

such amount shall be paid by the Treasurer from and out of the funds constituted by the seventh section of this Act, and from no other fund whatsoever; Provided always, that after such damages shall have been paid by the Treasurer as aforesaid, in cases where the owner of any
 5 dog or dogs could not be found, shall afterwards be identified and proved, it shall be the duty the Clerk of the Municipality to make complaint before a Justice of the Peace for the County, who shall summon such reputed owner, and shall proceed to try the case and determine the same in the manner provided by the ninth section of this Act
 10 for compelling the owners of dogs killing or injuring sheep to pay the damages.

12. 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
 15 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 seventh section of this Act, and from no other fund whatsoever.
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By Municipal Council.

13. 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
 25 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 seventh section of this Act.

Repayment in certain cases.

14. 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.
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When dog may be killed.

15. The owner or harbourer of any dog to whom notice shall be given, of any injury done by his dog to any sheep, or of his dog having
 35 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 Justice of the Peace, before whom such suit shall be
 40 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 Justice of the Peace, that it was not in the power of such owner or harbourer to kill such dog.

Penalty.

16. Every Justice of the Peace shall be entitled to charge such fees in cases of prosecutions under this Act as it is lawful for him to do in other cases within his jurisdiction.
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Fees to Justices.

17. This Act shall apply to Upper Canada only.

To apply to U. C.