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No. 65.

4th Session, 8th Parliament, 29th Vict., 1865.

BILL.

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

[No. 35 of 1865—1st Session.]

Mr. WRIGHT (East York).

QUEBEC:

PRINTED BY HUNTER, ROSE & CO., ET.
URSULH STREET.

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

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

1. In all the Townships in Upper Canada, there shall be annually levied and collected the following tax upon dogs : Upon every bitch of three months old or upwards, kept by any one person or family, *two dollars* ; upon every additional bitch kept by the same person or family, *five dollars* ; upon *one or two* dogs of six months old and upwards, other than bitches, kept by one person or family, *one dollar* ; upon every such dog more than two kept by the same person or family, *three dollars*. Taxes imposed on dogs in U. C.

10 **NOTE.**—*This clause is intended to originate in Committee of the Whole—and is printed here for the information of Members.*

2. The assessors of every Township, at the time of making their Annual Assessments, shall ascertain the number of dogs liable to be taxed, and shall enter in lists to be made by them the name of every person in their respective Townships then owning or keeping any dog subject to the above tax, the number of dogs kept by such person, and the whole amount of tax to be paid by him. Assessors to ascertain owners of dogs and amount of taxes.

3. The owner or possessor of every dog liable to such tax, shall, whenever required by any assessor, deliver him a description in writing of every such dog owned or possessed by him, and for every neglect or refusal to do so, and for every false statement made in any description so furnished, such owner or possessor shall incur a penalty of *five dollars*, to be recovered by the Clerk of the Municipality before any Court of competent jurisdiction. Owners to give the required information
Penalty for default.

25 4. The assessors of every Township 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 30 annex thereto a direction to the collector of the Township to levy, raise and collect the several sums in such lists specified of the persons respectively opposite to whose names the said sums shall be set, according to law, and pay over the same to the Township Clerk or Treasurer as may be directed by the Municipality ; and such lists shall be signed 35 by the assessors and shall be by them immediately delivered to the collector. Assessors to give lists to the Collectors who are to collect the tax.

5. The collector to whom any such list shall be delivered shall proceed to the collection of the sums of money therein specified in the same Power of collector, the

same as with respect to other taxes. manner and with the like authority, in all respects, as in the collection of other taxes imposed in the Municipality, and shall pay the same to the Township Clerk or Treasurer as may be directed by the Municipality; and the same remedies to compel such collection and the payment of the moneys collected may be had against such collectors and their sureties as in the case of other taxes levied in the Municipality. 5

Moneys collected to be a fund for paying damages done by dogs. 6. The moneys so collected and paid to the Township 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 purpose thereof. 10

Owner of dog killing sheep liable without notice. 7. The owner or possessor 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

Two Justices may inquire concerning injury to sheep by dogs. Their certificate. 8. The owner of any sheep or lamb that may be killed or injured by any dog may apply to any two justices of the peace in the Municipality, who shall enquire into the matter and view the sheep injured or killed, and may examine witnesses upon oath in relation thereto; and if such justices of the peace are satisfied that such sheep or lamb was killed or hurt only by dogs and in no other way, they shall certify such fact, the number of the sheep or lambs killed or hurt, and the amount of the damages sustained thereby by the owner, together with the value of the sheep or lambs hurt or killed. 20 25

Certificate to be evidence in suit for damages. 9. Such certificate shall be *prima facie* evidence of the facts therein contained in any suit that may be brought by the party injured against the owner or possessor of any dog, if it shall appear on the trial of such suit that due notice was given to the owner of the dog of the intended application to the justices of the peace. 30

If the party liable cannot be found or fail to pay. Application to the Municipality. 10. If the party injured cannot discover the owner or possessor of the dogs by which such damage was done, or shall fail to recover the value of the sheep killed or injured from such owner or possessor, he may apply to the Clerk of the Municipality, and upon production to him of the certificate of the justices of the peace, made as aforesaid, and the affidavit of the party injured that he has not been able to discover such owner or possessor, or that he has failed to recover the damages from such owner or possessor, such Clerk shall lay the same before the Municipal Council of the Township at its next meeting. 35

Municipal Council on due proof shall pay damages out of fund under Sec. 6. 11. The Municipal Council of the Township 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 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 sixth section of this Act, and from no other fund whatsoever. 40 45

12. 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 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 sixth section of this Act.

Owner to repay the money if he afterwards recovers damages.

13. 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.

Dogs seen chasing sheep may be killed.

14. The owner or possessor of any dog, to whom notice shall be given of any injury done by his dog to any sheep, or of his dog having 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 Court before which a suit shall be 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 Court, that it was not in the power of such owner or possessor to kill such dog.

Owner of such dog to kill him on notice.

Penalty for default.

Proviso: as to proof of fact.

Proviso: if owner cannot kill his dog.

15. Upon complaint being made to the Clerk of any Township Municipality of any penalties imposed by this Act having been incurred, he shall commence a suit for the recovery thereof, in his name of office, and shall prosecute the same with due diligence; and all moneys recovered shall be by him added to the fund constituted by the sixth section of this Act for the satisfaction of damages sustained by owners of sheep.

Duty of Township Clerk to sue for penalties.

16. Every person in possession of any dog, or who shall suffer any dog to remain about his house or premises for the space of twenty days previous to the assessment of a tax, or previous to any injury, chasing or worrying of sheep or any such attack made by such dog, shall be deemed the owner of such dog for all the purposes of this Act.

Persons harbouring dogs to be deemed owners thereof.

17. This Act shall apply only to Upper Canada.

Act limited to U. C.