



# WESTERN AUSTRALIA.

ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ,

No. 14.

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## An Act to remove the annoyance occasioned by Dogs in the Colony of Western Aus- tralia.

**W**HEREAS it has been found necessary to abate the annoyance Preamble.  
occasioned by the number of Dogs infesting streets and high-  
ways in the Colony of Western Australia: Be it therefore enacted by  
His Excellency the Governor of Western Australia, by and with the  
advice and consent of the Legislative Council thereof, that any per-  
son who shall after the first day of January in the ensuing year, keep  
any Dog within the said Colony, without having first obtained a  
License in the manner and form hereinafter mentioned, shall forfeit No dog to be kept without  
license, under a penalty  
from 20s. to £5.  
and pay for every such dog a sum not less than twenty shillings nor  
exceeding five pounds; one moiety of such penalty to be paid to the  
party or parties informing.

II. AND be it enacted, that every person desirous of obtaining a License according to the provisions of this Act, shall deliver a description under his hand of the dog, for which he desires to obtain a License in the form in the annexed Schedule, with a declaration under his hand to the truth thereof, to the Collector or Sub-Collector of Revenue of the district, who shall thereupon, upon payment of the fee of five shillings, issue to such person a License in the form in the annexed Schedule, and every such License shall be deemed to be in force from the date thereof until the first day of January then next ensuing, and no longer.

Description of the dog to be delivered to the Collector or Sub Collector of Revenue, who shall issue a license on payment of 5s.

III. AND be it enacted, that where any dog shall have been sold or otherwise transferred to a new owner, the License so obtained as aforesaid shall be transferred by the Collector or Sub-Collector of Revenue, if requested by the holder, by endorsing thereupon the name and residence of the new owner, on payment of the fee of two shillings and sixpence.

Licenses may be transferred on payment of the fee of 2s. 6d.

IV. AND be it enacted, that the Collector or Sub-Collector of Revenue shall keep in some convenient part of his Office, during office hours, for public inspection, a correct list, arranged in alphabetical order, of the names of all persons who shall have obtained Licenses under this Act during the current year, and any person applying for a particular description of any dog for which any License shall have been obtained, and of the name of the owner or keeper thereof, shall be entitled to receive the same on payment of the fee of one shilling.

List of licensed persons to be kept by Collector or Sub-Collectors, who shall furnish particulars on payment of the fee of 1s.

V. AND be it enacted, that it shall be lawful for any persons to seize and detain any dog for which License shall not have been obtained as aforesaid : and upon notice thereof given to any Justice of the Peace, such Justice shall summon the owner, or reputed owner, or keeper, to appear and claim such dog ; and if such owner or keeper, or some one on his behalf, shall not within twenty-four hours after the service of such summons, or within such further time as such justice shall deem reasonable, attend and claim such dog, and pay any fines imposed therefor, the same shall be forthwith destroyed ; and if any mastiff, or bulldog, or mongrel of the same or any dog, with respect to which a conviction shall have taken place under the sixth clause of this Act, whether the owner thereof have a License or not, shall be found at large without having a muzzle securely fixed upon the mouth of such dog, so as to prevent the same from biting or injuring any person or property ; any such dog so found at large contrary to the provisions of this Act shall be liable to be immediately destroyed, and all persons are hereby authorised, and all constables especially ordered and required, to destroy every such dog accordingly.

Any person may seize unlicensed dogs, and give notice to a Justice of the Peace, who shall summon the owner, &c.

Mastiffs, bull-dogs, &c. to be muzzled, on pain of being destroyed.

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VI. AND be it enacted, that if any Dog shall in any street of any Town, or upon any highway in any part of the said colony, rush at or attack any person, or horse, or bullock, whereby the life, limbs, or property of any person may be endangered, the owner or keeper of every such dog shall forfeit and pay a sum not less than ten shillings nor exceeding five pounds for every such offence, over and above the amount of any damage which such dog may have occasioned.

Penalty for dogs attacking persons, rushing at persons, &c. not less than 10s. nor exceeding £5.

VII. AND be it enacted, that if any person shall knowingly and wilfully insert or omit, or cause or permit to be inserted or omitted, in any such description as aforesaid, any matter or thing whatsoever contrary to, or for the purpose of concealing, the truth, he shall forfeit and pay a sum not less than two pounds nor exceeding ten pounds.

Penalty for giving false description, not less than £2, nor exceeding £10.

VIII. AND be it enacted, that if any Constable having charge of a District shall fail or neglect to report to some Justice of the Peace within the said district any dog which shall be kept without such License as aforesaid, he shall, unless it appear that such fact could not have been known to him, forfeit and pay a sum not less than five shillings nor exceeding twenty-five shillings.

Penalty for Constable not reporting dogs not licensed, not less than 5s. nor exceeding 25s.

IX. AND be it enacted, that for every dog which shall be destroyed in conformity with the provisions of this Act, there shall be paid to the person destroying the same a reward of five shillings, on production of the certificate of a Justice of the Peace, to the effect that the head of such dog has been produced to him and destroyed.

Reward for destroying dogs in conformity with this act, 5s.

X. AND be it enacted, that if any constable shall neglect to destroy or to use his best endeavours to destroy, any bulldog, mastiff, or mongrel of the same, or vicious dog as aforesaid, which he shall find at large within his district contrary to the provisions of this Act, he shall forfeit and pay a sum not less than five shillings, nor exceeding twenty-five shillings.

Penalty for Constables neglecting to destroy bulldogs, mastiffs, &c. not less than 4s nor exceeding 20s.

XI. AND be it enacted, that if any constable, or other person, shall wilfully or maliciously destroy any dog which shall not be unlicensed, or which shall not be at large contrary to the provisions of this Act, he shall pay to the owner thereof the full value thereof, and shall also forfeit and pay a sum not less than twenty shillings nor exceeding five pounds.

Penalty for Constables destroying dogs not unlicensed, nor at large, the full value to the owners, and not less than 20s. nor exceeding £5.

XII. AND be it further enacted, that all Informations and Proceedings on account of any offence under this Act shall be heard and determined, and all forfeitures and penalties in respect of the same, shall be awarded and imposed in a summary way by any one Justice of the Peace, who shall summon before him the party accused and all necessary Witnesses, and upon appearance of the party accused

Jurisdiction by one Justice of the Peace.

such Justice shall hear the matter of such information, and shall examine all necessary Witnesses upon oath; and shall make such order thereon as to him shall seem meet; and in case the party accused shall be by him convicted, and shall fail to pay any fine or penalty, costs or expenses, awarded by such order within three days next after such order shall have been personally served on him, or left at his usual place of abode, it shall be lawful for such convicting Justice to levy and raise such fine or penalty, costs or expenses, by distress and sale of the goods and chattels of the party so convicted; and in case such goods and chattels shall be insufficient for that purpose, it shall be lawful for the convicting Justice to commit the party so convicted to any Gaol or House of Correction for any term not exceeding three calendar months. Provided always, that all Informations and Proceedings in respect of offences against this Act shall be commenced within three months next after the offences thereby respectively charged shall have been committed.

Proof of ownership.

XIII. AND be it enacted, that in all proceedings under this Act, the person who shall be in actual occupation of the house or premises upon which any dog shall have been found, shall be taken to be the owner of such dog, unless proof be adduced to the contrary; and the person by whom any dog shall be ordinarily kept shall be taken to be the owner thereof. Provided always, that with respect to any dog kept by a servant, the same shall be taken to be kept by the master or employer of such servant.

Limitation of prosecutions to 3 months.

XIV. AND be it enacted, that any prosecution against any person for anything done under this Act shall be commenced within three months after the offence alleged to have been committed.

Burden of proof of licence &c. to be upon defendant.

XV. AND be it enacted, that in all proceedings under this Act, the proof of licence, as well as of any other fact which may operate to take the case out of the provisions of this statute, shall be upon the defendant.

Exemption of dogs under 3 months old, and of sheep dogs &c.

XVI. PROVIDED always and be it enacted, that nothing in this Act contained shall extend or apply to any dog under the age of three months; nor to any dog solely kept or employed for the purpose of herding cattle or sheep.

Appropriation of fines arising from Licenses and Fines.

XVII. AND be it enacted, that all sums received for Licenses under this Act, and all sums arising from any fines hereinbefore mentioned, and not otherwise provided for, shall, after deducting expenses, be paid to the Colonial Treasurer, to be applied toward the Government of the colony in such manner as the Governor, acting with the advice and consent of the Legislative Council, shall by law appoint.

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XVIII. AND be it enacted, that this Act may be amended or Act may be amended repealed by any Act to be passed during the present session.

JOHN HUTT,  
GOVERNOR.

*Passed the Legislative Council }  
the 29th day of July, 1841. }*

WALKINSHAW COWAN,  
Clerk of the Council.

SCHEDULE NO. 1.

APPLICATION FOR A LICENSE.

I, \_\_\_\_\_ of \_\_\_\_\_ in the District of \_\_\_\_\_ hereby apply for a License to keep the Dog here described, which description I declare to be true and accurate, to the best of my knowledge.

Species.	Sex.	Age.	Name.	Colour.	Peculiar Mark.

SCDEDULE No. 2.

LICENSE.

I certify that \_\_\_\_\_ of \_\_\_\_\_, is authorised, under the Act 4 and 5 Vic., No. 14, to keep, till the first day of January next ensuing from the date hereof, the Dog hereinunder described; he having paid therefor into my hands the sum of five shillings. The \_\_\_\_\_ day of \_\_\_\_\_, 184 .  
Collector (or, Sub-Collector.)

*Description of the Dog hereby Licensed.*

Species.	Sex.	Age.	Name.	Colour.	Peculiar Mark.