
2nd Session, 7th Parliament, 26 Victoria, 1863



BILL.

An Act for the better protection of Sheep
in Upper Canada.

Received and read, 1st time, Thursday, 19th
February, 1863.

Second reading, Tuesday, 24th February,
1863.

Hon. Mr. ALEXANDER.

QUEBEC.

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BILL.

An Act for the better protection of Sheep in Upper Canada.

HER Majesty, by and with the consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. It shall be lawful for the owner of any sheep, or for any person having, for the time being, the care or custody of any sheep, to kill any dog in the act of pursuing or worrying such sheep elsewhere than on land belonging to the owner of such dog. Owner of sheep may kill dogs worrying them.
2. On complaint made in writing and on oath before any Justice of the Peace, for any city, town or county, or union of counties in Upper Canada, that any person residing in such city, county or union of counties, owns a dog there which has pursued or worried any sheep elsewhere than on land belonging to its owner, such Justice of the Peace may issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place, before the same Justice, or before such other Justice of the same city, county, or united counties, as may then be there, to answer to the said complaint, and to be further dealt with according to law. Owner of dog that worries sheep may be summoned to answer complaint thereof.
3. The proceedings on such complaint and summons shall be regulated by the Act "respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders," which shall apply to cases under this Act. Proceedings on such complaint.
4. In case any person is convicted, on the oath of one credible witness other than the complainant of owning a dog which has pursued and worried any sheep elsewhere than on land belonging to its owner, the Justice of the Peace may make an order for the killing of such dog (describing the same according to the tenor of the description given in the complaint and in the evidence) within such time not exceeding days, as he may see fit, and in default thereof for the commitment of the defendant to prison for not less than nor more than days, for not obeying such order, and for the killing of such dog by a constable or other person named in such order. Justice may make order for killing of dog, &c.
5. It shall not be necessary for the plaintiff in any action of damages for injury done by a dog to sheep to prove that the defendant was aware of the propensity of the dog to pursue and injure sheep; nor shall the liability of the owner of any dog in damages for any injury done by such dog to any sheep depend upon his previous knowledge of the propensity of such dog to injure sheep. Owners of dogs liable for injury done by them to sheep.
6. No conviction under this Act shall be a bar to any action by the owner of any sheep for the recovery of damages for the injury done to such sheep on the occasion in respect of which such conviction is had. Conviction no bar to action of damages.

Defendant under sec. 1 may give this Act in evidence. 7. The Defendant in any action of damages for killing a dog under the first section of this Act may plead the general issue and give the said section and the special matter in evidence.

Limitation. 8. This Act shall apply to Upper Canada only.