



ANNO QUINQUAGESIMO SECUNDO ET QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1889.

No. 460.

An Act to provide for the Destruction of Wild Dogs and Foxes.

[Assented to, December 6th, 1889.]

BE it Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly, in this present Parliament assembled, as follows :

1. This Act may be cited as "The Wild Dog and Fox Destruction Act, 1889." Short title.

2. In the construction of this Act, except where the subject-matter or context or other provisions hereof require a different construction, the following terms in inverted commas shall have the respective meanings hereby assigned to them, that is to say— Interpretation.

"Authorised person" shall mean any person authorised by the Commissioner of Crown Lands for the purposes of this Act: Authorised person.

"Commissioner" shall mean the Commissioner of Crown Lands and Immigration for the time being: Commissioner.

"Lease" shall mean any lease granted under any of the Crown Lands Acts of land outside the boundaries of district councils and corporations: Lease.

"Lessee" shall include as well the original lessee of such land held under lease from the Crown as the assignee or transferee of such lease, and the devisee or personal representatives of any such lessee, assignee, or transferee: Lessee.

"Scalp"

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- Scalp. "Scalp" shall mean that portion of the skin of the head of any wild dog or fox to which both ears are attached:
- Scalp money. "Scalp money" shall mean a sum of money payable in respect of a portion of the skin of the head of any wild dog or fox to which both ears are attached:
- Wild dog. "Wild dog" shall include dingoes and any cross of the native dog, and also dogs run wild.
- Tax how levied and applied. **3.** A tax is hereby imposed of the sum of Sixpence on every square mile, or portion of a square mile, of land held under any lease from the Crown, which tax shall be due and payable by the lessee on the thirty-first day of January in each year, commencing on the thirty-first day of January, one thousand eight hundred and ninety, and shall be paid to the Treasurer of the said province, and shall be applied to the formation of a fund for the purpose of paying for the destruction of wild dogs and foxes, as hereinafter provided.
- Recovery of tax. **4.** The said tax may be levied or recovered by or under the authority of the Commissioner, in like manner as any rent is or shall be recoverable under any lease; and in case such tax shall be levied by distress, an order under the hand of the Commissioner shall be a sufficient warrant and authority to distrain.
- Fines on non-payment. **5.** If the said tax, payable under the authority of this Act, is not paid on or before the day appointed for payment thereof, a penalty of five per centum shall be added to such tax; and if the said tax or sum be not paid within one month after such day, together with such penalty, a further penalty of ten per centum shall be added; and if the said tax and such penalties be not paid within one month after such first month, the same shall be recoverable by the Commissioner by action in his own name in any Court of competent jurisdiction.
- Scalp money to be paid out of tax. **6.** The Treasurer of the said province is hereby authorised to pay out of the proceeds of the said tax, in respect of all wild dogs or foxes killed upon any lands outside the boundaries of any corporation or district council, a sum, to be annually fixed by the Commissioner and notified in the *Government Gazette*, not exceeding Ten Shillings, for every such wild dog or fox.
- Scalps or heads to be produced. **7.** Any person applying for scalp money in respect of any wild dog or fox so killed as aforesaid, shall be required to produce and hand over to some authorised person, for the purpose of destruction, the scalps or heads of such wild dogs or foxes, and to make a declaration before such authorised person who is hereby empowered to take the same, or before a Justice of the Peace, in the form or to the effect set forth in Schedule A hereto, that the wild dogs or foxes, in respect of which he is applying for scalp money, have been destroyed outside the boundaries of any corporation or district council.

8. The

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8. Every such authorised person shall, on the receipt of any scalps as aforesaid, make and sign a certificate and declaration in the form in the Schedule B hereto of the number of scalps so destroyed, and shall forthwith forward such last-mentioned certificate and declaration, and the declaration of the person applying for scalp money, to the Commissioner; and the Treasurer, on the order of the Commissioner, shall thereupon pay to the person who destroyed the wild dogs or foxes, or his order, the amount to which he is entitled under this Act.

Certificate of scalps to be forwarded to Commissioner.

9. Any person who shall wilfully make a false statement in any statement or declaration pursuant to the provisions of this Act, or the Schedules hereto, shall be deemed to have committed perjury, and shall be punishable accordingly.

Penalty for false statement.

10. All proceedings for the recovery of any pecuniary penalty hereby imposed for any omission, default, act, or offence shall be had and taken, and may be heard and determined in a summary way, by any Special Magistrate or two Justices of the Peace of the said province, under the provisions of the Ordinance No. 6 of 1850, being an ordinance "To Facilitate the Performance of the Duties of Justices of the Peace out of Sessions with respect to Summary Convictions and Orders," or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in such Act is or shall be provided; and the Special Magistrate or Justices of the Peace may also, in case any penalty is imposed, order the defendant, in default of payment thereof, to be imprisoned, with or without hard labor, for any period not exceeding six months.

Summary procedure.

11. All proceedings may be had and taken, and all penalties, fines, and sums of money incurred or imposed or payable under this Act, may be sued for and recovered at the suit of the Commissioner, or such other officer or authorised person as the Commissioner from time to time may in that behalf appoint.

Recovery of penalties.

12. No liability shall be imposed upon the Commissioner or Treasurer by virtue of this Act for the payment of any scalp money, except to the extent of the amount which shall for the time being be standing to the credit of the fund created by this Act and available for the payment of scalp money, and nothing herein contained, or hereby implied, shall affect or alter any covenant or liability made by or imposed upon, or hereafter to be made by or imposed upon, any lessee with reference to the destruction of vermin.

Limitation of Act.

13. This Act shall not apply to the Northern Territory.

Application of Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

KINTORE, Governor.

SCHEDULES

SCHEDULES REFERRED TO.

SCHEDULE A.

Declaration of Destruction.

I, [name of declarant] of _____, in the province of South Australia, do hereby declare that the _____ scalps now produced by me to Mr. [name of authorised person to whom declarant delivers scalps] are the scalps of wild dogs (or foxes) which have been killed at _____ in the said province, on lands situated outside the boundaries of any district council or corporation.

Declared at _____

day of _____

A. B. in the province of South Australia, the 18 _____, before me.

C. D.,

An authorised person under the provisions of the Wild Dog and Fox Destruction Act, 1889 (or a Justice of the Peace for the province of South Australia).

SCHEDULE B.

I certify and declare that Mr. _____ has this day produced and delivered to me the scalps of _____ wild dogs (or foxes); and that the said scalps were immediately burned (or destroyed by means of _____) in my presence.

Dated at _____

the _____

day of _____

18 _____.

A. B.,

An authorised person under the provisions of the Wild Dog and Fox Destruction Act, 1889.