

ANNO QUINTO  
**Gulielmi IV. Regis.**

No. 8.

*By His Excellency Colonel GEORGE ARTHUR Lieutenant  
 Governor of the Island of Van Diemen's Land and its  
 Dependencies, with the advice of the Legislative Council.*

*AN ACT to restrain the Increase of Dogs.*

**W**HEREAS great inconveniences are sustained by sheep owners and others by the great number of wild and other Dogs which roam at large in divers parts of this Island and it is expedient to establish some regulations by law for checking so serious an evil.

Preamble,

**BE IT THEREFORE ENACTED** by His Excellency Colonel GEORGE ARTHUR Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that if any person shall after the first day of *November* now next ensuing keep or knowingly have or knowingly permit any person in his service as overseer or otherwise to keep or have any dog above the age of two months without having caused a description of the same to be registered in the manner hereinafter mentioned he shall forfeit and pay for every such dog a penalty or sum of not less than five shillings nor more than five pounds and that within the meaning of this Act the word dog shall invariably (except where otherwise expressed) be taken to include equally the female as well as the male.

All dogs to be registered.

**II.—AND BE IT ENACTED** that every such registration shall be made by the owner or keeper of the dog intended to be registered or some person on his behalf delivering annually during the month of *October* in this and in every succeeding year into the office of the Police or Assistant Police Magistrate of the district in which it is intended to be kept a description of every such dog embracing the several particulars contained in the schedule to this Act 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.

General Registration to be during the month of *October*.

Special registrations during other months.

III.—AND (in order to provide for accidental or unavoidable omissions in any such registration during the month of October) BE IT ENACTED that a description of any dog in the form contained in the said schedule may also be registered during any other month PROVIDED that no such registration as last aforesaid shall be deemed sufficient after the month of October then next ensuing, but that every registration under this Act (without reference to the date of registry) shall be taken to have been made only for the year ending on the thirty-first day of that month.

Certain sums to be raised for the purposes of this Act.

IV.—AND (in order to raise a fund for the purposes hereinafter provided for) BE IT ENACTED that at the time of making every such registration there shall be paid into the hands of such Police or Assistant Police Magistrate in respect of every dog mentioned in such description the sum or sums mentioned in the schedule to this Act marked B and until the proper amount shall have been so paid no such registration shall be deemed to have been duly made PROVIDED that where the registration shall happen to have been made after the month of March one half only of the sum or sums mentioned in the said schedule shall be payable.

Penalty for false description.

V.—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 two pounds nor more than ten pounds.

As to proof of ownership.

VI.—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 land or premises upon which such dog shall be found unless reasonable proof to the contrary be adduced by the defendant and the person by whom any dog shall in fact 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 or labourer the same shall be deemed to be kept by his master or employer for the time being.

As to proof of registration.

VII.—AND BE IT ENACTED that in proceedings under this Act it shall not be necessary for the prosecutor to establish the fact of non-registration but the proof of due registration shall lie on the defendant and for that purpose a certified copy of any description so delivered in as aforesaid under the hand of the Police or Assistant Police Magistrate into whose office the same was delivered shall on proof of signature be equivalent to the production and proof of the original for which certified copy there shall be paid to such Magistrate the fee of six-pence for every dog described therein 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.

Dogs not registered may be seized.

VIII.—AND BE IT ENACTED that it shall be lawful for any person at any place or time to seize and detain any dog not duly registered as aforesaid and upon notice thereof given to any Police or Assistant Police Magistrate such Magistrate shall summon the known 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 farther time

as such Magistrate may deem reasonable attend and claim such dog the same shall forthwith be killed AND if any dog whether registered or not shall after the said first day of November next be found at large in any part of this Island (other than the towns of Hobart town or Launceston) without being under the custody protection or control of some competent person it shall be lawful for any person to shoot at and kill such dog or otherwise destroy or use his best endeavors to destroy it.

Dogs found at large may be killed.

IX.—AND BE IT ENACTED that for every unregistered dog so seized or any dog found at large so destroyed there shall be paid to the person so seizing or destroying a reward of not less than five shillings nor more than forty shillings at the discretion of the Police or Assistant Police Magistrate for the purpose of defraying which sums from time to time the monies received by every such Magistrate for fees or otherwise under this Act are hereby in the first instance appropriated.

Rewards for such seizures, &c.

X.—AND BE IT ENACTED that all offences against this Act not otherwise provided for shall or may upon information in that behalf exhibited be in a summary way heard and determined and all fines and penalties in respect of the same be awarded and imposed by any Police or Assistant Police Magistrate and that if any person shall feel aggrieved by any summary judgment or conviction under this Act such person shall be entitled to appeal therefrom in the manner in that behalf provided by the Act intituled "*An Act to regulate summary proceedings before Justices of the Peace.*"

Proceedings to be in a summary way.

XI.—AND BE IT ENACTED that if any action shall be brought against any person for any thing done 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 non-suited 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 other case to recover costs by law.

The Act to be pleaded in case of actions.

XII.—AND BE IT ENACTED that all and singular the monies which shall remain in the hands of the several Police or Assistant Police Magistrates in each year after paying such rewards as aforesaid and otherwise defraying the expenses of this Act shall be accounted for by them to the Lieutenant Governor annually in the month of October and a statement thereof shall be published in the Hobart town Gazette for general information and the respective amounts of all such balances shall be thereafter appropriated by them to such local purposes as the said Lieutenant Governor shall from time to time direct.

Appropriation of surplus monies.

XIII.—PROVIDED ALWAYS AND BE IT ENACTED that (in order to supply sufficient funds in every district for payment of the rewards mentioned in the aforesaid ninth section) it shall be lawful for the said Lieutenant Governor at any time or times during the year whether in the said month of October or not to require from any such Police or Assistant Police Magistrate an account of monies received and expended by him under this Act and to direct such Magistrate to pay the whole or any part of such monies into the hands of any other Police or Assistant Police Magistrate for defraying the amount of any

For supplying sufficient funds for rewards in each district.

such rewards as aforesaid and otherwise for the purposes of this Act any thing in the preceding section to the contrary notwithstanding.

List of dogs registered to be exhibited.

XIV.—AND BE IT ENACTED that every Police or Assistant Police Magistrate shall keep at all times in some convenient part of his Office during Office hours for public inspection a correct list or account of all dogs registered within his district together with the registered description of every such dog and the name of the registering owners or keepers thereof respectively and any person applying for the same shall within three days after demand and on payment of the sum of five shillings be entitled to have a true copy of such list or account made out and delivered to him.

Application of the term Lieutenant Governor.

XV.—AND BE IT ENACTED that the term "Lieutenant Governor" used in this Act shall be construed equally to intend or apply to the Governor or any other person for the time being lawfully administering the Government.

Continuance of Act.

XVI.—AND BE IT ENACTED that this Act shall continue and be in force until the thirty-first day of October one thousand eight hundred and thirty-six upon and from which day the same shall cease and determine.

Passed the Legislative Council  
this seventeenth day of Sep-  
tember one thousand eight  
hundred and thirty-four.

GEORGE ARTHUR.

ADAM TURNBULL, Clerk of the Council.

SCHEDULE A.

A description of \_\_\_\_\_ dogs intended to be kept by A. B. of  
within the district of \_\_\_\_\_ during  
the year ending on the thirty-first day of October 183 .

List of dogs to be kept.	Premises on which each dog is intended to be kept.	Whether male or female.	Age of dogs.	Colour & peculiar marks if any.	Species of dog & whether used as a watch dog or sheep dog or for purposes of sporting or amusement.

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.

SCHEDULE B.

Watch dogs kept on the chain or sheep dogs kept <i>bonâ fide</i>	s. d
for that purpose <i>only</i> - - - - -	2 6
All other dogs - - - - -	10 0

These sums to be payable in respect of *males*. *Twice* that amount (according to the description as above) to be paid for every dog being *female*.