



DOG NUISANCE ORDINANCE, 1855.

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

No. 18. A

ANALYSIS.

Preamble.

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| <p>1. New Munster Ordinance, Session I., No. 11, repealed.</p> <p>2. All owners of Dogs to Register them.</p> <p>3. Registry Book open for inspection.</p> <p>4. Fee for Registration to be paid to clerk to the Bench, who will supply Registration Ticket.</p> | <p>5. Penalty for refusing to exhibit Registration Ticket.</p> <p>6. Penalty for having unregistered Dogs.</p> <p>7. In certain cases Dogs may be destroyed.</p> <p>8. In cases for damage, not necessary to prove defendant's knowledge of Dog's propensity to injure.</p> <p>9. Moneys levied to be appropriated to public uses, and recovered in a summary way.</p> |
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AN ORDINANCE to Abate the Dog Nuisance.

WHEREAS it is expedient to repeal the Ordinance to abate the Dog Nuisance, passed by the Lieutenant-Governor of New Munster and the Legislative Council thereof, in the first Session of the said Council, and numbered 11, and to make further provision in that behalf as far as regards the Province of Otago.

BE IT ENACTED by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, as follows:—

1. The above recited Ordinance shall be and the same is hereby, as far as regards the Province of Otago, repealed. New Munster Ordinance, Session I., No. 11, repealed.
2. The owner, whether Native or European, of any Dog or Dogs six months old or upwards, shall annually upon the 1st day of April, register the same in a book to be kept for that purpose by the Clerk to the Bench of Magistrates. All Owners of Dogs to register them.

Registry Book open for inspection.

3. In the Registry Book shall be entered the name and designation of the Owner, the name and description of the Dog, and the date of Registration; and the Registry Book shall be open to inspection at the Office of the Clerk to the Bench of Magistrates, on payment of a fee of sixpence by non-official persons.

Fee for registration to be paid to clerk to the Bench, who will supply Registration Ticket.

4. For the Registration of every such Dog the sum of Ten Shillings shall be paid yearly to the Clerk to the Bench of Magistrates, and the said Clerk to the Bench of Magistrates shall, in return for the Registration Fee, supply to each individual a Registration Ticket, containing the number in the Registration Book, the name of the Owner, the name and description of the Dog, and the date of registration.

Penalty for refusing to exhibit Registration Ticket.

5. Any person, without reasonable cause, refusing to exhibit such Registration Ticket, when required to do so by any Constable or other person duly authorised to ask for the same, shall be liable in a penalty not exceeding £5, to be recovered in the manner prescribed by section 9.

Penalty for having unregistered Dogs.

6. Any person maintaining, or having in his following any Dog, which shall have become six months old prior to the 1st day of April in any year, unregistered for three months after that date, shall be liable in a penalty of not less than Twenty Shillings, nor more than Five Pounds.

In certain cases Dogs may be destroyed.

7. All unregistered Dogs, wheresoever found, and all Dogs, whether registered or unregistered, found molesting sheep upon any sheep run may be destroyed.

In cases for damage, not necessary to prove defendant's knowledge of Dog's propensity to injure.

8. In all cases where damages for injury done by a Dog are sought to be recovered from the Owner, it shall not be necessary for the plaintiff to prove that the Owner knew of the Dog's propensity to commit the injury complained of; but the defendant may bring evidence to show that he had no reason to believe that his Dog was likely to commit such injury, and this evidence may go in mitigation of damages.

Monies levied to be appropriated to public uses, and recovered in a summary way.

9. All Registration Fees and Penalties, levied under this Ordinance, are hereby reserved to Her Majesty, her heirs, and successors, for the public use of the said Province, and shall be subject to the appropriation of the Provincial Council thereof, and shall be payable at the office of the Clerk to the Bench of Magistrates, and shall be recoverable in a summary way at the suit of any person whom the Superintendent of the said Province may authorise by warrant under his hand to recover the same.

Passed the Provincial Council this 27th day of March 1855.

JOHN GILLIES,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the twenty-seventh day of March, One Thousand Eight Hundred and Fifty-five.

W. CARGILL,
Superintendent of the Province of Otago.