

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1827. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1827.

8 George IV – Chapter 18

An Act to repeal an Act intituled “An Act to prevent the destruction of Sheep by Dogs” and make other and more effectual provision for the prevention thereof. Passed the 19th March, 1827.

Whereas an Act made and passed in the thirty-second year of the Reign, of His late Majesty King George the Third, intituled “An Act to prevent the destruction of Sheep by Dogs” has been found ineffectual for the object intended.

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That the said Act be, and the same is hereby repealed.

II. And be it further enacted, That henceforth, if any Dog or Dogs shall kill any one or more Sheep or Lambs, the Owner or Owners of such Dog or Dogs upon complaint and conviction thereof before any one Justice of the Peace in the County where such offence shall be committed, or in which such Owner or Owners of such Dog or Dogs shall reside, shall cause the Dog or Dogs to be immediately killed, and shall be liable to pay to the Owner of such Sheep or Lambs, the full value thereof to be recovered with Costs in manner as hereinafter mentioned.

III. And be it further enacted, That the Owner of any Dog so convicted, who shall neglect to kill such Dog, after notice given to him for that purpose, shall be liable to pay a fine of twenty shillings for each and every time such Dog shall be found running at large, for the use of the Poor of the Parish where the offence shall be committed; such fine to be recovered with Costs before a Justice of the Peace in the County where such offence shall be committed, or in which such Owner or Owners shall reside, and levied by Warrant of Distress and sale of the Goods of the Person so convicted, rendering the overplus, if any, after deducting the costs and charges of such Distress and Sale, to the offender; and for want of Goods whereon to levy the same, the offender to be imprisoned by warrant of such Justice, before whom such conviction shall be made for a period not exceeding four days, and such Justice shall also by his warrant directed to a Constable, require him to cause such Dog to be forthwith killed.

IV. And he it farther enacted, That the damage which may be sustained by the loss of any Sheep or Lambs killed or maimed in manner as aforesaid, may be recovered before a Justice of the Peace, in manner as small debts are by Law recoverable, unless such damage shall exceed the value of five pounds, and if exceeding that value, then before any court of competent Jurisdiction to try the same.

V. And be it further enacted, That all and every person or persons shall be fully authorized and justified in destroying any Dog which may be found running at large after having killed any Sheep or Lamb; and in case of any action of Trespass, or other action brought against any person or

persons for so destroying any Dog or Dogs which may have so killed any Sheep or Lamb, the Defendant or Defendants in such Action shall be allowed to plead this Act in justification, and if the Plaintiff shall become nonsuited, or shall discontinue the Action, or if upon verdict or demurrer Judgment shall be given against the Plaintiff, the Defendant shall recover double Costs of Suit, and have such remedy for the same as any Defendant can have in other cases where costs are given by Law.