

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers /
Couverture de couleur
- Covers damaged /
Couverture endommagée
- Covers restored and/or laminated /
Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) /
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations /
Planches et/ou illustrations en couleur
- Bound with other material /
Relié avec d'autres documents
- Only edition available /
Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments /
Commentaires supplémentaires: **Cover title page is bound in as last page in book but filmed as first page on fiche.**

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated /
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed /
Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies /
Qualité inégale de l'impression
- Includes supplementary material /
Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

| | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--|--|-----|--|--|
| 10x | | 14x | | 18x | | 22x | | 26x | | 30x | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | |
| 12x | | | 16x | | | 20x | | | 24x | | | 28x | | | 32x | | |

No. 102.

5th Session, 8th Parliament, 29-30 Vict., 1866.

BILL

To amend 29 Victoria, chapter thirty-nine, intituled, "An Act to impose a tax on dogs, and to provide for the better protection of sheep in Upper Canada."

Received and read, first time, Monday,
25th Jun, 1866.

Second reading, Wednesday, 27th June,
1866.

Mr. AMOS WRIGHT.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO., SALLY ST.

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

WHEREAS it is expedient to amend and consolidate the Act chapter thirty-nine of the 29th 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:

- 5 **1.** The Act passed in the twenty-ninth year of Her Majesty's reign, Repeal. and chaptered thirty-nine, intituled, "An Act to impose a tax on dogs, and to provide for the better protection of sheep in Upper Canada," is hereby repealed.
- 10 **2.** There shall be levied annually in every Municipality in Upper Tax on dogs. Canada, upon the owner of each dog therein, an annual tax of one dollar for each animal.
- 15 **3.** The assessor or assessors of every Municipality at the time of making their annual assessment, shall enter on his roll opposite the name of every person assessed, and also shall enter the name of every resident inhabitant not otherwise assessed, being the owner of any dog or dogs, and the number by him or her owned or harboured, in a column prepared for the purpose.
- 20 **4.** The owner or harbourer of any dog, shall when required by the assessor, deliver to him in writing the number of dogs owned or harboured by him or her, whether one or more, and for every neglect or refusal to do so, and for every false statement made by the owner or harbourer of any dog, shall incur a penalty of five dollars to be recovered before any Justice of the Peace for the Municipality, together with costs.
- 30 **5.** The assessors of every Municipality shall, within the time required by law for the completion of their assessment rolls of real and personal property, make out a duplicate of the lists so by them made, containing the names of the owners and possessors of dogs liable to taxation under this Act, with the amount payable by each person, and shall annex thereto a direction to the collector of the Municipality to levy, raise and collect the several sums in such lists specified, of the persons respectively opposite to whose names the said sum shall be set, according to law, and pay over the same to the Clerk or Treasurer, as may be directed by the Municipality: and such lists shall be signed by the assessors, and shall be by them immediately delivered to the collector.
- 40 **6.** The collector's roll shall contain the name of every person entered on the assessment roll as the owner or harbourer of any dog or rate:

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 municipalities. 5.

Rate to form
a fund.

7. 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 in such municipality, and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof. 10.

Liability of
owner of any
dog.

8. The owner or harbourer 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. 15.

Proceedings.

9. The owner of any sheep that may have been killed or injured by any dog or dogs, may apply to any Justice of the Peace for the County, who shall enquire into the matter of complaint and examine such owner and his witnesses (if any) upon oath, and if satisfied that such sheep had been killed or injured by any dog or dogs, and upon the evidence produced, the Justice shall be satisfied to whom such dog or dogs belong, such owner or owners if more than one, shall be liable to pay the amount of damages provided to have been sustained by such owner of the sheep killed or injured by the owner, or if more than one owner of such dog or dogs, equally upon the order and decision of the Justice before whom the complaint was made, and each Justice shall have the same authority to summon witnesses and to enforce payment of damages and costs by distress and sale in the same manner as provided by chapter 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, with the right of appeal by either party aggrieved, as by law provided in cases of summary conviction. 20.
25.
30.

In case of
owner of dog
be unknown:

10. If the party injured shall make oath that upon diligent search and enquiry he has not been able to discover the owner or harbourer of the dog or 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 harbourer of such dog or dogs, if known, for want of distress, the Justice before whom the complaint was made, shall certify to the facts that such owner or owners cannot be found, or that if known, that there were no goods found upon which to levy the same, and the amount of damages by him adjudged, and upon the production of the certificate of such Justice to the effect aforesaid, being 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. 35.
40.
45.

Payment of
damages.

11. The Municipal Council shall issue its order on the Treasurer for the amount of the damages appearing by the certificate of the Justice of the Peace to have been sustained by the owner of any sheep killed or injured by dogs, when they shall be satisfied that the owner or harbourer of such dogs, cannot be discovered, or that the party injured has failed to recover such damages of such owner or harbourer, and 50.

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.
 20

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.
 30

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.
 45

Fees to Justices.

17. This Act shall apply to Upper Canada only.

To apply to U. C.