

Star 10, § 7. CHAPTER 225.

AN ACT
Concerning Dogs.

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

SECT. 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 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.

SECT. 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.

SECT. 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.

SECT. 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.

SECT. 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.

SECT. 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 may 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.

SECT. 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.

SECT. 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.

SECT. 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.

SECT. 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.

SECT. 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.

SECT. 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.

SECT. 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.

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

SECT. 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.

SECT. 16. This act shall take effect upon its passage.
Approved, April 6, 1859.

In Board of Aldermen, April 13, 1859

Referred to the Committee on Ordinances, together
with the existing Ordinances upon the same subject,
with instructions to report a new Ordinance.

Sent down for concurrence

Attest, Justin A. Jacobs, City Clerk.

In Common Council April 21, 1859

Concurred. Attest, James M. Chasen, Clerk

Dog-Law of 1858-

April 13, 1858.

City of Cambridge
In Board of Aldermen May 5, 59

The Joint Committee
on ordinances to whom was
referred the Statute 1859 Chapter 225
concerning Dogs and the Ordinance
relating to the same subject, with
instructions to report a new ordinance
Have attended to that duty, and
report the accompanying Ordinance
which is respectfully submitted
by S. K. P. Welch
for the Committee

Report

Ordinance concerning Dogs.

May 5. 1858.