

MAINE STATE LEGISLATURE

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1863.

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1863.

FORTY-SECOND LEGISLATURE.

HOUSE.

No. 11.

REPORT.

The Committee on Agriculture, to whom was referred an order instructing the committee to inquire into the expediency of repealing chapter 135 of the Public Laws of 1862, entitled "An act to impose a tax on Dogs," or of amending the same so as to make their taxation imperative, have had the subject under consideration, and report the accompanying Bill.

Per order.

CHAS. B. ABBOT.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

AN ACT concerning the keeping of dogs, and protection of sheep.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. Every owner or keeper of a dog, shall
2 annually, on or before the thirtieth day of May, cause
3 it to be registered, numbered, described and licensed
4 for one year from the first day of the ensuing June, in
5 the office of the clerk of the city, town or plantation
6 wherein he resides ; and shall cause it to wear around
7 its neck a collar distinctly marked with its owner's
8 name and registered number, and shall pay for such
9 license one dollar for each dog so kept.

SECT. 2. The clerk shall issue the license, and receive
2 and pay the money therefor into the city or town treas-
3 ury, retaining to his own use ten cents for each license.
4 The treasurer shall keep an accurate and separate ac-
5 count of all sums received and paid out under the

6 provisions of this chapter, relating to dogs, which
7 account shall at all times be open to the inspection of
8 any voter of the place.

SECT. 3. The clerk shall annually, within one week
2 after the first day of June, post in some conspicuous
3 public place a list of all dogs licensed for the current
4 year ; and shall furnish a copy thereof to the chief of
5 police of the city, or one of the constables of the town
6 or plantation, and shall ,also, from time to time, fur-
7 nish said officers with a list of such dogs as are
8 subsequently licensed during the year.

SECT. 4. Any owner of a dog may at any time have
2 it licensed until the first day of the ensuing June, upon
3 paying the sum as provided in section first ; but such
4 license shall not exempt him from the penalty of the
5 following section, on complaint made prior to issuing
6 the license. No new license for the current year shall
7 be necessary upon the removal of a licensed dog into
8 any other city or town.

SECT. 5. Whoever keeps a dog, contrary to the
2 provisions of this chapter shall forfeit ten dollars, to
3 be recovered by complaint, to the use of the city, town
4 or plantation wherein the dog is kept.

SECT. 6. Whoever wrongfully removes the collar
2 from, or steals a dog licensed and collared as aforesaid,

3 shall be punished by fine not exceeding fifty dollars ;
4 and whoever wrongfully kills, maims, entices, or car-
5 ries away such a dog, shall be liable to its owner for
6 its value in an action of tort. Whoever distributes or
7 exposes any poisonous substance with intent that the
8 same shall be eaten by any dog, shall be punished by
9 fine not exceeding fifty nor less than ten dollars.

SECT. 7. Any person may, and every police officer
2 and constable shall, kill or cause to be destroyed, all
3 dogs going at large and not licensed and collared ac-
4 cording to the provisions of this chapter, and such
5 officers when not otherwise paid for their services,
6 shall receive from the city or town treasury fifty cents
7 for each dog so destroyed by them.

SECT. 8. Every owner or keeper of a dog shall
2 forfeit to any person injured by it double the amount
3 of the damage sustained by him, to be recovered in
4 an action of tort.

SECT. 9. Any person may kill a dog that shall sud-
2 denly assault him while he is peaceably walking or
3 riding without the enclosure of its owner or keeper,
4 and any person may kill a dog that is found out of the
5 enclosure or immediate care of its owner or keeper,
6 worrying, wounding or killing any neat cattle, sheep
7 or lambs.

SECT. 10. If any person so assaulted, or finding a
2 dog strolling out of the enclosure or immediate care
3 of its owner or keeper, shall within forty-eight hours
4 after such assault or finding, make oath thereof before
5 a justice of the peace or police court for the county,
6 or before the clerk of the city, town or plantation
7 where the owner of the dog dwells, and shall further
8 swear that he suspects the dog to be dangerous or
9 mischievous, and shall give notice thereof to its owner
10 or keeper by delivering him a certificate of such oath,
11 signed by such justice or clerk, the owner or keeper
12 shall forthwith kill or confine it; and if he neglects
13 so to do for twenty-four hours after such notice, he
14 shall forfeit ten dollars.

SECT. 11. If after such notice the dog is not killed
2 or confined, but is again found strolling out of the
3 enclosure or immediate care of its owner or keeper,
4 *any* person may kill it.

SECT. 12. If a dog after such notice to its owner or
2 keeper, shall by such assault, wound or cause to be
3 wounded, any person, or shall worry, wound or kill
4 any neat cattle, sheep or lambs, or do any other
5 mischief, the owner or keeper shall be liable to pay to
6 the person injured thereby treble damage, to be re-
7 covered in an action of tort.

SECT. 13. Whoever suffers loss by reason of the
2 worrying, maiming or killing of his sheep, lambs or
8 other domestic animals, by dogs, may within thirty
4 days after he knows of such loss, present proof thereof
5 to the mayor or selectmen of the city, town or planta-
6 tion wherein the damage is done, and thereupon said
7 officer shall draw an order in favor of the owner upon
8 the treasurer of said city, town or plantation for the
9 amount of such loss. The treasurer shall register
10 such orders at the time of their presentation, and an-
11 nually on the first day of January, pay them in full,
12 if the gross amount received by city, town or
13 plantation under the provisions of this chapter relat-
14 ing to dogs and not previously paid out is sufficient
15 therefor, otherwise he shall divide such amount, *pro*
16 *rata*, among such orders, in full discharge thereof.
17 After such order has been drawn, the city, town or
18 plantation may in an action of tort recover against the
19 keeper or owner of any dog concerned in doing the
20 damage, the full amount thereof.

SECT. 14. The owner of sheep, lambs, or other
2 domestic animals, worried, maimed or killed by dogs,
3 shall have his election, whether to proceed under the
4 provisions of the preceding section, or of sections ten,
5 eleven and twelve ; but having signified such election,

6 by commencing a suit, or obtaining an order, he shall
7 not have the other remedy.

SECT. 15. The mayor and aldermen of each city,
2 and the selectmen of each town or plantation, shall
3 require all dogs not licensed and collared according to
4 the foregoing provisions to be destroyed, and shall
5 enforce all penalties herein provided. Any officer
6 refusing or neglecting to perform the duties herein
7 imposed upon him, shall be punished by fine not ex-
8 ceeding twenty-five dollars, to be paid into the city or
9 town treasury.

SECT. 16. All fines and penalties provided in the
2 fifteen preceding sections may be recovered on com-
3 plaint before any police court or trial justice in the
4 county where the offence is committed.

SECT. 17. All acts and parts of acts inconsistent
2 with the provisions of this act, are hereby repealed.

SECT. 18. This act shall take effect when approved
2 by the governor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
March 6, 1863. }

Laid on the table, and on motion of Mr. ABBOT of Glenburn,
350 copies ordered to be printed for the use of the Legislature.

CHARLES A. MILLER, *Clerk.*