

pecuniary interest; but all surveys shall be made under the direction of the surveyor-general by his deputies; and application shall be made by all persons requiring surveys to the surveyor-general, who shall direct his deputies in rotation, or in such other order or manner as he shall deem expedient: *provided, however*, the surveyor-general shall keep a record of the time each deputy shall survey for any and all persons or firms, and the amount of fees received by each; which record shall be at all times opened to the inspection of any members of the city council of Boston, Chelsea, Charlestown, Cambridge, Roxbury, and selectmen of the towns of Dorchester, Brighton and Quincy.

Record of surveys.

SECTION 4. The deputy-surveyors shall make surveys of lumber in the manner described in the third, fourth, fifth, sixth, seventh, eighth, ninth and tenth sections of the one hundred and sixty-fourth chapter of the acts of eighteen hundred and fifty-eight; and the fees to be received by said deputies for surveying and marking shall be the same as are prescribed in the eleventh section of said chapter; and the penalties upon surveyors for fraud or deceit, in surveys, and upon persons purchasing or selling lumber or wood, which has not been surveyed, numbered and marked, shall be the same as are mentioned in the twelfth and thirteenth sections of the said chapter.

Manner of surveys.

Fees.

Penalties.

SECTION 5. The deputy-surveyors shall collect the fees in accordance with this act, and as often as once in three months, and when collected, shall pay over to the surveyor-general, to his own use, ten cents for every hundred cents so collected and received by them.

Deputies to collect fees, &c.

SECTION 6. It shall be the duty of the surveyor-general, annually, on or before the first day of October, to make a true return to the secretary of state, of all lumber surveyed in the said district, by himself and deputies, specifying the various kinds and qualities, and by whom surveyed, and the amount of all fees received by him and his deputies.

Surveyor-general to make annual return.

SECTION 7. This act shall take effect from and after the first day of October next.

Act, when in force.

*Approved April 6, 1859.*

AN ACT CONCERNING DOGS.

*Chap. 225*

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

SECTION 1. Every owner of a dog, shall, on or before the thirtieth day of April in each year, cause it to be registered, numbered, described and licensed, for one year from the first day of May then next ensuing, in the clerk's office of the city or town wherein he resides; and shall pay for such license, one dollar for a male dog, and five dollars for a

Dogs to be registered and licensed.

female dog. The license shall be issued, and the money received by said clerk, who shall pay the same into the treasury of said city or town, to be used and appropriated with the other funds therein. The treasurer shall keep an accurate and separate account of all sums, received and paid out, under the various provisions of this act, which account shall always be open to the inspection of any voter of the place.

Treasurer to keep account.

Owners to provide collars.

SECTION 2. The owner of every dog so licensed, shall cause it to wear around its neck, a collar distinctly marked with its owner's name and registered number.

Duty of city and town clerks.

SECTION 3. The clerk shall within one week after the first day of May, annually, post in some conspicuous public place, a list of all dogs licensed for the then current year; and shall furnish a copy thereof to the chief of police of his city, or one of the constables of his town; and shall also, from time to time, furnish said officer with a list of such dogs as shall be subsequently licensed during the year.

Unlicensed dogs to be destroyed.

SECTION 4. Any person may, and every police officer and constable shall, kill or cause to be destroyed, all dogs going at large and not licensed and collared according to the provisions of this act. Officers shall receive from the city or town treasury fifty cents for each dog so destroyed by them: but if any officer or other person shall distribute or expose any poisonous substance, with intent that the same shall be eaten by any dog or other domestic animal, he shall be punished by fine not exceeding fifty nor less than ten dollars.

Bounty.

Poison prohibited.

Penalty for removing collars, or wrongfully killing.

SECTION 5. Whoever wrongfully removes the collar, from the neck of a dog so licensed and collared, or steals a dog so licensed and collared, shall be punished by fine not exceeding fifty dollars. Whoever wrongfully kills, maims, entices or carries away a dog so licensed and collared, shall be liable to its owner for its full value in an action of tort.

Cities and towns liable for loss in certain cases.

SECTION 6. The owner of any sheep or lambs suffering loss by reason of the worrying, maiming or killing thereof by dogs, may present, within thirty days after such loss shall come to his knowledge, to the mayor or selectmen of the city or town wherein the damage is done, proof thereof:— and thereupon the said officers shall draw an order in favor of the owner, upon the treasurer of said city or town for the amount of such loss. The treasurer shall register all such orders at the time of their presentation, and shall annually, on the first day of January, pay all such orders in full, if the gross amount received by said city or town, under the provisions of this act, up to such date, after deducting all sums previously paid out under such provisions, is sufficient

therefor; otherwise, the treasurer shall divide said amount, after deducting as aforesaid, *pro rata* among said orders and in full discharge thereof.

SECTION 7. Upon drawing an order as is provided in the foregoing section, the city or town may recover against the keeper or owner of any dog or dogs concerned in doing the damage, the full amount of the damage done, in an action of tort.

Liability of owners of dogs for damages.

SECTION 8. The owner of sheep or lambs worried, maimed or killed by dogs, shall have his election whether to proceed under the provisions of this act or under the provisions of the fifty-eighth chapter of the Revised Statutes; but having once signified such election by commencing a suit or obtaining an order, the other remedy shall not thereafter be open to him.

Process for damages.

SECTION 9. Whoever keeps a dog not registered, numbered, described and licensed according to the provisions of this act, shall forfeit the sum of ten dollars, to be recovered by complaint to the use of the town wherein the dog is kept.

Penalty for neglect to license.

SECTION 10. Owners of dogs may at any time have them licensed, until the first day of May then next ensuing, upon payment to the clerk, of the sums provided in the first section of this act; but such payment and license shall not exempt them from the penalties of the preceding section, on any complaint already made.

Time and manner of license.

SECTION 11. No new license for the then current year, shall be required upon the removal of any licensed dog into any other town or city, unless the same be required by some by-law passed under the provisions of the fourteenth section of this act.

License not vitiated by removal, except, &c.

SECTION 12. The mayor and aldermen of each city, and the selectmen of each town, shall require all dogs not licensed and collared according to the provisions of this act, to be destroyed, and shall enforce all the penalties herein provided.

City and town authorities to destroy unlicensed dogs.

SECTION 13. A city or town officer refusing or neglecting to perform the duties imposed upon him by this act, shall be punished by fine not exceeding twenty-five dollars, which shall be paid into the treasury of such city or town.

Penalty for neglect of duty.

SECTION 14. The city council of any city, and the inhabitants of any town, may make such additional by-laws and regulations concerning the licensing and restraining of dogs, as they may deem expedient; and may affix any penalties, not exceeding ten dollars, for any breach thereof; said by-laws and regulations shall relate only to dogs owned or kept in such city or town; and the annual fee required for a

Cities and towns may make additional laws, &c.

license, shall not be more than one dollar, in addition to the sum required by the first section of this act.

Repeal.

SECTION 15. The tenth and eleventh sections of the fifty-eighth chapter of the Revised Statutes, the two hundred and forty-fifth chapter of the acts of the year eighteen hundred and fifty, the one hundred and thirty-ninth chapter of the acts of eighteen hundred and fifty-eight, and all other acts inconsistent herewith are hereby repealed, saving all rights heretofore acquired.

SECTION 16. This act shall take effect upon its passage.

*Approved April 6, 1859.*

*Chap. 226*

AN ACT RELATING TO MILITARY ACCOUNTS.

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

Accounts to be sent to adjutant-general.

SECTION 1. All pay-rolls returned by the mayor and aldermen of any city, and the selectmen of any town, and all accounts for the expenses of elementary drills, shall be transmitted to the adjutant-general, on or before the first day of December in each year.

Other accounts, when to be sent.

SECTION 2. All military accounts, which are not now required by law to be transmitted at an earlier time, shall be transmitted to the adjutant-general, on or before the fifth day of January, in the year next succeeding the year in which the expense was incurred or service rendered.

No account allowed unless sent, &c.

SECTION 3. No military account shall be certified by the adjutant-general nor allowed by the auditor, unless the same shall have been presented to the adjutant-general for allowance within the time limited by law therefor.

*Approved April 6, 1859.*

*Chap. 227*

AN ACT CONCERNING TAXATION, AND RETURNS OF CORPORATIONS TO ASSESSORS.

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

Purchasers of stocks to give actual residence.

SECTION 1. No certificate of stock shall be issued by any corporation named in the first section of the ninety-eighth chapter of the laws of the year eighteen hundred and forty-three, concerning which returns of shares are required to be made to assessors, until the purchaser shall have informed such corporation of his actual place of residence; and upon the issuing of such certificate, the corporation shall register the name and residence of the purchaser. And whenever the purchaser shall change his residence, to some other town or city in this state, he shall immediately give notice thereof, stating the place of his residence to said corporation, and due registration of the same, by the corporation, shall be made.

Change of residence to be registered.