

so he was not without jurisdiction even if the case was to be dealt with entirely under the old Act.

The question as to the applicability of the new Act, the learned Judge said, was settled in favour of the plaintiffs by the provisions of sec. 15 of the Interpretation Act, R.S.O. 1914 ch. 1, which provides for the case where an Act is repealed and other provisions are substituted for those repealed—clause (b) enacts that, in such case “all proceedings taken under the . . . enactment . . . repealed . . . shall be taken up and continued under and in conformity with the provisions so substituted, so far as consistently may be.” The “proceeding taken” in this case, before the repeal of the revised statute, was the making of an application to the council for an award of compensation. Upon that application the plaintiffs had satisfied the council that they had made diligent inquiry to ascertain the owner or keeper of the dogs and that he could not be found. There had been no report by a sheep-valuer, because there was no sheep-valuer; and the next step would have been the ascertainment by the council of the amount of the damage. That step the council decided not to take. The new Act required the ascertainment to be made by the Court in an action where, as here, there was no valuer to make it; and, as the Interpretation Act enacted that the proceedings should be taken up and continued under and in conformity with the provisions of the new Act, there was nothing for the plaintiffs to do but commence their action.

The learned Judge did not wish to be understood as deciding against the applicability of sec. 15 (c) of the Interpretation Act.

There should be judgment in favour of the plaintiffs for \$2,805.60, with costs.