

BILL.

An Act to prevent fraud in the sale and exchange
of horses in Lower Canada.

WHEREAS differences and litigation frequently arise out of the sale or exchange of horses, and it is expedient to specify the causes for which and the time within which it shall and may be lawful to return any horse obtained by purchase or exchange, if such horse prove to be unsound, and to define unsoundness: Be it therefore enacted, &c.

Preamble.

That any horse labouring under or having any one or more of the diseases, evils, or ailments hereinunder set forth shall be held and considered to be unsound, and that each of the undermentioned diseases or ailments do constitute and shall be held to constitute unsoundness, that is to say: Amaurosis, Cataract, Chronic Ophthalmia, Epilepsy, Glanders, Farcy, Brokenwind, Chronic Bronchitis, Roaring, Crib Biting, Hernia, Prolapsus Uteri, Fistula of any part, Indolent or Malignant Tumors, Curbs, Bone Spavin, Blood Spavin, Splint, Ringbone, Foot Founder, Pumiced Foot, Sandcrack, Quittor, False Quarter, Navicular Disease, Ossified Lateral Cartilages, Mange, Thrush, Grease, Chronic Enlargement of the Sheaths of the Tendons.

What diseases shall constitute unsoundness.

II. And be it enacted, That in every sale, exchange or transfer for a valuable consideration of any horse, unless there be a specific stipulation, bargain, agreement or provision to the contrary, it shall be a condition of the sale, exchange or transfer that the horse or horses sold, exchanged or transferred, is or are warranted by the vendor or person delivering, in exchange or transferring, to be sound at the time of such sale, exchange or transfer: Provided nevertheless, that no stipulation, bargain, agreement or provision shall exclude any sale, exchange or transfer from the operation of the foregoing enactment, unless the vendor or person delivering in exchange or transferring the horse, shall in every case at the time of the sale or delivery make known the particular disease, evil or ailment which the horse then sold, exchanged or transferred suffers from or labors under, and against which he gives no warranty.

Warranty to be presumed in every case unless it be stipulated that there shall be none.

proviso: in such case the particular disease must be declared.

III. And be it enacted, That, except in the case of express mention of some disease or ailment and refusal to guarantee against the same as aforesaid, every sale,

Vendor may return the unsound horse