

**Chap. 298** AN ACT TO ESTABLISH THE SALARIES OF THE JUDGES, REGISTERS AND ASSISTANT REGISTERS OF PROBATE AND INSOLVENCY FOR CERTAIN COUNTIES.

*Be it enacted, &c., as follows:*

Instead of the salaries now received, the judges, registers and assistant-registers of probate and insolvency in the counties hereinafter named shall receive from the treasury of the Commonwealth, annual salaries as follows:—For the county of Middlesex, the register, eighteen hundred dollars. For the county of Worcester, the judge, two thousand dollars, and the register, seventeen hundred dollars. For the county of Essex, the judge, eighteen hundred dollars, the register, seventeen hundred dollars, and the assistant-register, one thousand dollars. For the county of Norfolk, the register, twelve hundred dollars, and the assistant-register, eight hundred dollars. For the county of Bristol, the judge, twelve hundred dollars. For the county of Berkshire, the judge and register each nine hundred dollars. For the county of Hampden, the judge and register each one thousand dollars. For the county of Hampshire, the judge, seven hundred dollars, and the register, seven hundred and fifty dollars. For the county of Franklin, the judge, seven hundred dollars; and the register, seven hundred and fifty dollars. For the county of Nantucket, the judge, four hundred dollars, and the register, five hundred dollars. For Dukes County, the judge, four hundred dollars, and the register, five hundred dollars.

*Approved May 14, 1864.*

**Chap. 299** AN ACT CONCERNING DOGS AND FOR THE PROTECTION OF SHEEP AND OTHER DOMESTIC ANIMALS.

*Be it enacted, &c., as follows:*

Dogs shall be annually registered and licensed and wear collar with owner's name thereon.

Fee for license.

Becoming keeper after May first, license required.

**SECTION 1.** Every owner or keeper of a dog shall, annually, on or before the thirtieth day of April, cause to be registered, numbered, described and licensed, for one year from the first day of the ensuing May, in the office of the clerk of the city or town wherein he resides, and shall cause it to wear around its neck a collar distinctly marked with its owner's name, and the registered number, and shall pay for such license two dollars for a male dog, and five dollars for a female dog.

**SECTION 2.** Any person becoming the owner or keeper of a dog not duly licensed, on or after the first day of May, shall cause said dog to be registered, numbered, described and licensed, until the first day of the ensuing May, in the manner, and subject to the terms and duties prescribed in this act.

SECTION 3. The clerks of cities and towns shall issue said licenses and receive the money therefor, and pay the same into the treasuries of their respective counties, except in the county of Suffolk, retaining to their own use twenty cents for each license. They shall also keep a record of all licenses issued by them, with the names of the keepers or owners of dogs licensed, and the names, registered numbers and descriptions, of all such dogs.

Clerks of towns to issue licenses, keep record and pay fees to county, except in Suffolk.

SECTION 4. It shall be the duty of each county treasurer, and of each city or town treasurer in the county of Suffolk, to keep an accurate and separate account of all moneys received and expended by him under the provisions of this act.

Treasurers of counties, and of towns in Suffolk, accounts.

SECTION 5. Whoever keeps a dog contrary to the provisions of this act, shall forfeit fifteen dollars, to be recovered by complaint, and the money shall be paid to the treasurer of the county in which the dog is kept, except that in the county of Suffolk it shall be paid to the treasurer of the city or town wherein said dog is kept.

Penalty for keeping dog contrary to law.

A license from the clerk of any city or town shall be valid in any part of the Commonwealth, and may be transferred with the dog licensed: *provided*, said license be recorded by the clerk of the city or town where the owner or keeper of such dog resides.

License may be transferred to other town.

Proviso.

SECTION 6. The assessors of the cities and towns shall, annually, take a list of all dogs owned or kept in their respective cities and towns, on the first day of May, with the owners' or keepers' names, and return the same to the city or town clerk, on or before the tenth day of July. Any owner or keeper of a dog who shall refuse to give just and true answers to the assessors relative to the ownership thereof, shall be punished by a fine of not less than ten dollars.

Assessors shall make annual lists.

Penalty for withholding ownership.

SECTION 7. Mayors of cities and the chairman of the selectmen of towns shall, annually, within ten days from the first day of July, issue a warrant to one or more police officers or constables, directing them to proceed forthwith either to kill or cause to be killed, all dogs within their respective cities or towns, not licensed and collared according to the provisions of this act, and any person may, and every police officer and constable shall, kill or cause to be killed, all such dogs, whenever and wherever found. Such officers, other than those employed under regular pay, shall receive one dollar for each dog so destroyed, from the treasurers of their respective counties, except that in the county of Suffolk they shall receive it from the treasurers

Annual warrant to police officers and constables for the killing of unlicensed dogs.

Fee to officer other than regulars.

Bills to be approved and paid] from penalties.

of their respective towns. All bills for such services shall be approved by the mayor or chairman of the selectmen, of the cities or towns in which said dogs are destroyed, and shall be paid from moneys received under the provisions of this act.

Issue of warrants to be certified district attorney to prosecute delinquents.

SECTION 8. The mayors of cities and the chairman of the selectmen of towns shall, after issuing their warrant to police officers or constables, as specified in the preceding section, forthwith certify the fact under oath to the district attorneys of their respective districts, whose duty it shall be to prosecute all such officers as fail to comply with this requirement.

Loss or injury of domestic animals by dogs, upon notice of loser, to be appraised.

SECTION 9. Whoever suffers loss by the worrying, maiming or killing of his sheep, lambs or other domestic animals, by dogs, may inform the mayor of the city, or the chairman of the selectmen of the town, wherein the damage was done, who shall appoint two disinterested persons, who with the mayor or chairman of the selectmen, shall proceed to the premises where the damage was done, and determine whether the damage was inflicted by dogs, and if so, appraise said damage. The amount of said damage shall be certified by the board of appraisers, and except in the county of Suffolk, be transmitted to the county commissioners, who shall during the month of December, examine all such bills; and when any doubt exists, may summon the appraisers, and make such examination as they may think proper, and shall issue an order upon the treasurer of the county in which the damage was done, for all or any part thereof, as justice and equity may require.

County commissioners to audit bills and order payment.

Penalties received to cover allowances.

The treasurer shall annually, on the first day of January, pay all such orders in full, if the gross amount received by him under the provisions of this act, and not previously paid out, is sufficient therefor; otherwise he shall divide such amount pro rata, among such orders, in full discharge thereof.

Compensation of appraisers.

The board of appraisers shall receive from the county, or in the county of Suffolk from the city or town treasurer, out of the moneys received under the provisions of this act, the sum of one dollar each, for every examination made by them as prescribed in this section.

Parties suffering loss may proceed either under Gen. Stats. or present act.

The owner of sheep, lambs or other domestic animals worried, maimed or killed by dogs, shall have his election whether to proceed under the provisions of this section, or under the provisions of sections sixty-one, sixty-two and sixty-three of chapter eighty-eight of the General Statutes; but having signified his election by proceeding in either mode, he shall not have the other remedy.

SECTION 10. Any town, city or county officer refusing or neglecting to perform the duties herein imposed upon him, shall be punished by a fine not exceeding one hundred dollars, to be paid, except in the county of Suffolk, into the county treasury.

Penalty for neglect or refusal of duty by officers.

SECTION 11. The treasurer of any county may, in an action of tort against the owner or keeper of any dog concerned in doing damage to sheep, lambs or other domestic animals, in said county, which damage has been ordered to be paid by the county commissioners, recover the full amount thereof to the use of said county. If the amount so recovered exceeds the amount so received by the owner of the sheep or other animals, under the provisions of section nine, the excess shall be paid by the county treasurer to such owner. All fines and penalties provided in this act may be recovered on complaint before any police court or trial justice, in the county where the offence is committed. Moneys received by the treasurer of any county, city or town, under the provisions of this act, and not expended in accordance with its provisions, may be applied to the payment of any county, city or town expenses.

Treasurer of county may recover damage in action of tort.

Excess, how disposed.

Fines, how recovered.

Surplus, how used.

SECTION 12. In the county of Suffolk, all moneys received for licenses or recovered as fines or penalties, under the provisions of this act, shall be paid into the treasury of the city or town in which said licenses are issued or said fines or penalties recovered. All claims for damage done by dogs in said county, shall be determined by the board of appraisers as specified in section nine of this act, and when approved by the board of aldermen or selectmen of the city or town where the damage was done, shall be paid in full on the first day of January of each year, by the treasurer of said city or town, if the gross amount received by him under the provisions of this act, and not previously paid out, is sufficient therefor; otherwise such amount shall be divided, pro rata, among such claims, in full discharge thereof. After such claims have been approved by the board of aldermen, or selectmen, the city or town may, in an action of tort, recover against the keeper or owner of any dog concerned in doing the damage, the full amount thereof.

Moneys received in Suffolk to be paid municipalities.

Claims for damage to be determined by appraisers, approved by town officers where done, and paid.

Town may recover sum of keeper of dog.

SECTION 13. Sections fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-eight, sixty-four, sixty-five and sixty-six of chapter eighty-eight of the General Statutes are hereby repealed.

Repeal of sections Gen. Statutes.

SECTION 14. This act shall take effect in thirty days from its passage; but any licenses heretofore duly granted under existing laws, shall be valid for the term for which they were

Act, when in force. Existing licenses valid.

Moneys received since April 30th, how disposed.

granted ; and all moneys received since the thirtieth day of April, of the current year, by the clerks of the several cities and towns for such licenses, after deducting their fees, shall be paid over, except in the county of Suffolk, to the treasurers of their respective counties, and disposed of according to the provisions of this act. *Approved May 14, 1864.*

**Chap. 300**

AN ACT TO ESTABLISH THE SALARIES OF THE TREASURER, AUDITOR, SECRETARY OF THE COMMONWEALTH, AND ADJUTANT-GENERAL, AND OTHER OFFICERS FOR THE CURRENT YEAR.

*Be it enacted, &c., as follows :*

SECTION 1. The treasurer and receiver-general, the auditor of accounts, the secretary of the Commonwealth and the adjutant-general, shall each receive for the current year a salary of twenty-five hundred dollars ; and the first clerk of the treasurer and receiver-general and of the auditor of accounts shall each receive for the current year a salary of two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1864.*

**Chap. 301**

AN ACT ESTABLISHING RULES AND ARTICLES FOR GOVERNING THE TROOPS OF THE COMMONWEALTH, AND THE MILITIA IN ACTUAL SERVICE.

*Be it enacted, &c., as follows :*

Rules for militia, when in actual service.

SECTION 1. The following shall be the rules and articles by which the troops of this Commonwealth and the militia thereof, when called into actual service, shall be governed. And the militia shall be deemed to be in actual service, and subject to such rules and articles, whenever called out in case of war, invasion, the prevention of invasion, insurrection, to suppress riots, or to aid civil officers in the execution of the laws :

When deemed to be in actual service.

*Article 1.* It is earnestly recommended to all officers and soldiers diligently to attend divine service ; and all officers who shall behave indecently or irreverently at any place of divine worship shall, if commissioned officers, be brought before a general court-martial, there to be publicly and severely reprimanded by the president ; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay ; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours ; and for every like offence, shall suffer and pay in like manner ; which money, so forfeited, shall be applied, by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Attendance on divine service.