

**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.

Owner to repay the money if he afterwards recovers damages.

**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.

Dogs seen chasing sheep may be killed.

**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.

Owner of such dog to kill him on notice.

Penalty for default.

Proviso: as to proof of fact.

Proviso: if owner cannot kill his dog.

**15.** Upon complaint being made to the Clerk of any Township 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.