

No. XI.

AN ORDINANCE to abate the Dog Nuisance.

[2nd October, 1849.]

DOG NUISANCE.

WHEREAS it is expedient to repeal the Dog Nuisance Ordinance, enacted by the Governor of New Zealand and the Legislative Council thereof in the Third Session of the said Council, and numbered nineteen, as far as regards the Province of New Munster.

Preamble.

1. Be it enacted by the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, That the said Ordinance, Session III. No. 19, be and the same is hereby, as far as regards the Province of New Munster, repealed.

Repeal of Ordinance.
Session III. No. 19.

2. Be it enacted, That the owner of any dog or dogs is hereby required, from and after the first day of January, one thousand eight hundred and fifty, to register the same in a book to be kept for that purpose by the Clerk to the Bench of Magistrates.

All owners of dogs
required to register
the same.

3. Be it enacted, That for the registration of every such dog the sum of ten shillings shall be paid annually to the said Clerk of the Bench of Magistrates.

Amount of fees for
registration.

4. Be it enacted, That all unregistered dogs may be destroyed by any person belonging to the Constabulary Force.

All unregistered dogs
may be destroyed.

5. Be it enacted, That any person maintaining or having in his following any unregistered dog, shall be liable to a penalty of ten shillings in addition to the registration fee.

Penalty for
maintaining
unregistered dogs.

6. Be it enacted, That all penalties under this Ordinance shall be recoverable in a summary way.

Mode of procedure.

7. Be it enacted, That the Registry Book shall be open to inspection at the Resident Magistrate's Court on payment of a fee of sixpence.

Registry Book open
to inspection.

NEW MUNSTER
ORDINANCES.*Dog Nuisance.*

In cases for damages not necessary to prove defendant's knowledge of dog's propensity to injure.

Upon requisition of Magistrates, Lieutenant-Governor may proclaim Ordinance.

All moneys levied by way of fine &c. to be expended in repairs of roads.

Natives not resident in any town, not to be subject to provisions under this Ordinance.
Commencement of Ordinance.

8. Be it enacted, That in all cases tried before the Resident Magistrate or any two Justices of the Peace, 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 shall go in mitigation of damages.

9. Be it enacted, That upon the requisition of the majority of the Magistrates of any district, the Lieutenant-Governor may proclaim this Ordinance to be in operation.

10. Be it enacted, That all moneys levied by way of fine penalty or forfeiture under this Ordinance are hereby reserved to Her Majesty, her heirs and successors, for the public uses of the Province of New Munster, and shall be paid into the Treasury thereof, to be issuable, by warrant, to the Commissioners of Roads, where such Commissioners exist, or to the principal officer of Government where there are no such Commissioners, to be expended in the repairs of the roads of the district wherein they are levied.

11. Be it enacted, That nothing in this Ordinance shall extend to any aboriginal native not resident in any town, or to any dog belonging to such native.

12. Be it enacted, That this Ordinance shall come into operation from the day of the passing thereof.