

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1807. Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1807.

47 George III – Chapter 8

An Act to enable the Owners of Stray Cattle more easily to recover the same. Passed the 5th of March, 1807.

Whereas from the want of a sufficient quantity of land inclosed, many of the Inhabitants in different parts of the Province suffer their Horses, Neat Cattle and Sheep, to run at large; and from the very extensive range in wilderness Land, it frequently happens that they stray to a great distance from where they were turned out, thereby the owner or owners are put to great trouble and expence, and very often after the most diligent search are unable to find them.

I. Be it therefore enacted, by the President, Council and Assembly, That from and after the passing of this Act, any person or persons whatsoever who at any time hereafter between the first day of November and the first day of May in each and every year, shall have any Grayed Horses, Neat Cattle or Sheep, upon their inclosed Land, shall within twenty days thereafter, deliver or cause to be delivered to the Clerk of the Town or Parish where such Horses, Neat Cattle or Sheep shall happen to be, a note in writing containing their several ages, colours and marks, natural and artificial, as near as may be, together with the place of abode of such person or persons, and that for so doing such person or persons shall have for their trouble one shilling per head for every such Horse or Neat Cattle, and three pence for every Sheep so notified: And that on receipt of such notice the said Clerk shall make full entry thereof at large in a Book to be provided by him for that purpose; for which entry so made he shall be paid by the person or persons giving such notice the sum of one shilling for each and every such Horse or Neat Cattle, and three pence for every Sheep so entered as aforesaid, which several sums, for the notice given and entry as aforesaid made, shall be paid to the possessor by the respective owner or owners of such Horses, Cattle or Sheep, together with reasonable charges for the keeping of the same.

II. And be it further enacted, That if no owner or owners shall claim the said Horses, Cattle or Sheep, within the space of six months after notice given and entry made by the Clerk as aforesaid; then the possessor is hereby required to sell them at Public Auction to the highest bidder, first giving at least ten days notice by advertisement to be posted up at three or more of the most public places within the said Town or Parish where the said Horses, Neat Cattle or Sheep have been kept, or the time and place of sale, and to retain the money arising from such sale in his or their hands until the owner or owners shall appear, unto whom shall then be paid the remaining part of the money by the possessor, after deducting the aforesaid allowance and reasonable charges for keeping and sale as aforesaid. Provided always, that such owner or owners as do not demand the same within six months after such sale, shall be and hereby are precluded and debarred for ever after from recovering of the possessor, all or any part of the money arising from such sale. And the remainder after the aforesaid deduction, shall be paid into the hands of the Overseers of the Poor of the Town or Parish where the said Horses, Neat Cattle or Sheep may happen to be sold, to be applied by them towards the support of the Poor of the said Parish.

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III. And that the good intent of this Act may not be evaded, Be it further enacted, that if the possessor of possessors of the remaining money arising from the sales of such Horses, Neat Cattle or Sheep as aforesaid, shall not within three months after the time limited above, pay the same to the Overseers of the Poor of the Town or Parish where such Horses, Neat Cattle and Sheep shall happen to be taken up, and sold in manner as aforesaid, every such defaulter shall forfeit and pay double the sum so remaining in his or their hands for the use abovementioned to be recovered over and above the said remaining money, with costs of suit, by the said Overseers of the Poor of the Town or Parish where such default shall happen, by action of debt, bill, plaint or information, in any Court within the County where the cause of action shall arise competent to determine the same. And the said Overseers of the Poor are hereby respectively vested with full power and authority to sue for and recover the same.

IV. And be it further enacted, That any person or persons whatsoever, who shall between the first day of November and the first day of May, in each and every year hereafter, knowingly have any such Horses, Neat Cattle and Sheep as aforesaid, in his or their inclosed land or possession, and do not acquaint the owner or owners therewith, or give notice as prescribed by this Act within twenty days thereafter, such person or persons so offending shall not only forfeit any demand they might otherwise have for keeping and feeding such Horses, Neat Cattle and Sheep as aforesaid, but shall also forfeit to the owner or owners thereof for every wilful neglect, for each and every Horse or Neat Cattle, the sum of twenty shillings, and for each and every Sheep the sum of two shillings, to be recovered before any Justice of the Peace within the said County where such neglect may happen, with full costs of suit.

V. And be it further enacted, That the Books as aforesaid to be provided and kept by the respective Clerks of each Town or Parish, shall by them be kept free and open for any person or persons who at any time shall have occasion to search therein, for which search the said Clerk shall be intitled to receive six pence and no more. And it shall be the duty of the Town Clerks in the respective Towns and Parishes, to enter and Register such Ear-mark in a Book for that purpose, as any owner of any Sheep or Cattle shall request to have entered, for which such owner shall pay six pence, which mark shall be the proper mark of such owner and of no other person in such Parish. Provided Always, that no owner of any such stray Sheep or Cattle, shall be intitled to any benefit from this Act until he shall have entered and registered a proper Ear-mark in the manner herein before mentioned.