

15. Upon complaint being made to the Clerk of any Municipality, of any penalties imposed by this Act having been incurred, he shall commence a suit for the recovery thereof, in his name of office, and shall prosecute the same with due diligence; and all moneys recovered shall be by him added to the fund constituted by the sixth section of this Act, for the satisfaction of damages sustained by owners of sheep.

Duty of Township Clerk to sue for penalties.

16. Every person in possession of any dog, or who shall suffer any dog to remain about his house or premises for the space of twenty days previous to the assessment of a tax, or previous to any injury, chasing or worrying of sheep or any such attack made by such dog, shall be deemed the owner of such dog for all the purposes of this Act.

Persons harbouring dogs to be deemed owners thereof.

17. This Act shall apply only to Upper Canada.

Act limited to U. C.

### C A P . X L .

An Act to prevent the spreading of Canada Thistles in Upper Canada.

[Assented to 18th September, 1865.]

Preamble.

**H**ER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be the duty of every occupant of land in Upper Canada, to cut, or to cause to be cut down all the Canada thistles growing thereon, so often in each and every year as shall be sufficient to prevent them going to seed; and if any owner, possessor, or occupier of land shall knowingly suffer any Canada thistles to grow thereon and the seed to ripen so as to cause or endanger the spread thereof, he shall upon conviction be liable to a fine of not less than two nor more than ten dollars for every such offence.

Owners of land to cut down thistles growing on their lands.

Penalty.

2. It shall be the duty of the Overseers of Highways in any Municipality to see that the provisions of this Act are carried out within their respective highway divisions, by cutting or causing to be cut all the Canada thistles growing on the highways or road allowances within their respective divisions, and every such overseer shall give notice in writing to the owner, possessor, or occupier of any land within the said division whereon Canada thistles shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice; And in case such owner, possessor or occupier, shall refuse or neglect to cut down the said Canada thistles, within the period aforesaid, the said Overseer of Highways shall enter upon the land and cause such Canada thistles to be cut down with as little damage

Duty of overseers of Highways under this Act.