

Laws of Her Majesty's Province of Newfoundland, passed in the year 1860.

23 Victoria – Chapter 7

**An Act to Provide against the Destruction of Sheep and Cattle, and Injuries to the Person, by Dogs.
(Passed 14th May, 1860.)**

Whereas it is expedient to provide against the destruction of Sheep, Lambs, Horses, Goats, or Cattle of any description, and injuries to the Person, committed by Dogs:

Be it therefore enacted by the Governor, Legislative Council and Assembly of Newfoundland, in Legislative Session convened:

I. That every Dog found at large, without its owner or other person in charge thereof, is required to have fastened to its neck a clog or piece of wood not less than five pounds weight, and not less than eighteen inches in length, with the name of the owner stamped or marked thereon at full length; and every Dog found at large without its owner, or other person in charge thereof, and not clogged as aforesaid, may be immediately shot, or otherwise destroyed, by any one; and the same may be done with any Dog having on a clog, if the name of the owner be not stamped, or marked upon it, as aforesaid: Provided that this Section shall not apply to Pointers, Setters, Spaniels, or Terriers, but that all such Dogs must wear a collar of leather or brass, with the name of the owner marked thereon.

II. That every Dog so at large that may be discovered killing, maiming, or worrying Sheep, Lambs, Horses, Goats or Cattle of any description, may be immediately shot or otherwise destroyed, by the owner or owners Of such Sheep, Lambs, Horses, Goats or Cattle, or by any other person or persons, who may witness such killing, maiming or worrying: And nothing herein contained shall prevent the owner or owners of such Sheep, Lambs, Horses, Goats or Cattle, of any description, killed, maimed or injured, from recovering the value of the same, in the manner hereinafter mentioned.

III. That if any Dog or Dogs shall kill, maim or injure any Sheep, Lamb, Horse, Goat or Cattle of any description, it shall be lawful for any Justice of the Peace, upon complaint made by the owner thereof, or by any other person on his behalf, to issue his Warrant against the owner of such Dog or Dogs, to appear before him on a day certain; and such; Justice may proceed to hear the said cause or complaint, and, if he shall see fit, give judgment therein for the value of each and every Sheep, Lamb, Horse, Goat or Cattle of any description, so killed, maimed or injured, with costs, and enforce the payment of such judgment, by execution or distress on the goods and chattels of the defendant. And should no goods or chattels of the defendant, wherewith to satisfy such judgment and costs be found, then it shall be lawful for the said Justice to commit such defendant to gaol for any period not exceeding Thirty Days.

IV. And the said Justice may, upon the hearing of the said complaint, besides such judgment as aforesaid, make his order in writing, that the Dog or Dogs so killing, maiming or injuring as aforesaid, be forthwith destroyed.

V. And it is hereby enacted, that nothing herein contained shall prevent the owner of any such Sheep, Lambs, Horses, Goats or Cattle, of any description, from proceeding, by action, in any Court of competent jurisdiction, to recover the value of any such Sheep, Lambs, horses, Goats or Cattle, or any special damage arising to such owner from the killing, maiming or injuring such Sheep, Lambs, Horses, Goats or Cattle; and it shall not be necessary, in such action, for the plaintiff to aver or to prove that the defendant had knowledge of the mischievous propensities or habits of the Dog or Dogs.

VI. If any Dog shall bite or otherwise injure any person, such person may proceed before any Justice of the Peace and recover damages for the injury in the mode prescribed by the Third Section of this Act; and such Justice of the Peace may make an order for the destruction of such Dog, or such person may proceed, by an action, in any Court of competent jurisdiction; and it shall not be necessary in such action for such person to aver or prove that the defendant had knowledge of the mischievous propensities or habits of such Dog.