

If the party liable cannot be found or fail to pay.

Application to the Municipality.

10. If the party injured cannot discover the owner or possessor of the dogs by which such damage was done, or shall fail to recover the value of the sheep killed or injured from such owner or possessor, he may apply to the Clerk of the municipality, and upon production to him of the certificate of the Justices of the Peace, made as aforesaid, and the affidavit of the party injured that he has not been able to discover such owner or possessor, or that he has failed to recover the damages from such owner or possessor, such Clerk shall lay the same before the Municipal Council at its next meeting.

Municipal Council on due proof shall pay damages out of fund under Sec. 6.

11. The Municipal Council shall issue its order on the Treasurer for the amount of the damages appearing by the certificate of the Justices of the Peace, to have been sustained by the owner of any sheep killed or injured by dogs, when they shall be satisfied that the owner or possessor of such dogs cannot be discovered, or that the party injured has failed to recover such damages of such owner or possessor; and such amount shall be paid by the Treasurer from and out of the fund constituted by the sixth section of this Act, and from no other fund whatsoever.

Owner to repay the money if he afterwards recovers damages.

12. If, after receiving the amount of such damages from the Treasurer of the Municipality, the owner of the sheep so killed or injured, shall recover the value thereof, or any part of such value from the owner or possessor of any dog, he shall refund and repay to the Treasurer of the Municipality the sum so received from him, and it shall be the duty of the Clerk of the Municipality to bring an action against such owner to recover such amount, and such amount when recovered shall form part of the fund constituted by the sixth section of this Act.

Dogs seen chasing sheep may be killed.

13. Any person may kill any dog which he may see chasing, worrying or wounding any sheep, unless the same shall be done by the direction or permission of the owner of the sheep or of his servant.

Owner of such dog to kill him on notice.

14. The owner or possessor of any dog, to whom notice shall be given, of any injury done by his dog to any sheep, or of his dog having chased or worried any sheep, shall, within forty-eight hours after such notice, cause such dog to be killed; and for every neglect so to do, he shall forfeit a sum of two dollars and fifty cents, and a further sum of one dollar and twenty-five cents for every forty-eight hours thereafter, until such dog be killed; provided, that it shall be proved to the satisfaction of the Court, before which a suit shall be brought for the recovery of such penalties, that such dog has chased, worried or otherwise injured such sheep; and provided also, that no such penalties shall be enforced in case it shall appear to the satisfaction of such Court, that it was not in the power of such owner or possessor to kill such dog.

Penalty for default.

Proviso: as to proof of fact.

Proviso: if owner cannot kill his dog.