

ACTS OF LAST SESSION.

An Act to amend and consolidate the Act to impose a tax on dogs, and to provide for the better protection of sheep in Upper Canada.

[Assented to 15th August, 1866.]

Whereas it is expedient to amend and consolidate the act chapter thirty-nine of the twenty-ninth Victoria, intituled, "An act to impose a tax on dogs and to provide for the better protection of sheep in Upper Canada;" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The act passed in the twenty-ninth year of Her Majesty's reign, and chaptered thirty-nine, intituled, "An act to impose a tax on dogs, and provide for the better protection of sheep in Upper Canada," is hereby repealed.

2. There shall be levied annually in every municipality in Upper Canada, upon the owner of each dog therein, an annual tax of one dollar for each dog, and two dollars for each bitch.

3. The assessor or assessors of every Municipality at the time of making their annual assessment, shall enter on their roll opposite the name of every person assessed, and also shall enter opposite the name of every resident inhabitant not otherwise assessed, being the owner of any dog or dogs, the number by him or her owned or kept, in a column prepared for the purpose.

4. The owner or keeper of any dog, shall when required by the assessor, deliver to him in writing the number of dogs owned or kept, whether one or more, and for every neglect or refusal to do so, and for every false statement made shall incur a penalty of five dollars, to be recovered before any Justice of the Peace for the municipality, with costs.

5. The collector's roll shall contain the name of every person entered on the assessment roll as the owner or keeper of any dog or dogs with the tax hereby imposed, in a separate column, and the collector shall proceed to collect the same and at the same time and with the like authority and make returns to the Treasurer of the Municipality, in the same manner and subject to the same liability for paying over the same in all respects to the Treasurer as in the case of other taxes levied in the municipality.

6. The moneys so collected and paid to the clerk or treasurer of any municipality, shall constitute a fund for satisfying such damages as may arise in any year, from dogs killing or injuring sheep or lambs in such municipality, and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof; but the fund shall be supplemented when necessary in any year to pay charges on the same, to the extent of the amount which may have been applied to the general purposes of the municipality.

7. The owner or keeper of any dog, that shall kill, wound or otherwise injure any sheep or lamb, shall be liable for the value of such sheep or lamb to the owner thereof, without proving notice to the owner or possessor of such dog, or knowledge by him, that his dog was mischievous or disposed to kill sheep.

8. The owner of any sheep or lamb that may have been killed or injured by any dogs, may apply to any two Justices of the Peace for the County, who shall enquire into the matter of complaint and examine such owner and witnesses (if any) upon oath, and if satisfied that such sheep or lamb had been killed or injured by any dogs, and if upon the evidence produced, the Justices shall be satisfied as to whom such dogs belong, or by whom such dogs were kept, such owner or owners if more than one, shall be liable to pay the amount of damages proved to have been sustained by such owner of the sheep or lamb killed or injured by the owner, or if more than one, owners of such dogs, equally, upon the order and decision of the Justices before whom the complaint was made, and each Justice shall have authority to summon witnesses and to enforce payment of damages and costs by distress and sale in the manner provided by one hundred and three of the Consolidated Statutes of Canada, respecting the duties of Justices of the Peace out of session in relation to summary conviction and orders, either party aggrieved having the right to appeal by-law provided in cases of summary conviction.

9. If the party injured shall make oath that upon diligent search and enquiry he has not been able to discover the owner or keeper of the dogs by which such damage or injury has been done, or shall fail to recover the amount of damages or injury adjudged from the owner or keeper of such dogs, if known, for want of distress, the Justices before whom the complaint was made, shall certify to the facts that such owners cannot be found, or that if known, there were no goods found upon which to levy the same, and the amount of damages by them adjudged, and upon the production of the certificate of such Justices to the effect aforesaid, be served upon or left with the clerk of the municipality, it shall be the duty of such clerk to lay the same before the Municipal Council at its next meeting; and in such cases 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 or lamb killed or injured by dogs, 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 one other fund whatsoever; provided always, that if after such damages shall have been paid by the treasurer as aforesaid, the owner or keeper of any such dogs shall afterwards be identified and proved, it shall be the duty of the clerk of the municipality to make complaint before a Justice of the Peace for the County, who