

is devised or limited, in the same manner as if they had been in being, and had appeared and answered in the case, or assented to such partition. And execution for the costs and services aforesaid may be issued in the name of such person appointed to act as next friend against the applicants for such partition.

Approved March 27, 1858.

AN ACT TO PROVIDE FOR THE BETTER ADMINISTRATION OF THE
CRIMINAL LAW.

Chap. 138

Be it enacted, &c., as follows :

SECTION 1. The governor, with the advice and consent of the council, shall designate and commission a suitable number of the justices of the peace in the several counties, to try criminal cases; and the justices of the peace so designated and commissioned, shall continue to have and exercise, within their respective counties, all the powers, authority and jurisdiction in criminal cases, and the examination, trial and punishment of offenders, that justices of the peace now have: and no justice of the peace not designated and commissioned to try criminal cases as above provided, shall hereafter have or exercise any power, authority or jurisdiction in criminal cases, except to receive complaints and issue warrants; and all warrants issued by any justice of the peace in criminal cases, shall be made returnable before some justice of the peace commissioned to try criminal cases, or before some police court: and no fees shall be allowed or paid for any complaint or warrant received or issued by any justice of the peace not commissioned as above provided.

Governor to designate and commission justices.

Powers, &c.

SECTION 2. The number of justices of the peace, designated and commissioned to try criminal cases, as provided in the preceding section, shall not, at any one time, exceed,

Number of justices in each county.

- For the county of Suffolk, one;
- For the county of Middlesex, thirty;
- For the county of Essex, nineteen;
- For the county of Worcester, twenty-six;
- For the county of Hampshire, eight;
- For the county of Hampden, eight;
- For the county of Franklin, eight;
- For the county of Berkshire, nine;
- For the county of Norfolk, seventeen;
- For the county of Bristol, thirteen;
- For the county of Plymouth, fifteen;
- For the county of Barnstable, nine;
- For the county of Dukes county, two;
- For the county of Nantucket, two;

Authority to
cease on change
of domicile.

and shall be distributed as nearly as may be, as the convenience of the several counties may require: and if any such justice, after having been so designated and commissioned, shall change his domicile, his authority and jurisdiction in the trial and examination of criminal cases, shall thereupon cease, and some other justice of the peace may be designated and commissioned, to try criminal cases in his place.

Not to affect
pending cases,
&c.

SECTION 3. Nothing in this act contained shall affect any case or proceeding pending at the time it shall go into operation, or the jurisdiction of any police court, nor give jurisdiction to any justice of the peace of any offence committed in any city or town wherein a police court is established.

When to take ef-
fect.

SECTION 4. This act shall take effect from and after the first day of July next; but the governor shall have power, by and with the advice and consent of the council, to designate and commission the justices of the peace to try criminal cases, at any time after its passage. *Approved March 27, 1858.*

Chap. 139

AN ACT FOR THE BETTER PRESERVATION OF SHEEP FROM THE RAVAGES OF DOGS.

Be it enacted, &c., as follows:

Owners to regis-
ter dogs, &c.

SECTION 1. The owner or owners of any dog or dogs within the limits of any town or city within this Commonwealth, are hereby required, on or before the first day of May in each year, to cause such dogs to be registered and numbered in the office of the clerk of the town or city where such owner or owners reside. And it shall be the duty of said clerk to register and number said dogs, and he shall receive five cents for each dog so registered, to be paid by the owner or owners of said dog or dogs. And in case any such owner or owners shall refuse or neglect thus to register and number such dog or dogs, it shall be right and lawful for any person to kill any such dog or dogs going at large; and it shall be the duty of any sheriff, deputy-sheriff or constable residing in such town or city, to cause such dog or dogs to be destroyed, whenever called upon so to do by any legal voter in said town or city; and said officer shall receive from the treasury of said town or city the sum of fifty cents for every dog so destroyed.

Penalty.

Duty of assessors.

SECTION 2. It shall be the duty of the assessors of the several towns and cities in this state, to cause all dogs to be entered upon the assessment lists of persons owning such dogs; and all dogs shall be presumed to be owned by the occupier of the premises where such dogs are kept. And the owner or owners of all dogs so registered, and put upon

Registered dogs
to wear collar.