

New Parliament.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
10th December, 1879.*

Mr. Wakefield.

Registration of Dogs.

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A BILL INTITULED

AN ACT to compel the Registration of Dogs.

Title.

WHEREAS it is expedient to make provision for the registration of dogs :

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Registration of Dogs Act, 1879."

Short Title.

2. A supply of tickets of a convenient description shall be kept at such police offices or other places as the Governor may from time to time direct, and such tickets shall be marked in a distinctive manner, and 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, and any person shall be entitled to receive any number of such tickets on payment of a fee of *five* shillings each, and duplicate tickets shall be issued on payment of *one* shilling, on affirmation or oath that the original has been lost or stolen.

Tickets to be supplied on payment of a fee.

3. The name and residence of all persons who shall procure such tickets shall be entered in a register-book, to be kept at such police-station or other place as aforesaid for that purpose, and opposite the name shall be registered the number on the tickets respectively purchased by such persons and a description of any dogs to which such tickets are to be affixed ; and such register-book may be examined by any person within office hours on payment of a fee of *one* shilling.

Particulars to be registered.

4. If any dog upwards of three months old shall be at large, either with or without its owner, without a ticket issued for the then current year affixed to it, the owner of such dog shall forfeit for every such offence any sum not exceeding *twenty* shillings.

Owner of dogs at large without a ticket to be fined.

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 ; and any person on whose premises or in whose following or keeping such dog may be shall be deemed to be the owner of such dog.

- Fine for counterfeiting tickets. 5. If any person shall counterfeit, or, knowing the same to be counterfeit, use any ticket intended to pass for any ticket provided as aforesaid under this Act, every such person shall forfeit for every such offence any sum not exceeding *twenty* pounds.
- Dogs at large without a ticket to be seized. 6. Every dog found at large without a ticket as aforesaid affixed to it may be seized by any constable or other person, and kept at any police office or other place as aforesaid for the space of forty-eight hours at least, if not sooner claimed. 5
- Dogs to be delivered to owners on payment of fee. 7. If within the said forty-eight hours any person shall claim any such dog, the person in charge of such police office or other place as aforesaid 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, in addition to the fee for registration in case such dog shall not have been previously registered. 10
- Unclaimed dogs to be destroyed. 8. 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, or cause the same to be sold by auction. 15
- Particulars to be registered. 9. When any dog shall have been seized and disposed of under the authority of the *seventh* or *eighth* section of this Act, the person so disposing of it shall note the time and place of seizure thereof, and the fact of whether such dog has been destroyed or sold or delivered to the owner thereof, in the register-book aforesaid. 20
- Owners of dangerous dogs at large to be fined. 10. Any person who shall permit any dog which shall be known to be dangerous, or to have bitten or injured any person or any cattle or other property, to go at large, whether with a ticket affixed to it or not, shall forfeit 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. 25
- Owners of dogs doing injury to be fined. 11. 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 any sum not exceeding *five* pounds, without prejudice to any claim for the damage done by such dog. 30
- Constable neglecting to lay information liable to penalty. 12. Any constable wilfully neglecting to lay an information against the owner of any dog which shall not have a ticket affixed to it, as hereinbefore provided, shall forfeit for every such offence any sum not exceeding *forty* shillings. 35
- Constable neglecting to seize dogs liable to penalty. 13. Any constable neglecting to seize or destroy any dog, as hereinbefore provided, shall forfeit any sum not exceeding *forty* shillings. 40
- Constable wrongfully acting liable to penalty. 14. Any constable or other person who shall knowingly seize any dog which shall not be at large contrary to the provisions of this Act, shall forfeit 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 a sum not exceeding *five* pounds. 45
- Disposal of moneys. 15. All moneys received by any constable or other person in respect of dogs seized under the authority of this Act shall be paid over, from time to time, to the Commissioner or other officer in charge of the police, to be accounted for by him. 50
- Governor to appoint places and persons. 16. It shall be lawful for the Governor to appoint any places for the registration of dogs under this Act, or any persons to do any things under the authority of this Act, and to pay to such persons for doing any such things any part of the fees to be paid to them under this Act as he may think fit. 55
- Payment to informers. 17. 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.

18. This Act shall come into force on the *first* day of January, one thousand eight hundred and *eighty*, or on such other date as the Governor may fix by Proclamation in the *Gazette*.

Date of operation of Act.

19. From and after the day when this Act shall come into force, the several enactments enumerated in the Schedule to this Act shall be repealed.

Repeals.

20. Nothing in this Act contained shall affect the operation of "The Injuries by Dogs Act, 1865."

Operation of "Injuries by Dogs Act, 1865," not affected hereby.

21. Nothing in this Act is to apply to dogs within districts brought under "The Rabbit Nuisance Act, 1876."

Act not to apply to dogs brought under "Rabbit Nuisance Act, 1876."

22. All fees, fines, or other moneys received under this Act shall be paid to the governing body of the Municipality, Town Board, or County within which such fees shall be received, or, where "The Counties Act, 1876," is not in force, then to the Board of the Road District within which such fees shall be received.

Application of fees.

SCHEDULE.

Schedule.

ACTS AND ORDINANCES REPEALED.

(1.) *Ordinance of the Governor and Legislative Council of New Zealand.*

Sess. III., 1844, No. 19.—An Ordinance to provide a summary mode of abating the Nuisance of Dogs wandering at large in Towns.

(2.) *Ordinance of the Lieutenant-Governor and Legislative Council of New Munster.*

1849, No. 11.—An Ordinance to abate the Dog Nuisance.

(3.) *Acts of the Province of Auckland.*

Sess. I., 1854, No. 4.—An Act to abate the Nuisance caused by Dogs.

Sess. XXIX., No. 28.—The Highways Act, 1874. [*In part—namely, section 82.*]

(4.) *Ordinances of the Province of Taranaki.*

Sess. XXI., No. 7.—The Dog Nuisance Ordinance, 1872.

Sess. XXIII., No. 6.—The Dog Nuisance Ordinance 1872 Amendment Ordinance, 1874.

(5.) *Act of the Province of Hawke's Bay.*

Sess. XVIII., No. 5.—The Dog Nuisance Act, 1871.

(6.) *Act of the Province of Wellington.*

Sess. X., 1863, No. 12.—The Dog Nuisance Act.

(7.) *Acts of the Province of Nelson.*

Sess. X., No. 5.—The Dog Nuisance Act, 1863.

Sess. XXV., No. 9.—The Dog Nuisance Act Amendment Act, 1874.

(8.) *Acts of the Province of Marlborough.*

Sess. VII., No. 6.—The Dog Nuisance Abatement Act, 1863.

Sess. XIX., No. 1.—The Dog Nuisance Abatement Act Amendment Act, 1869.

(9.) *Ordinances of the Province of Canterbury.*

1861.—The Dog Nuisance Ordinance, Sess. XVII., No. 3.

Sess. XIX., No. 4.—The Dog Nuisance Amendment Ordinance, 1862.

(10.) *Ordinances of the Province of Otago.*

Sess. XVI., No. 85.—The Dog Nuisance Ordinance, 1862.

Sess. XXXIV., No. 485.—The Dog Nuisance Ordinance 1862 Amendment Ordinance, 1875.

Sess. XXXIV., No. 486.—The Dog Nuisance Ordinance (Southland) Repeal Ordinance, 1875.

(11.) *Ordinance of the Province of Southland.*

Sess. XII., No. 67.—The Dog Ordinance, 1866.

Deduction in case of absence.

4. If during any session any member shall absent himself for any number of sitting days exceeding *five*, there shall be deducted from the allowance to be made to such member for every sitting day (exclusive of such *five* sitting days) during which he may be absent such sum as will bear a like proportion to the full amount payable to any member under this Act as one sitting day will bear to the whole number of sitting days in such session. 5

Deduction not to be made in case of illness.

5. The preceding provisions as to the deduction to be made in the case of absence of any member shall not apply where such absence is caused by reason of illness or from any other cause which shall, by the Speaker of the House giving the certificate hereinafter provided to be given, be stated to be a reasonable cause for such absence, if such member shall be in the place where the General Assembly is sitting. 10

Travelling allowances.

6. In addition to the allowance to be made under the *third* section of this Act, there shall be paid to every member who resides more than *three* miles from the building or place wherein the General Assembly is summoned to meet the actual sums which such member shall have reasonably paid or incurred for or in respect of proceeding to and returning from such meeting of the General Assembly. 15

Provided that such payment shall be made only in respect of one journey to and from such meeting, and none other. 20

Payments to be made out of Consolidated Fund.

7. All moneys to be paid under this Act shall be paid out of the Consolidated Fund.

No payments to be made without Speaker's certificate.

No payment shall be made to any member except upon the certificate of the Speaker of the House of which the person claiming such payment shall be a member. 25

Exceptions.

8. No payment under this Act shall be made to any member in respect of any session or in respect of any part of any session during which such member— 30

- (1.) Holds any one or more of the Ministerial offices mentioned in the Third Schedule to "The Civil List Act 1863 Amendment Act, 1873," or any Ministerial office that may by law be substituted for or added to the offices mentioned in such Schedule;
- (2.) Is Speaker of the Legislative Council or of the House of Representatives respectively;
- (3.) Or, is Chairman of Committees of the said Council or of the House of Representatives respectively.