

PREVENTION OF CRUELTY TO ANIMALS ACT, 1936.

No. 2273 of 1936.

An Act to consolidate certain Acts for the prevention of cruelty to animals.

[Assented to 13th August, 1936.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Prevention of Cruelty to Animals Act, 1936." Short title.
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. This Act is a consolidation of the Acts mentioned in the schedule, and the said Acts are hereby repealed. Consolidation and repeal.
4. In this Act, unless the context or subject matter otherwise indicates or requires—
 - "animal" means every species of quadruped and every species of bird, whether in a natural or domestic state, and all other animals dependent upon man for their care or sustenance or in a state of captivity :
 - "constable" means police officer, police constable, and special constable :

Interpretation.
956, 1908, s. 3.
1213, 1915, s. 5
1477, 1921, s. 4
Of. U.K.
1 & 2 Geo. 5
c. 27, s. 15.

s. 2. This Act was proclaimed to commence on 1st June, 1937: *Gazette* 25th March, 1937, p. 644.

s. 4. CUNNINGHAM v. SPARROW (1924) S.A.S.R. 17; 1 Austn. Digest 117. Held on the facts that working a horse with sore shoulders in the particular circumstances amounted to ill-treatment.

MARTIN v. CARPENTER (1925) S.A.S.R. 421; 1 Austn. Digest 115; reversing MARTIN v. CARPENTER (1925) S.A.S.R. 298. Where the defendant, in the course of an operation on an animal, broke and left an instrument in the urethra of the animal, held that, if the defendant allowed the broken pieces of the instrument to remain in the urethra for an unreasonable time without taking any steps to remove them or to alleviate the pain, he, by so doing, unreasonably caused unnecessary pain within the definition of "ill-treat." Observations that judicial notice may be taken of the fact that certain actions cause pain and that "ill-treat" implies something in the nature of a positive act.

GOLDSWORTHY v. LYONS (1935) S.A.S.R. 7. As to proof of knowledge necessary to bring an act within paragraph (c) of the definition of "ill-treat."

Of. U.K.
24 & 25
Geo. 5 c. 21,
s. 1.

“ ill-treat ” includes—

- (a) to wound, mutilate, overdrive, override, overwork, abuse, worry, torment, or torture ; or
- (b) knowingly to overload or overcrowd ; or
- (c) unreasonably, wantonly, or maliciously to neglect, beat, or cause unnecessary pain :

“ vehicle ” means every description of cart, wagon, truck, barrow, carriage, or other conveyance.

Ill-treating
animals.

956, 1908, s. 4
(part).
1747, 1926, s. 3.
Of. U.K.
1 & 2 Geo. 5
c. 27, s. 1.

5. (1) Any person who—

- (a) ill-treats, or causes or procures to be ill-treated, any animal ; or
- (b) wantonly or negligently fails to supply any animal with proper and sufficient food, or water, or as regards animals other than those running at large, or on a journey, with shelter ; or
- (c) keeps, or uses, or acts in the management of any place for the purpose of fighting or baiting any animal, or permits or suffers any place to be so used ; or
- (d) receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal ; or
- (e) incites any animal to fight, or baits any animal, or encourages, aids, or assists at the fighting or baiting of any animal ; or

s. 5. (1) (a) CUNNINGHAM v. SPARROW (1924) S.A.S.R. 17; 1 Austn. Digest 117. Where the evidence is such to constitute an offence against paragraph (a) literally read and the evidence supports nothing more than an offence against paragraph (h), the proper course is to lay a complaint under paragraph (h). Paragraph (a) must in those circumstances be construed as not covering the things forbidden by paragraph (h).

GOLDSWORTHY v. LYONS (1935) S.A.S.R. 7. A complaint which does not mention any of the states of mind that are essential to the constitution of the offence to “ ill-treat ” within the meaning of s. 4 does not give a reasonably clear and intelligible statement of the offence.

s. 5. (1) (b) BACKHOUSE v. JUDD (1925) S.A.S.R. 16; 1 Austn. Digest 118. Held on the facts that where the owner of stock had placed the stock at agistment and the stock was not supplied with proper and sufficient food, the owner was properly convicted. Observations as to the duties of owners and agistors of stock.

PAGE v. MARTIN (1934) S.A.S.R. 265. A person who has the possession or control of an animal is *prima facie* responsible for feeding it and cannot discharge himself from that responsibility by showing that he is not the actual owner.

- (f) conveys, carries, or packs, or causes to be conveyed, carried, or packed, whether in or upon any vehicle or not, any animal in such a manner or position as to subject the animal to unnecessary pain or suffering ; or Cf. U.K. 57 & 58 Vict. c. 57, ss. 22 (xxiv.)-(xxvii.), 23. Cf. U.K. 1 & 2 Geo. 5 c. 11, s. 1.
- (g) slaughters, or causes to be slaughtered, any animal in such a manner as to subject the animal to unnecessary pain or suffering ; or Cf. U.K. 1 & 2 Geo. 5 c. 27, s. 1 (3) (a). Cf. U.K. 23 & 24 Geo. 5 c. 39.
- (h) knowingly or wantonly rides, drives, uses, conveys, carries, or packs any animal which is unfit for such use or treatment or which is caused unnecessary pain by being ridden, driven, used, conveyed, carried, or packed ; or
- (i) neglects, as the owner or person in charge, to reasonably exercise, or cause to be exercised, at least once a day, any dog habitually chained up ; or Cf. U.K. 23 Geo. 5 c. 17, s. 1. Cf. U.K. 24 & 25 Geo. 5 c. 25, s. 1.
- (j) conveys, carries, or packs, or causes to be conveyed, carried, or packed, any poultry in any coop or receptacle together with any other poultry which is of different species ; or Cf. U.K. 25 & 26 Geo. 5 c. 31, s. 5 (2).
- (k) connives with another in doing any of the above acts,

shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty-five pounds or to imprisonment for any term not exceeding six months.

(2) An additional penalty of five pounds may be imposed for every day on which an offence committed under paragraph (c) or (d) of subsection (1) is continued.

(3) Any person who by ill-treating any animal, or inciting any animal to fight, does damage or injury to the animal, or thereby causes damage or injury to be done to any person or property, shall, in addition to such penalty as aforesaid, pay to the owner of the animal (if the offender is not the owner thereof), or the person who sustains damage or injury as aforesaid, such sum of money by way of compensation, not exceeding the sum of twenty pounds, as is ascertained and determined by the convicting court : Provided that nothing in this subsection shall take away any other remedy of the owner or any other person in respect of the damage or remedy. Cf. U.K. 1 & 2 Geo. 5 c. 27, s. 4.

Docking tail of horse in certain manner to be ill-treatment.
1477, 1921, s. 3.
Of. U.K.
9 & 10 Geo. 5
c. 54, s. 1 and
Fourth Sch. 6.

6. Without limiting the effect of any provision of this Act, any person who docks or causes or procures to be docked the tail of any horse in such a manner as to leave less than thirteen joints in the tail shall be deemed to be guilty of an offence against paragraph (a) of section 5.

Act not to apply to hunting or coursing of hares.
1477, 1921, s. 5.
U.K. 1 & 2
Geo. 5 c. 27,
s. 1 (3) (b).

7. Nothing contained in this Act shall apply to, or make unlawful, the hunting or coursing of hares which have not been liberated in a mutilated or injured state in order to facilitate their capture or destruction.

Dehorning cattle.
956, 1908, s. 5.
Of. U.K.
9 & 10 Geo. 5
c. 54, s. 1 and
Third Sch. 5.

8. The dehorning of cattle, where the operation is performed with a minimum of suffering to the animal operated upon, shall not be deemed an offence under this Act.

Sale and purchase of decrepit animals.
1747, 1926,
s. 6 (part).

9. (1) An auctioneer or other person who sells or offers for sale, and any person who buys or knowingly attempts to buy, except for the purpose of slaughter, any horse, mule, donkey, or other draught animal which is so old, or permanently diseased, or permanently disabled that it is unfit for work, shall be guilty of an offence against this Act and liable to a penalty of not less than two pounds nor more than six pounds.

(2) The production of a certificate from the buyer of any such animal given at the time of sale to the auctioneer or vendor that the animal is being purchased for immediate slaughter shall be a defence to any prosecution of an auctioneer or vendor under this section.

Penalty for using or employing animal condemned to be slaughtered.
956, 1908, s. 6.

10. (1) If any person keeping or using or having the management of any place for the purpose of slaughtering any diseased, maimed, or worn out animal (not intended for butchers' meat) uses or employs, or causes or permits to be used or employed, any such animal brought to or delivered at or which is in or upon such place for the purpose of being slaughtered, or permits or suffers any such animal to leave the said place to be employed in any manner of work, he shall be guilty of an offence against this Act and liable to a penalty not exceeding two pounds for every day on which the animal is so used or employed or is absent from the said place.

(2) Any person who uses or employs or is in the possession or custody of any such animal whilst so used or employed shall be guilty of an offence against this Act and liable to a penalty not exceeding two pounds for every day he uses or employs or is possessed or in the custody of the animal as aforesaid.

11. (1) If any constable is of opinion that any animal is unfit to be used in work or labour of all or any kind, he may, by notice signed by him and indorsed by a justice and delivered to any person, direct that the animal is not to be used in work or labour, or in work or labour of the kind specified in the notice, for any time stated therein, not exceeding three weeks.

Power to prohibit use of animal unfit for work.
956, 1908, s. 7.

(2) At the expiration of the said time, or of the time specified in any notice under this subsection, any constable, if of opinion that the animal is unfit to be used as aforesaid, may, by notice signed and indorsed as aforesaid and delivered to any person, direct that the animal is not to be used in work or labour, or in work or labour of the kind specified in the last mentioned notice, for any further time stated therein, not exceeding three weeks.

(3) If the person to whom any notice under subsection (1) or (2) is delivered, or any person who has notice thereof, uses the animal or permits it to be used in any work or labour, or in work or labour of the kind specified in the notice (as the case may be) during the time specified in the notice, he shall be liable, upon conviction before a special magistrate or two justices (other than the justice who signed the notice), to a penalty not exceeding five pounds.

(4) Upon complaint in writing made to any justice by any person who alleges in the complaint that he is injured by the operation of any notice under subsection (1) or (2) and that the animal is not unfit to be used as specified in the notice, the justice shall issue his summons calling upon the constable who signed the notice to appear, at a time and place therein named, and show cause why the notice should not be annulled. At the time and place so named, the complaint may be heard by any special magistrate or two justices, who may in their discretion annul, vary, confirm, or extend (as to time or kinds of work or labour) the operation of the notice, but shall not, unless satisfied that the notice was delivered frivolously or maliciously, give any costs against the constable.

12. (1) The owner of any animal in respect of which an offence has been committed against paragraph (h) of section 5, or against section 11, shall in every case be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty ; but an owner who has been proceeded against for any such offence shall be entitled, upon complaint duly laid by him, to have any driver, conductor, or other employee who was, at the time when the offence is alleged to have been committed, in charge of the animal, brought before

Owner of ill-treated animal liable in the first instance in certain cases.
1213, 1915, s. 7.

the court at the time appointed for hearing the charge made against the owner.

(2) If, after the commission of the offence has been proved, the owner proves to the satisfaction of the court—

(a) that he used due diligence to prevent offences against the provisions of this Act in breach whereof the offence was committed ; and

(b) that the said driver, conductor, or employee committed the act complained of without the knowledge, consent, or connivance of the owner,

the said driver, conductor, or employee shall be convicted of the offence and pay the penalty, instead of the owner.

Actual
offender may
be proceeded
against in
certain cases.
1213, 1915, s. 8.

13. When it appears to any person at any time before laying a complaint in respect of an offence against the provisions of paragraph (h) of section 5, or of section 11—

(a) that the owner of the animal concerned had used due diligence to prevent offences against the provisions in breach whereof the offence is committed ; and

(b) by what person the offence was committed ; and

(c) that the offence was committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders,

then the first-mentioned person may proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the owner.

When owners
not liable.
1213, 1915, s. 9

14. (1) No person shall be liable for an offence against the provisions of paragraph (h) of section 5, or of section 11, as the owner of an animal unless the animal is worked or used—

(a) by him personally ; or

(b) by a driver, conductor, or other person in his employ
or

(c) by some other person under his orders or directions ; or

(d) in some manner for his benefit or profit.

(2) Nothing contained in this section shall exempt any corporate body from any liability under this Act by reason only of the fact that any animal of which the corporate body

s. 14. (1) WILSON v. HOMES (1923) S.A.S.R. 555; 1 Austn. Digest 117; 13 Austn. Digest 1266. The onus of proving an exemption under subsection (1) of section 14 lies upon the owner.

is the owner, and with respect to which any such offence as mentioned in this section is charged, is worked or used under the orders or directions of a director, secretary, manager, or other person elected or employed by the corporate body.

15. In sections 12, 13, and 14—

Definition of
"owner".
1213, 1915, s. 4.

"owner" used with reference to an animal, includes not only the owner, but also the hirer or borrower or other person for the time entitled to the possession of the animal, and also any manager, overseer, foreman, agent, or other representative of the owner, with whose orders the driver, conductor, or other person in charge of the animal is bound to comply.

16. (1) Any constable, or any inspector appointed by the Governor for the purpose, may enter at any time into any saleyard or place where animals are usually sold or kept for the purposes of sale, and may inspect any animal found therein, and the accommodation for such animals.

Power to
inspect
saleyards, &c.
956, 1908, s. 5.
1747, 1926, s. 4.

(2) Any person who hinders any such constable or inspector from so entering and inspecting shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

17. (1) Any constable may, upon his own view of the commission of an offence under this Act, or upon the statement of any other person who declares that he has seen an offence under this Act committed, and gives his name and place of abode to the constable, lay a complaint against the offender for the purpose of the offender being dealt with according to law.

Apprehension.
956, 1908, s. 9.
Of. U.K.
1 & 2 Geo. 5
c. 27, s. 12.

(2) Any justice may, without previously issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence under this Act whenever good grounds for so doing are stated on oath before the justice.

18. Every complaint in respect of an offence against this Act shall be laid or made within one month after the cause of offence or complaint arose.

Limitation of
time within
which
complaint laid
or made.
956, 1908,
s. 10.
1213, 1915, s. 6.

s. 18. MARTIN v. CARPENTER (1925) S.A.S.R. 421; 1 Austrn. Digest 115; reversing MARTIN v. CARPENTER (1925) S.A.S.R. 298. Where prior to one month before the complaint was laid, the defendant, in the course of an operation on an animal, broke and left an instrument in the urethra of the animal and did not inform the owner of the animal, held that the offence was an offence continuing during the period of non-disclosure.

Power to
detain
vehicles,
animals, &c.
956, 1908, s. 11.
Cf. U.K.
1 & 2 Geo. 5
c. 27, s. 12.

19. (1) Whenever a constable arrests any person having charge of any vehicle or animal, or both, for an offence against the provisions of this Act, he may take charge of the vehicle or animal, or both, and any saddle or harness on or attached to the animal or vehicle, and deposit the same in some place of safe custody as security for payment of any penalty to which such person or the owner of the vehicle or animal may become liable, and the expenses which have been or may be necessarily incurred for taking charge of and keeping the same.

(2) The court which hears the case may, in default of payment, order the vehicle or animal or saddle or harness, or any or all of them, to be sold for the purpose of satisfying the penalty and reasonable expenses in like manner as if the said vehicle, animal, saddle, and harness had been subject to be distrained, and had been distrained upon for the payment of the penalty and expenses.

Power to
appoint
special
constables.
956, 1908, s. 12.

20. (1) Any special magistrate or any two justices may appoint, in writing under his or their hands, any officer, agent, or servant of any society for the prevention of cruelty to animals to be a special constable to act for such time and within such limits as are appointed.

(2) Any such special constable shall, during such time and within such limits, have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities, as any constable of the police force of South Australia.

Killing of
animals.
956, 1908, s. 13.
1747, 1926, s. 5.

21. (1) If it is made to appear to any justice by personal inspection, or by the testimony of a competent witness, that any animal impounded in any pound or found elsewhere is in such a weak, disabled, or diseased state that it ought to be killed, the justice may, by writing under his hand, order that the said animal shall be forthwith killed. Any such order shall be sufficient authority to the poundkeeper or owner of the animal, or any other person authorised by the justice, to kill the same, and no compensation whatever shall be recoverable in respect of the killing.

Cf. U.K.
1 & 2 Geo. 5
c. 27, s. 11.

(2) Whenever, in the opinion of a constable, any animal is so weak, disabled, or diseased, or as the result of an accident, or from any other cause, sustains such injury that the animal ought to be killed, the constable may, with the consent of the owner of the animal, or, if the owner is not in the immediate vicinity of the animal, without the said consent, immediately kill the animal. If the owner is in the immediate vicinity of

the animal and refuses to consent to the killing of the animal, the constable may, nevertheless, upon an order of a justice, kill the animal. No compensation shall be recoverable against any justice or constable in respect of any killing pursuant to this subsection.

22. Whenever it is by the oath of any credible person made to appear to the satisfaction of a special magistrate or two justices that an offence against this Act has been, or is being, or is about to be committed on or in any premises, the special magistrate or justices may, by writing under his or their hand, authorise the said person or some constable named therein to enter upon or into the premises and inspect any animal confined or kept there.

Inspection of premises.
956, 1908, s. 14.
Cf. U.K.
39 & 40 Vict.
c. 77, s. 13.

23. Any person who, at any time or in any manner, unlawfully obstructs, hinders, molests, or assaults any constable or other person whilst in the exercise of any power or authority under or by virtue of this Act shall be guilty of an offence against this Act and liable to a penalty not exceeding ten pounds.

Obstructing constable.
956, 1908, s. 15.
Cf. U.K.
23 & 24
Geo. 5 c. 39,
s. 7 (part).

24. (1) Whenever a complaint is made against the driver or conductor of any vehicle, whether licensed or otherwise, for any offence against the provisions of this Act, the justice or justices before whom the complaint is made may forthwith summon the proprietor or owner of the carriage or vehicle to produce before them or him the driver, conductor, or other servant by whom the offence was committed, or is alleged to have been committed, to answer the complaint.

Proprietors of vehicles to be summoned to produce their servants.
956, 1908, s. 16.

(2) If the proprietor or owner, after being duly summoned, fails without reasonable excuse to produce the driver, conductor, or servant, the justice or justices before whom the the driver, conductor, or servant is required to be produced may proceed, in the absence of the driver, conductor, or servant, to hear and determine the case in the same manner as if he had been produced, and to adjudge payment by the proprietor or owner of any penalty or sum of money and costs in which the driver, conductor, or servant is convicted.

(3) Any sum of money so paid by the proprietor or owner may, upon proof of payment thereof, and of the driver, conductor, or servant, refusing or neglecting to be produced pursuant to the order of the justice or justices, be recovered in a summary way from the driver, conductor, or servant through whose default the said sum has been paid, in the same manner as a penalty.

(4) The justice or justices may, if the proprietor or owner fails to produce his driver, conductor, or servant, without reasonable excuse, impose a penalty of two pounds upon the proprietor or owner, and may also direct a further summons to issue against him under subsection (1), whereupon the same consequences shall follow as upon the first summons so issued, including power upon the hearing of each successive summons to issue a further summons, until the driver, conductor, or servant is produced.

Power to provide food to neglected animals.
956, 1908, s. 17.
Cf. U.K.
1 & 2 Geo. 5
c. 27, s. 7.

25. (1) If any animal is at any time impounded, or confined in any yard, pen, cage, hutch, pound, or receptacle of the like nature, or deprived of its liberty, and continues impounded, confined, or restrained without fit and sufficient food and water for more than twenty-four consecutive hours, any person may enter into and upon any yard or other premises, or any pound, or other receptacle of a like nature in which the animal is so confined, and supply the animal with fit and sufficient food and water during so long a time as it remains and continues so impounded, confined, or restrained without being liable to any action of trespass or other proceeding by any person whomsoever for or by reason of such entry for the purposes aforesaid.

(2) The reasonable cost of any such food and water shall be paid by the owner of the animal to the person who has supplied the same. The said cost may be recovered by complaint before a special magistrate or two justices.

(3) This section shall not apply to animals carried in railway trucks.

Power for court to deprive person convicted of ownership of animal.
1747, 1926, s. 6 (part).
Cf. U.K.
1 & 2 Geo. 5
c. 27, s. 3.
Cf. U.K.
25 & 24
Geo. 5 c. 17,
s. 1.
Cf. U.K.
24 & 25
Geo. 5 c. 25,
s. 1.

26. If the owner of any animal is guilty of an offence under this Act in respect of the said animal, the court, upon his conviction thereof, may, if the court thinks fit, in addition to any other punishment, deprive the said person of the ownership of the animal, and make such order as to the disposal of the animal as the court thinks fit under the circumstances: Provided that no order shall be made under this section unless it is shown by evidence as to a previous conviction, or as to the character of the owner or otherwise, that the animal, if left with the owner, is likely to be exposed to cruelty

Exemptions.
956, 1908, ss. 3
(part) and 18.

27. (1) Except as hereinafter provided, nothing in this Act contained shall apply to any act done—

(a) in the extermination of rabbits, marsupials, wild dogs, foxes, or vermin; or

- (b) in the extermination or destruction of any animal under the authority of any Act, regulation, or by-law in force for the time being ; or
- (c) in the hunting, snaring, trapping, shooting, or capturing of any animal not in a domestic state ; or
- (d) in any experiment or vivisection performed upon any animal by any legally qualified medical practitioner or veterinary surgeon or practitioner, or any officer appointed by the Governor for the purposes of scientific investigation : Provided that the Governor may, from time to time, make regulations for the registration of those persons who shall be permitted to perform such experiments or vivisection, and for the humane conduct of their operations ; or
- (e) in any operation of the nature of an inoculation or of a feeding experiment.

(2) The exemption contained in subsection (1) shall not take effect—

Cf. U.K.
39 & 40 Vict.
c. 77, ss. 2, 3.

- (a) in any case of ill-treatment ; or
- (b) in any case of vivisection or other experiment as described in paragraph (d) of subsection (1) wherein the following conditions are neglected, that is to say :—
 - (i.) the operation shall be performed in accordance with the said regulations :
 - (ii.) the animal subject to the operation shall, during the whole time thereof, be so under the influence of some anaesthetic as to be insensible to pain :
 - (iii.) when the animal has in the course of the operation been so injured that its recovery would involve serious suffering, it shall be destroyed while still insensible.

Cf. U.K.
9 & 10 Geo. 5
c. 54, s. 1 (2).

(3) Nothing in this Act shall render unlawful the slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion.

Cf. U.K.
23 & 24
Geo. 5 c. 39,
s. 1 (1),
proviso (b).

28. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are

Regulations.
956, 1908, s. 19.

required or permitted to be prescribed, or as may be necessary or convenient to be prescribed for giving effect to this Act.

(2) All such regulations shall—

- (a) be published in the *Government Gazette* ;
- (b) take effect from the date of such publication, or from a later date to be specified therein ; and
- (c) be laid before both Houses of Parliament within fourteen days after publication, if Parliament be then in session, and if not, then within fourteen days after the commencement of the next session.

(3) Any regulations made under this Act may prescribe penalties not exceeding in any case the sum of twenty pounds for any infringement of such or other regulations made under this Act.

(4) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same is disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after the regulations are laid before Parliament, if Parliament shall be so long in session : Provided that if Parliament shall not be in session for thirty days after the regulations have been laid before it, then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next session of Parliament.

Summary
proceedings.
956, 1908, s. 20

29. All proceedings in respect of offences against this Act shall be disposed of summarily.

s. 29. CUNNINGHAM v. SPARROW (1924) S.A.S.R. 17. Where a society for the prevention of cruelty to animals was not a party to the proceedings, held that there was no power to award costs for counsel instructed on behalf of the society.

BACKHOUSE v. JUDD (1925) S.A.S.R. 395; 4 Austn. Digest 815. Where a complaint was laid by an officer of a society for the prevention of cruelty to animals and a solicitor acted on his behalf, held that the complainant was under a liability to pay the costs and that, as the defendant had not shown that it was a term of employment that the complainant should under no circumstances be bound to remunerate the solicitor, the defendant was liable upon conviction to be ordered to pay costs to the complainant.

THE SCHEDULE.

ACTS CONSOLIDATED AND REPEALED.

Number and Year of Act.	Short Title.
No. 956 of 1908	The Prevention of Cruelty to Animals Act, 1908.
No. 1213 of 1915	Prevention of Cruelty to Animals Act Amendment Act, 1915.
No. 1477 of 1921	Prevention of Cruelty to Animals Act Further Amendment Act, 1921.
No. 1747 of 1926	Prevention of Cruelty to Animals Act Further Amendment Act, 1926.