

Laws of Her Majesty's Province of Newfoundland, passed in the year 1865. J. C. Withers, Queen's Printer, 1865.

28 Victoria – Chapter 7

An Act to make further provision against the Destruction of Sheep and Cattle, and injuries to the Person, by Dogs. (Passed 7th April, 1865.)

Whereas it is expedient to make further provision against the Destruction of Sheep and Cattle, and injuries to the Person, by Dogs.

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

- I. The first section of the Act passed in the Twenty-third Year of the Reign of Her present Majesty, entitled "An Act to provide against the Destruction of Sheep and Cattle, and injuries to the Person, by Dogs," shall be, and the same is hereby repealed.
- II. 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 of not less than seven pounds weight, and not less than eighteen inches in length, with the name of the Owner stamped or marked thereon, or to be effectually muzzled; and every Dog found at large without its Owner or other Person in charge thereof, and not clogged or muzzled as aforesaid, may be immediately shot or otherwise destroyed by any Person; and the same may be done with any Dog having on a clog not stamped, or of less weight than the weight prescribed in this section: Provided that the provisions of this section shall not apply to Pointers, Spaniels, Setters and Terriers, permitted to be at large by the written license of a Stipendiary Magistrate, to be given only after inspection of such Dogs, and report thereon, by a Constable or Policeman: Provided that all Dogs so licensed shall wear a collar with the Owner's name in full thereon, and that such Owners shall pay for every such license given for Pointers or Setters, the sum of Four Dollars for each Dog, to be applied by the Magistrate, if necessary, to the purposes of this Act: And provided always, that nothing in this Act contained, shall exempt any Dogs so licensed, or the Owners thereof, from the provisions of the second, third, fourth, fifth, and sixth sections of an Act passed in the Twenty-third Year of the Reign of Her present Majesty, entitled "An Act to provide against the Destruction of Sheep and Cattle, and injuries to the Person, by Dogs," which provisions are hereby declared to apply to any Dogs so licensed as aforesaid, and the Owners thereof.
- III. The Stipendiary Magistrates of the several Districts, are hereby required, once in each year, to prepare a statement, from information furnished on the Oaths of the Owners, of all Sheep, Lambs, Cattle, Horses and Goats, destroyed in their respective Districts by Dogs; of the number and value of such Sheep, Lambs and Cattle, Horses and Goats, and the names of the respective Owners; and the said Magistrates in St. John's and in the several Outport Districts, upon consideration of the said statement, shall order a rate to be levied on all Owners of Dogs, not exceeding One Dollar for each Dog owned by any Person residing within such distance from the place where any such Sheep, Lambs, Cattle, Horses or Goats, may have been destroyed by Dogs in the course of the year then preceding, as

the said Magistrate may determine; such rate, when collected, to be appropriated towards indemnifying the Owners of such Sheep, Lambs, Cattle, Horses and Goats, so destroyed, for the loss they may have sustained, and for all incidental expenses, in the event of such Owners being unable to obtain such indemnity from the Owner or Owners of Dogs doing the damage: Provided that the Owner of any Dog for and in respect of which the license fee mentioned in the second section may have been paid, shall not be subject to the rate mentioned in this section.

IV. The said rate shall be payable only once in each year, at such times as may be stated in orders to be made in pursuance of the foregoing section, and shall, if necessary, be recovered by Warrant of Distress, to be issued by the Magistrate making such orders.

V. Any Constable to whom a Warrant issued under the preceding section may be directed, shall demand and collect the same from all Owners of Dogs within the limits prescribed in such Warrant; and in the event of non-payment within fourteen days from the first demand, the Constable holding such Warrant may recover the amount of such rate and all expenses, from the Owners of such Dogs, by Distress of the Goods and Chattels of such Owners, and a sale thereof within five days from the time of such distraint.

VI. Any Person upon whom any rate may be levied in pursuance of this Act, may, at any time previously to the sale prescribed by the fifth section, relieve himself of all liability for and in respect of such rate, by destroying or causing to be destroyed, or by delivering up to any Constable for the purpose of being destroyed, any Dog or Dogs owned by such Person, and in respect of which such rate may have been levied.

VII. Any Constable holding a Warrant issued under this Act, and not being able to find Goods and Chattels of the Person against whom such Warrant may be directed, sufficient to satisfy the exigencies thereof, may forthwith destroy, or cause to be destroyed, any Dog or Dogs owned by such Person, and in respect of which such Warrant may have issued.

VIII. It shall be the duty of the Police Constables in the several Districts to carry out the provisions of this Act, in the destruction of all Dogs found at large, and not clogged, muzzled, or licensed; and any Constable refusing or neglecting to destroy such Dogs, shall, for the first offence, be subject to a fine of Four Dollars, and for a second or subsequent offence in that behalf, shall be subject to a fine not exceeding Twenty Dollars, or be dismissed from his office, at the discretion of the Stipendiary Magistrate of the District.

IX. A Police Constable or any other Person shooting or otherwise destroying Dogs under the provisions of this Act, shall, on proof thereof before a Stipendiary Magistrate, be entitled to receive the sum of Fifty Cents for each Dog so destroyed, which sum shall in each case be paid (out of funds to be provided for by the Government, and such License money as aforesaid) by the Clerk of the Peace for the District in which such Dog may be destroyed.

X. Every Magistrate shall, once in each year, furnish to the Receiver General an account of all license fees and rates received by him, and of the disposal thereof, and shall pay over to the Receiver General any license fees not applied by him to the purposes of this Act.

XI. This Act shall continue in force for one year, and thence to the end of the then next session of the Legislature.