

Laws of His Majesty's Province of Upper-Canada in North America. York: John Bennett, Printer to the King's Most Excellent Majesty, 1804.

44 George III – Chapter 4

An Act to repeal so much of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large," as relates to Sheep, and to refrain the Owners of Rams from permitting them to run at large during a certain time of the year. Passed 9th March, 1804.

Whereas it would tend to improve the breed and increase the number of sheep, if the owners of rams were restrained by Law from permitting them to run at large during a certain time of the year: Be it therefore Enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That so much of an Act, passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to restrain the custom of permitting horned cattle, horses, sheep and swine to run at large," as impowers or authorizes the inhabitant householders, or the greater part of them in every district within this Province in their annual Town Meetings, to ascertain and determine in what manner and at what periods sheep shall be allowed to run at large within their respective Divisions, or to resolve that the same or any part thereof, shall be restrained from so doing, shall be and the same is hereby repealed.

II. And be it further Enacted, That from and after the passing of this Act, it shall not be lawful for any person or persons within this Province, to have any ram or rams going at large within the said Province, from the first day of September until the twentieth day of December in each year, and if any ram or rams belonging to any such person or persons as aforesaid, shall be found going at large as aforesaid, such person or persons shall for every such ram going at large as aforesaid, between the said first day of September and the said twentieth day of December, forfeit and pay the sum of twenty shillings, which shall be recovered in a summary way before any one of his Majesty's Justices of the Peace, either upon the confession of the party complained of or upon the oath of one credible witness, which sum, after the party shall be so convicted, shall be levied by distress and fate of the offender's goods and chattels, returning the overplus, if any shall arise upon such sale to the party complained of, after deducting the said sum of twenty shillings and the charges of the sale.

III. And be it further Enacted by the Authority aforesaid, That one half of the said sum of twenty shillings, shall be paid to the informer, and the other half shall be paid to the Receiver General, to and for the public uses of this Province.

IV. And whereas difficulty may arise in ascertaining to whom any ram or rams which shall be found running at large between the said first day of September and the twentieth day of December, in this present or any subsequent year, may belong, Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person or persons finding such ram or rams at large during the aforesaid time, contrary to the provisions of this Act, to impound such ram or rams in the common pound, or confine such ram or rams in some building within the township, where such ram or rams shall be so found, and to affix notice in writing, under the signature of such person or persons so impounding or confining such ram or rams, on the outside of such pound or building, and also in some other conspicuous place in the said township, (which notice shall be dated on the day on which the same shall be so affixed) of such ram or rams having been found at large contrary to law, and being impounded or confined, either in the common pound or some other building to be described in such notice (as the case may be) and such person or persons shall immediately proceed to bring to conviction such owner or owners; and if the owner or owners of such ram or rams, shall not within seven days after such notice shall be so given, pay the said sum of twenty-five shillings, together with the pound-keeper's fees; and the costs and charges attending the support and feeding such ram or rams during his or their confinement, (such costs and charges to be ascertained and adjudged by the Magistrate before whom any conviction shall take place by virtue of this Act) it shall and may be lawful to and for the person or persons who shall so have impounded or confined such ram or rams, and who shall have convicted the owner or owners of such ram or rams, of having offended against this Act, to expose such ram or rams to sale, and out of the money arising from such sale, to pay such sum of twenty shillings, together with such costs and charges as aforesaid, in case the proceeds of such sales shall be found sufficient to pay the same, and if more than sufficient, to return the overplus to the owner or owners of such ram or rams, and if such proceeds shall be found insufficient for the purposes aforesaid, then and in such case, such proceeds shall, in the first place, be applied in payment of the pound-keeper's fees and the costs and charges attending the supporting and feeding such ram or rams, and the remainder to be applied in manner following, viz. one half of such remainder to the informer, and the other half to His Majesty's Receiver General, for the public uses of this Province.

V. And be it further Enacted, That no prosecution shall be carried on under the authority of this Act, unless the same shall be commenced within eight days after any ram or rams shall be found running at large, contrary to the provisions herein contained, nor shall any distress be levied under the authority of this Act, in any case where any ram or rams so impounded or confined as aforesaid, shall have been sold under the provisions herein contained, but the proceeds of such sale or sales only, shall at all times be deemed and considered as liable to satisfy the penalty and all costs by this Act intended to be imposed.

VI. And be it further Enacted by the Authority aforesaid, That all such parts of the forfeitures and penalties as are by this Act directed to be paid to his Majesty's Receiver General, to and for the public uses of this Province, shall be accounted for to his Majesty, his heirs and successors, through the Lords Commissioners of his Majesty's Treasury, in such manner and form as his Majesty, his heirs or successors shall be graciously pleased to direct.