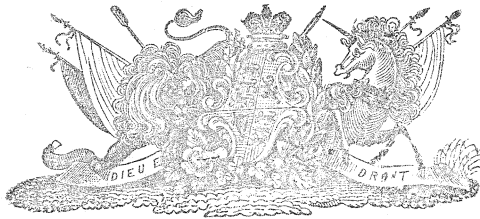


PROVINCE OF MARLBOROUGH.



DOG NUISANCE ABATEMENT ACT.

IN THE TWENTY-FOURTH AND TWENTY-FIFTH YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION II., No. 2.

ANALYSIS :

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| <p>Title.<br/>Preamble.<br/>1. Recited Ordinance and Acts repealed.<br/>2. Superintendent to appoint Registrar, &amp;c.<br/>3. Owners of Dogs to register them.<br/>4. Registers to be open to inspection at the Office of the Registrar or Deputy Registrars.<br/>5. Fee to be paid on Registration, and Register Ticket to be obtained.<br/>6. Penalty for not registering Dogs.<br/>7. Penalty for refusing to show Register Ticket when required.<br/>8. Penalty for counterfeiting Ticket.</p> | <p>9. In certain cases Dogs may be destroyed.<br/>10. Penalty for allowing dangerous Dogs to be at large without Muzzles.<br/>11. Penalty for removing Dog Ticket.<br/>12. Penalty on Constable neglecting to lay Information against Owners of Dogs without Tickets.<br/>13. All Fees and Fines recovered in a summary manner.<br/>14. Interpretation Clause.<br/>15. When this Act comes into force.<br/>16. Short Title.</p> |
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*An Act to provide for the Abatement of the Dog Nuisance.*

Title.

WHEREAS an Ordinance was passed by the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, in Session I., No. 11, intituled "An Ordinance to abate the Dog Nuisance:" And whereas two Acts were passed by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, Session V., No. 7, intituled "An Act to provide for the Abatement of the Dog Nuisance;" and Session VI., No. 6, intituled "An Act to amend the Dog Nuisance Act, 1858:" And whereas it is expedient that the said recited Ordinance and the said two recited Acts be repealed, and other provisions made in lieu thereof: Be it therefore enacted by the Superintendent of the Province of Marlborough, with the advice and consent of the Provincial Council thereof, as follows:—

Preamble.

1. The said recited Ordinance and the said two recited Acts, so far as regards the Province of Marlborough, shall be, and the same are, hereby repealed.
2. It shall be lawful for the Superintendent to appoint some fitting persons to be Registrar and Deputy Registrars of Dogs, and to make rules and regulations for the conduct of such Officers and the management of their Offices.

Recited Ordinance and Acts repealed.

Superintendent to appoint Registrars, &c.

Owners of  
Dogs to regis-  
ter them.

3. The owner (not being an aboriginal native) of any dog or dogs, three months old or upwards, shall, within one month after notification by the Superintendent of this province (in some newspaper published in this province) that this act has been assented to; and annually afterwards, upon the first day of September, register the name and residence of such owner, and the name and description of any dog or dogs of such owner, with the date of registration, in a book to be kept for that purpose by the Registrar or Deputy Registrars.

Registers to be  
open to in-  
spection at  
the Office of  
the Registrar  
or Deputy  
Registrars.

4. Such registers shall be open to inspection during the usual office hours, at the offices of the said Registrar or Deputy Registrars, on payment of a fee of sixpence by non-official persons.

Fee to be paid  
on Registra-  
tion, and Re-  
gister Ticket  
to be obtained.

5. For the registration of any such dog the sum of ten shillings shall be paid yearly to the said Registrar or Deputy Registrars, who shall, in return for the registration fee, supply to each individual a registration ticket, to be approved of by the Superintendent, of a convenient description to fasten to a dog collar, which ticket shall contain the number of the entry in the registration book and the year for which it is issued stamped thereon.

Penalty for  
not register-  
ing Dogs.

6. Any person maintaining, or having in his possession, or in his following, any dog which shall have been three months old, prior to either of the respective times hereinbefore fixed for such registration as aforesaid, and shall neglect to register the same within one calendar month after that date, or shall maintain or have in his possession, or in his following, any such dog without a collar with a registered ticket placed conspicuously thereon, shall forfeit and pay for every such offence any sum not less than twenty shillings nor more than five pounds. The proof that any dog is less than three months old shall, in any proceedings under this act, lie upon the owner of such dog: Provided always that where any such registered dog has lost his ticket during the year the owner of such dog shall, upon proving the same upon oath, to the satisfaction of one or more Justices of the Peace, be entitled to a renewed ticket, upon payment of a fee of two shillings and sixpence.

Penalty for  
refusing to  
show Register  
Ticket when  
required.

7. Any person, without any reasonable cause, refusing to exhibit such registered ticket when required to do so by any constable or other person duly authorised to examine the same, shall be liable to a penalty of not less than twenty shillings nor more than five pounds.

Penalty for  
Counterfeit-  
ing Ticket.

8. In case any person shall falsely make, or counterfeit, or knowing the same to be false or counterfeit, use or have in his possession, any ticket resembling, or apparently intended to resemble or pass for any ticket provided and supplied as aforesaid, such person shall forfeit and pay any sum not exceeding twenty pounds nor less than five pounds.

In certain  
cases Dogs  
may be de-  
stroyed.

9. Every unregistered dog, wherever found, and every dog or dogs, whether registered or unregistered, found molesting sheep, or at large without his or their owner or owners, upon any sheep run or enclosed land wherever sheep may be kept, may be destroyed.

10. Any person who shall permit any dog which shall be known to be dangerous (whether such dog shall have a dog ticket affixed to it or not) to go at large without a muzzle securely fixed upon the mouth of such dog, shall forfeit and pay for every such offence, any sum not exceeding forty shillings; and any dog so at large may, by the direction of any Justice of the Peace, be forthwith killed.

Penalty for allowing dangerous Dogs to be at large without Muzzles.

11. If any person shall remove from any dog of which he is not the owner, without the consent of the owner thereof, any dog ticket supplied under the provisions of this act, such person shall, for every such offence, forfeit and pay any sum not exceeding five pounds nor less than two pounds.

Penalty for removing Dog Ticket.

12. Any constable who shall knowingly neglect to lay any information against the owner of any dog which shall not have a dog ticket affixed to it, as hereinbefore provided, shall forfeit and pay for every such offence any sum not exceeding forty shillings.

Penalty on Constable neglecting to lay information against Owners of Dogs without Tickets.

13. All fees and fines imposed under the authority of this act shall be recoverable in a summary manner before two or more Justices of the Peace.

All Fees and Fines recovered in a summary manner.

14. Whenever in this act the words "this province" shall be used, they shall be understood to mean the Province of Marlborough; and whenever the word "Superintendent" only shall be used, it shall be understood to mean the Superintendent of the Province of Marlborough; and in describing or referring to any person or party, matter or thing, when the word importing the singular number or masculine gender only is used, the same shall be understood to include, and shall be applied to, several persons or parties, as well as one person or party, and females as well as to males, and several matters and things as well as to one matter or thing respectively. And the person upon whose premises any dog may be kept, or the person in whose care any dog may temporarily be, whether loose or confined, shall, for the purposes of this act, be deemed to be the owner of such dog.

Interpretation Clause.

15. This act shall come into operation immediately after the assent of the Governor thereto.

When this Act comes into force.

16. This act shall be termed, and may be cited, as "The Dog Nuisance Abatement Act, 1861."

Short Title.

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Passed by the Provincial Council, on Tuesday, the 30th day of April, 1861.

CYRUS GOULTER.

Speaker.

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Reserved for the signification of the Governor's pleasure thereon.

WILLIAM ADAMS,

Superintendent.

Passed the Provincial Council of Marlborough, as amended by the message of His Excellency the Governor, on Thursday, the 3rd day of October, 1861.

CYRUS GOULTER,  
Speaker.

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Reserved for the signification of the Governor's pleasure thereon.

W. D. H. BAILLIE,  
Superintendent.

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I hereby assent to this act, this 29th day of November, in the year of our Lord One Thousand Eight Hundred and Sixty-one.

G. GREY,  
Administrator of the Government.