

## C H A P. 41

An Act to amend the Revised Statutes, 1909, respecting the establishment of a compensation fund for the benefit of proprietors or possessors, for damage done to their sheep.

[Assented to 21st December, 1912]

**H**IS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

**1.** The following section and articles are inserted in the R.S., articles Revised Statutes, 1909, after section XXIIa, as enacted by <sup>added. 1.</sup> the act 2 George V, chapter 41, section 1, of chapter second of title eleventh:

“SECTION XXII b.

“THE CREATION OF A COMPENSATION FUND FOR THE BENEFIT OF PROPRIETORS OR POSSESSORS FOR DAMAGE DONE TO THEIR SHEEP.

“**5956c.** 1. The council of a rural, village or town municipality shall pass a by-law to the effect hereinafter mentioned, if called upon so to do by a petition signed by at least one-fourth of the rate-payers residing in the municipality. By-law to be passed.

The by-law shall be passed at the ordinary meeting next following the receipt of the petition, or at any other ordinary or special meeting, after the giving of the usual notice required by the law governing the municipality. When to be passed.

2. The by-law shall provide:

a. For the establishment of an annual compensation fund consisting of the proceeds of an annual tax of one dollar imposed for each dog, and of four dollars for each bitch at large within the limits of the municipality; Provisions thereof. Compensation fund.

b. For the imposition of the above tax payable by the proprietor or possessor of any dog or bitch at large in the municipality; Dog tax.

c. To compel the owner or possessor of any dog or bitch to declare to the secretary-treasurer of the municipality the number of dogs or bitches under his care, under penalty of a fine of ten dollars recoverable by the municipality for the benefit of the compensation fund; Declarations of owners of dogs.

d. For the payment, out of the special fund, of compensation for damage done to sheep by dogs or bitches so soon as the owner or possessor of the sheep has proved to the Payment out of compensation fund.

council that such damage has been sustained. Nevertheless the council shall not allow compensation of more than five dollars for any one sheep;

Tax rebate. *e.* For a rebate at the end of any tax year, the precise date whereof must be mentioned in the by-law, to the proprietors or possessors of dogs or bitches who have paid the tax, of their proportionate share in the unexpended balance of the compensation fund, except the sums arising from penalties and damages collected by the municipality in virtue of article 5956*d*, which damages and penalties shall continue to form part of the compensation fund for the following year, or shall be confiscated if the fund is not continued, for the benefit of the municipality.

Rights of municipality *re* penalties. “**5956*d***. The municipality may claim in its own name the penalty mentioned in sub-paragraph *c* of paragraph 2 of article 5956*c*, as well as the amount of the real damage suffered by the complainant to whom compensation of not more than five dollars has been paid in virtue of article 5956*c*.

Subrogation of municipalities. The municipality is subrogated by operation of law, in the rights of any person who has received an indemnity of not more than five dollars, as regards his recourse against the owner or possessor of the dog or bitch who has caused the damage suffered by such person.

Disposal of proceeds of penalties, &c. The proceeds of the penalty and of the damages shall be paid into the compensation fund out of which the costs in case the municipality fails in its action shall be paid, subject to the obligation to pay the balance of the costs if the compensation fund is insufficient to meet all the requirements of this section.

Duration of by-law. “**5956*e***. The by-law mentioned in this section may be passed every year or contain a clause to the effect that it shall remain in force from year to year until repealed.

Proviso. Nevertheless in the latter case the rebate shall be made at the end of each year as if the by-law had been passed for one year only.”

Coming into force. **2.** This act shall come into force on the day of its sanction.