

Province of Auckland.



DOG NUISANCE ACT,

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION 1, No. 4.

ANALYSIS.

<p>Title. Preamble, reciting Ordinance of Legislative Council, Session 3, No. 19.</p> <p>1. Recited Ordinance repealed.</p> <p>2. Commissioner, &c., of Police to provide "Dog Tickets."</p> <p>3. Tickets to be marked.</p> <p>4. Supply of tickets to be kept at Police Office.</p> <p>5. Books with names of persons procuring tickets, to be kept at Police Office for inspection.</p> <p>6. Owner of Dog at large without ticket, liable to penalty.</p> <p>7. Penalty for counterfeiting, &c., ticket.</p> <p>8. Dogs found at large without owner, may be seized by constable and kept 48 hours.</p> <p>9. If claimed, to be delivered to owner or payment of fine.</p> <p>10. If not claimed, to be destroyed.</p> <p>11. A note of the description of all dogs seized</p>	<p>to be made and delivered to the Clerk of the Police Office.</p> <p>12. Clerk to enter particulars in Book to be open to inspection.</p> <p>13. Penalty for permitting dangerous dogs to go at large without muzzles; such dogs may be killed.</p> <p>14. Penalty for dogs attacking persons, &c.</p> <p>15. Penalty on constables neglecting to inform against owner of dog without ticket attached.</p> <p>16. Penalty on constable neglecting to seize dogs improperly at large.</p> <p>17. Penalty on constable for improperly seizing dogs.</p> <p>18. Money received by constables to be paid monthly to Commissioner or other officer in charge of Police, to be accounted for by him.</p> <p>19. Half penalty to be paid to informer.</p> <p>20. Interpretation of "Owner."</p> <p>21. Commencement and operation of Act.</p>
--	---

An Act to abate the Nuisance caused by Dogs.

WHEREAS and Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Session 3, No. 19, intituled "An Ordinance to provide a summary mode of abating the nuisance of Dogs wandering at large in towns." And whereas it is expedient to repeal the said Ordinance, and to make other provisions in lieu thereof. Be it thereof enacted, by the Superintendent, of the Province of Auckland, with the advice consent of the Provincial Council thereof, as follows :

1. The said recited Ordinance, so far as the same related to the Province of Auckland, is hereby repealed.

Title.

Preamble, reciting Ordinance of Legislative Council, Session 3, No. 19.

Recited Ordinance repealed.

Commissioner, &c., of
Police to provide
"Dog Tickets."

2. For every year, the Commissioner or other officer having charge of the Police Force shall provide "Dog Tickets," of a convenient description, and shall cause the same to be marked in some distinctive manner.

Tickets to be marked.

3. In addition to the distinctive marks, the tickets issued at each Police Office shall be numbered consecutively from one upwards for each year, and shall also have the year for which they are issued marked thereon in figures.

Supply of Tickets to
be kept at Police
office.

4. A supply of such tickets shall be kept at the Police Office, Auckland, and at such other Police Offices as the Superintendent shall from time to time direct; and any person shall be entitled to receive any number of such tickets, on payment of a fee of five shillings each.

Books with names of
persons procuring
tickets to be kept at
Police Office for in-
spection.

5. The names and residences of all persons who shall procure such tickets shall be entered alphabetically in a book to be kept at every such Police Office for that purpose, and opposite the names shall be stated the number on the tickets respectively purchased by such persons. Such book may be examined by any person during office hours, on payment of a fee of one shilling.

Owner of dog at large
without ticket liable
to penalty.

6. If any dog, upwards of three months, old shall be at large (whether with or without his owner) on any highway or on unenclosed land, without a ticket issued for the then current year affixed to him, the owner of such dog shall forfeit for every such offence any sum not exceeding twenty shillings. The proof that any dog is less than three months old shall, in any proceeding under this Act, lie on the owner of such dog.

Penalty for counter-
feiting, &c., ticket.

7. If any person shall falsely make or counterfeit, or, knowing the same to be false or counterfeit, purchase, use, or have in his possession, any ticket resembling or apparently intended to resemble or pass for any ticket provided or issued by any Commissioner or other Officer of Police as aforesaid, every such person shall forfeit and pay for every such offence any sum not exceeding twenty pounds.

Dogs found at large
without owner may be
seized by constable
and kept 48 hours.

8. Every dog, whether with a ticket affixed to him or not, found at large in any highway without his owner, may be seized by any constable, and shall be kept exposed to view in some public place to be appropriated for the purpose at the Police Office in or nearest to the district in which such dog shall be seized, for the space of forty-eight hours at least, if not sooner claimed.

If claimed, to be
delivered to owner on
payment of fine.

9. If within the said forty-eight hours any person shall claim any such dog, the person in charge of such public place shall (upon being satisfied that the person making such claim is the owner thereof, or is some person authorized by him) deliver such dog to the person so claiming the same, upon payment of the sum of five shillings.

10. If within the said forty-eight hours no such claim and payment as aforesaid shall have been made in respect of any such dog so seized and kept as aforesaid, the person having custody of such dog shall forthwith destroy the same: Provided always that no dog which shall have a "Dog Ticket" affixed to him, whereon the number shall be legible, shall be destroyed without first giving notice in writing of the seizure of such dog twenty-four hours before he shall be destroyed, to the person to whom such ticket was issued. Such notice to be served personally or by leaving the same at such person's usual or last known place of abode in the district in which such dog shall be seized.

If not claimed, to be destroyed.

11. When any dog shall have been seized under the authority of this Act, the constable seizing the same, or some person by his authority, shall make a note in writing of the description of the dog so seized, and the time and place of seizure thereof, and stating whether the dog shall have been delivered to the owner thereof, or destroyed, and as soon as conveniently may be after such dog shall have been disposed of in manner hereinbefore provided, such constable shall deliver the said note to the Clerk of the Police Office.

A note of the description, &c, of all dogs seized to be made and delivered to the Clerk of the Police Office.

12. The said Clerk shall forthwith enter the particulars contained in the said note, in a book to be kept for the purpose, and any person may examine such book at any time during office hours, on payment of a fee of one shilling.

Clerk to enter particulars in book to be kept open to inspection.

13. Any person who shall permit and bull-dog or mastiff, or a mongrel of either of the same, or any other dog which shall be known to be dangerous, or to have bitten or injured any person, or any cattle or other property (whether such dog shall have a "Dog Ticket" affixed to him or not), to go at large without a muzzle securely fixed upon the mouth of every such dog, so as to prevent the same from biting or injuring any person, or any cattle or other property, shall forfeit and pay for every such offence any sum not exceeding forty shillings; and any such dog so at large may be forthwith seized and killed by any constable.

Penalty for permitting dangerous dogs to go at large without muzzles.

Such dogs may be killed.

14. If any dog shall on any highway or on any unenclosed place rush at or attack any person, or any cattle, whereby the life or limbs of any person shall be endangered, or any cattle or other property injured, the owner of such dog shall forfeit and pay any sum not exceeding five pounds, without prejudice to any claim for the damage done by such dog.

Penalty for dogs attacking persons, &c.

15. Any constable neglecting to lay an information against the owner of any dog which shall not have a "Dog Ticket" affixed to him as hereinbefore provided, shall forfeit and pay for every such offence any sum not exceeding forty shillings.

Penalty on constable neglecting to inform against owner of dog without ticket attached.

16. Any constable neglecting to seize or destroy any dog as hereinbefore provided, shall forfeit and any sum not exceeding, forty shillings.

Penalty on constable neglecting to seize dogs improperly at large.

17. Any constable who shall knowingly seize any dog

Penalty on constable

for improperly seizing dogs.

which shall not be at large contrary to the provisions of this Act, shall forfeit and pay for every such offence any sum not exceeding twenty shillings, and if such dog shall be destroyed, shall pay to the owner of the same the full value thereof, and also forfeit and pay a penalty no exceeding five pounds.

Money received by constables to be paid monthly to Commissioner or other officer in charge of Police, to be accounted for by him.

18. All money received by any constable in respect of dogs seized under authority of this Act, after deducting therefrom the sum of sixpence for food (to be provided by such constable) for every such dog seized and kept on the week preceding, shall be paid over weekly to the Commissioner or other officer in charge of the Police, to be accounted for by him.

Half penalty to be paid to informer.

19. One-half of all fines and penalties received under this Act shall be paid to the informer or prosecutor, if the convicting Justice shall so direct.

Interpretation of "owner,"

20. The owner of any dog shall for the purpose of this Act be deemed to be person upon whose premises such dog may be kept, or the person in whose care such dog may temporarily be, whether loose or confined.

Commencement and operation of Act.

21. This Act shall come into operation in the Districts of the City and Suburbs of Auckland (as the same are respectively constituted Electoral Districts for the purpose of returning members to serve in the Provincial Council), on the first day of March, 1854; and from time to time in such other Districts as shall be proclaimed by the Superintendent in the *Auckland Provincial Gazette*, to come within the operation of this Act.

T. H. BARTLEY,
Speaker.

Passed the Provincial Council, this
twenty-seventh day of January One
Thousand Eight Hundred and Fifty
four.

J. COATES,
Clerk of Provincial Council.

On this fourth day of February, in the year
One Thousand Eight Hundred and Fifty-
four, I assent to this Act on behalf of the
Governor.

R. H. WYNYARD,
Superintendent.