—PROVIDED that where such registration shall happen to be made after the month of October and before the month of April in any year one-half only of the sum or sums mentioned in the said Schedule shall be payable or paid and every such Police Magistrate Assistant Police Magistrate or Clerk to whom such payment shall be made whether of the whole of such sum or sums or of the half thereof as respectively aforesaid shall on demand thereof give a copy of such registration certified under his hand and a receipt for the sum paid in the form in the Schedule to this Act annexed marked C and any Police Magistrate Assistant Police Magistrate or Clerk who shall on being so required refuse or neglect to give such copy or receipt shall forfeit and pay a penalty or sum not exceeding Five Pounds—PROVIDED ALSO that it shall be lawful for any person who shall have obtained a licence under the said recited Act and which licence shall be in force at the time when this Act shall come into operation to register any dog or dogs included in such licence for the half year ending with the thirty-first day of October now next ensuing without payment of any such

Proviso exempting persons having licences for dogs in force at time of the passing of this Act until the first of November.

sum or sums as aforesaid for the registration thereof and every such registration shall be deemed and taken to be a valid and effectual registration for the period last aforesaid and not afterwards.

VI. AND BE IT ENACTED that in any proceedings under this Act in that behalf it shall not be necessary for the informant to establish the fact of non-registration but that the proof of due registration shall lie on the defendant and for that purpose such certified copy of registration as last aforesaid shall be equivalent to the production of the original for which certified copy there shall be paid to such Police Magistrate Assistant Police Magistrate or Clerk the fee of Sixpence and no more—PROVIDED ALWAYS that if such copy shall have been applied for at the time of registration the same shall be delivered without any fee whatever.

Proof of registration.

VII. AND BE IT ENACTED that in the Police Office of every Police District in this Island there shall be kept in some convenient part of such office during office hours for public inspection a correct list arranged in alphabetical order of the names of all persons who shall have registered any dog during the current year and showing 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.

List of persons registering dogs to be exhibited at the Police Offices.

VIII. AND BE IT ENACTED that it shall and may be lawful for any person within any Police District as aforesaid 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 of such dog to appear and claim the same and if such owner or keeper or some one on his or her 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 and may be forthwith killed and if any dog whether registered or not shall after the said first day of May next be found at large within any of the Police Districts of this Island such dog not being under the immediate custody protection or control of some competent person or not having a collar round its neck with the name and address of its owner or keeper legibly engraven thereon every 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 empowered and all constables are especially ordered and required to seize kill and destroy every such dog so found at large accordingly—PROVIDED ALWAYS that the provisions in the above section contained shall not be held to apply to any town or towns mentioned in the Act of this Island intituled *An Act to regulate the Police in certain Towns and Ports within the Island of Van Diemen's Land and to make more effectual provision for the Preservation of the Peace and good Order throughout the said Island and its Dependencies generally* or to any town or towns to which the provisions of such last-mentioned Act have been or shall be extended by proclamation in manner therein provided.

Dogs not registered or without collars or not being under proper control may be seized and killed.

Proviso that this section not to apply to towns in which the Police Act is or shall be in force.

Rewards for  
seizing and de-  
stroying dogs.

IX. AND BE IT ENACTED that for every unregistered dog so seized as last aforesaid or any dog which shall be destroyed in conformity with 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 on proof being adduced to the satisfaction of the Police Magistrate or Assistant Police Magistrate of the Police District within which the same shall have been so seized or destroyed that such dog was actually so seized or destroyed by the party applying for such reward within such Police District and also that such dog if destroyed was immediately buried or otherwise disposed of so as to prevent nuisance or annoyance to any of the inhabitants of such District.

Penalty on owners  
of dogs attacking  
persons or fright-  
ening horses.

X. AND BE IT ENACTED that if any dog shall in any street of any town in this Island or in the suburbs thereof or upon any highway in this Island rush at or attack any person or horse ass or bullock whereby the life or limbs of any person shall be in any wise endangered or his or her property injured the owner or keeper of every such dog shall for every such offence forfeit and pay a penalty or sum of not less than Twenty Shillings nor more than Five Pounds together with the amount of any damage which such dog may have occasioned such amount to be assessed and determined by the Justice or Justices before whom such offence shall be heard.

As to proof of  
ownership.

XI. AND BE IT ENACTED that in any prosecution under this Act every dog shall be deemed and 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 thereof 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 any servant the same shall be deemed to be kept by his master or employer for the time being.

Penalty on per-  
sons importing the  
wild dog of New  
Holland.

XII. AND BE IT ENACTED that if after this Act shall come into operation any person whatsoever shall knowingly import or bring into this Island or any of the Dependencies thereof from New Holland or any part thereof the wild animal of that country therein known as the native dog every such person shall for every native dog forfeit and pay a penalty or sum not exceeding Fifty Pounds—PROVIDED ALWAYS that every person charged with offending against the aforesaid provision of this Act shall be deemed and taken to have known of or had reason to believe the existence of such provision unless it shall be made to appear to the satisfaction of the Justice or Justices before whom the matter of complaint shall be heard that such person was ignorant of the same and thereby unknowingly offended against the same.

Penalty on Con-  
stables killing  
dogs not impro-  
perly at large.

XIII. AND BE IT ENACTED that if any Constable or any other person whatsoever 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 a penalty or sum of not less than Twenty Shillings nor more than Five Pounds and such Constable or other person shall moreover pay to the owner of such dog the full value thereof to be assessed and determined according to the discretion and judgment of the Justice or Justices before whom the matter shall be heard and such value when so assessed and determined shall and may be enforced and recovered by the same ways and means as any penalty imposed by this Act may be enforced and recovered.

XIV. AND BE IT ENACTED that any breach whatsoever of any of the provisions of this Act for which a pecuniary penalty is imposed shall be deemed and taken to be and shall be an offence against this Act and all offences against this Act shall upon information in that behalf exhibited be heard and determined in a summary way by and before any Justice or Justices of the Peace in the mode prescribed by the Act of this Island intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and all penalties imposed or forfeitures incurred by or under this Act shall be recovered levied and paid in the manner provided by the said Act so intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and every person aggrieved by any conviction under this Act may appeal therefrom in the manner provided by the said recited Act—PROVIDED ALWAYS that no person shall be convicted for any offence under this Act unless complaint thereof be made within one calendar month next after the time when the offence shall have been committed and that no conviction under this Act shall be removed by writ of *certiorari* or otherwise into the Supreme Court.

Offence to be heard and determined in a summary way.

Information to be laid within a month and *certiorari* taken away.

XV. AND BE IT ENACTED that if any action shall be brought against any person for anything done under or in pursuance of this Act the defendant may plead the general issue and give the special matter in evidence thereupon and if the verdict shall 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 hath in any case to recover costs by law.

General issue.

XVI. AND BE IT ENACTED that all fees and sums received under the authority of this Act within or for the City of Hobart Town and Town of Launceston or within or for any other town proclaimed as such under the authority of the Act of this Island intituled *An Act to regulate the Police in certain Towns and Ports within the Island of Van Diemen's Land and to make more effectual provision for the Preservation of the Peace and good Order throughout the said Island and its Dependencies generally* shall be exclusively applied to the paving lighting repair maintenance and improvement of the streets and roads forming the approaches to such City and Towns respectively such fees to be paid to the person or persons who for the time being shall have the control management or superintendence of such streets or approaches and beyond the limits of such City and Towns all fees and sums so received as aforesaid shall be exclusively applied to the repair and maintenance of the roads in the several districts of this Island within or for which such

Appropriation clause.

fees or sums shall respectively be received the same to be paid in like manner to the person or persons who for the time being shall have the control management or superintendence of such roads and all fines and penalties received levied paid or recovered under the provisions of this Act shall as to one moiety thereof go and be applied to the use of the informer and the other moiety thereof shall go and be applied in the same manner and to the same purposes in all respects as the fees received by virtue of this Act are herein above directed to be appropriated and in no other manner whatsoever.

Interpretation clause.

XVII. 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 and the term Lieutenant-Governor used in this Act shall be construed to include and intend the person for the time being lawfully administering the Government of this Island and the words Police District shall be held to embrace and comprehend as well all existing Police Districts as any others that may hereafter be lawfully formed and established as such within this Island.

W. T. DENISON.

Passed the Legislative Council this twenty-eighth day of March, one thousand eight hundred and forty-eight,

J. W. KIRWAN, *Clerk of the Council.*

SCHEDULES REFERRED TO.

A.

FORM OF NOTICE OF REGISTERING DOGS.

A DESCRIPTION of Dogs intended to be kept by A. B. of in the Police District of during the Year ending on the 30th April 18

Number of Dogs.	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.

Date.

