

SENATE No. 194.

Commonwealth of Massachusetts.

IN SENATE, April 16, 1878.

The Committee on Agriculture, to whom was recommitted the Bill to further provide for the licensing and restraining of dogs, and for the recovery of damages for injuries inflicted by them, report the accompanying Bill in a new draft.

For the Committee,

JAMES J. N. GREGORY.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Eight.

AN ACT

To further provide for the licensing and restraining of Dogs, and for the Recovery of Damages for Injuries inflicted by them.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

1 SECT. 1. Section one of chapter one hundred and
2 thirty of the acts of the year eighteen hundred
3 and sixty-seven is hereby amended by striking out
4 all after the word "license," and inserting in place
5 thereof the following: "for one male dog, two dol-
6 lars; and every additional male dog, five dollars; and
7 for every female dog, ten dollars: but the provisions
8 of this section shall not apply to any dog less than
9 three months old, nor to any dogs kept for the pur-
10 pose of medical treatment or training merely, *pro-*
11 *vided* such dogs are properly licensed by their
12 owners."

1 SECT. 2. The provisions of sections ten and

2 twelve of said chapter, relating to damage by dogs,
3 shall also be applicable to cases of injury to person,
4 or any property other than that named in said sec-
5 tions, by a dog not on the premises of its owner:
6 *provided* that in no such case shall the sum paid to
7 any person for damages exceed one thousand dollars;
8 and *provided further*, that nothing herein contained
9 shall in any way affect the remedy which any person
10 may now have under other provisions of law.

1 SECT. 3. Any person becoming the owner or
2 keeper of a dog after the first day of May, not duly
3 licensed, shall cause said dog to be registered, num-
4 bered, described, and licensed, until the first day of
5 the ensuing May, in the manner, and subject to the
6 terms and duties, prescribed in section one of said
7 chapter one hundred and thirty as hereby amended.

1 SECT. 4. The owner or keeper of a dog may at
2 any time have it licensed until the first day of the
3 ensuing May; and if such license shall be procured,
4 and the other provisions of section one of said chap-
5 ter one hundred and thirty, requiring that such dog
6 shall be registered, numbered, and described, and
7 shall wear around its neck a collar distinctly marked
8 with its owner's name and its registered number,
9 shall be complied with before any complaint is made,
10 such owner or keeper shall be exempt from the pen-
11 alty named in section five of said chapter one hun-
12 dred and thirty.

1 SECT. 5. The mayor and aldermen of any city,

2 or the inhabitants of any town, may cause a pound
3 to be established, where all dogs running at large,
4 unmuzzled, and not attended by their owners or
5 keepers, may be placed ; and it shall be the duty of
6 the police-officers and constables of any cities or
7 towns, upon being thereto ordered by the mayor and
8 aldermen of such city or the selectmen of such town,
9 to capture said dogs, and place the same in such
10 pound ; and the owner of any dog so captured may
11 redeem the same by the payment of two dollars into
12 the treasury of said city or town within three days of
13 the time of its capture. If any such captured dogs
14 are not redeemed within the time above specified,
15 the keeper of the pound shall cause them to be
16 killed ; and any officer refusing or wilfully neglect-
17 ing to perform the duties herein imposed upon him
18 shall be subject to the penalties named in section
19 eleven of said chapter one hundred and thirty.

20 Pound-keepers, police-officers, and constables shall
21 receive such compensation for services performed
22 under this act as the mayor and aldermen of the
23 city, or inhabitants of the town, shall by vote deter-
24 mine.

1 SECT. 6. The inhabitants of any town may by
2 vote, at a meeting called for the purpose, direct the
3 selectmen to pass any order authorized by section
4 one of chapter one hundred and sixty-seven of the
5 acts of the year eighteen hundred and seventy-
6 seven, and may determine the time during which
7 such order shall require any dog or dogs to be
8 muzzled or restrained from running at large within

9 such town ; and any selectmen who shall refuse or
10 wilfully neglect to pass such order, after such vote,
11 shall be punished by a fine not exceeding one hun-
12 dred dollars ; but said vote shall not prevent said
13 selectmen from passing any such order at other
14 times, or for a longer period than the inhabitants of
15 such town may by vote determine.

1 SECT. 7. The warrant named in section one of
2 chapter one hundred and sixty-seven of the acts of
3 the year eighteen hundred and seventy-seven may be
4 in the following form, which, if substantially fol-
5 lowed, shall be deemed sufficient to authorize the
6 lawful doings of the officer acting by virtue thereof ;
7 but this shall not be so construed as to prohibit the
8 use of any other suitable form : —

COMMONWEALTH OF MASSACHUSETTS.

[SEAL.]

M——, ss. To _____, constable of the city (or town) of _____ : Whereas, on the _____ day of _____, A.D. 18 _____, we passed an order that (here describe what dogs) within said city (or town) should be muzzled or restrained from running at large during (here state the time); and whereas a certified copy of such order was on the _____ day of _____ duly posted in two or more public places in said city (or town), and on the _____ day of _____ published in the _____, a daily newspaper published in said city (or town): you are hereby required, in the name of the Commonwealth of Massachusetts, after the expiration of twenty-four hours from the day of said publication, to kill any or all dogs found unmuzzled or running at large contrary to such order. Hereof fail not, and make due return of this warrant, with

your doings therein, within days from this date. — Given
 under our hands and seal at aforesaid, the day
 of , in the year eighteen hundred and .

Mayor and Aldermen of (or Selectmen of).

1 SECT. 8. Chapter three hundred and thirty of the
 2 acts of the year eighteen hundred and seventy-two,
 3 and all other acts, or parts of acts, inconsistent here-
 4 with, are hereby repealed.

1 SECT. 9. This act shall take effect upon its pas-
 2 sage.