

BY-LAW NO. 4.

To Prevent the running at large of all Animals, to Regulate the Duties of Poundkeepers, the height of lawful fences, and other matters connected therewith.

PASSED 30TH APRIL, 1806.

BE IT ENACTED by the Municipal Council of the Township of Brooke, in Council assembled.

1. That it shall not be lawful for any animal of any description to run at large or unattended, on any of the public highways of the Municipality. The owner of any animal found running at large shall be responsible for any damage done by such animal to the public roads or ditches, or to the crop of any person, even though the fence was not a lawful fence.

2. Every Poundkeeper shall impound any animal distrained for unlawfully running at large, or for trespassing or doing damage, delivered to him by any resident of the Municipality, or by his servant or agent on his behalf.

2a. That in case animals prohibited from running at large, enter from the public allowance for road, into any field, enclosure, pasture, yard, lane or premises, and do or commit any damage whatsoever; that the owner or occupant of said field, enclosure, yard, lane or premises, may enter a claim for damages before any Justice of the Peace for the County, and shall be entitled to recover same from the owner of said offending animals, or may impound same, as he considers best or easiest; and in either case it shall not be deemed necessary to prove that he had a lawful fence, or any fence at all, or that his gates, bars or other openings were shut or open.

3. The owner of any animal impounded shall at any time be entitled to his animal, on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the Poundkeeper for all costs, damages and poundage fees that may be established against him; but the person distraining, and impounding the animal shall, at the time of the impounding, deposit poundage fees, if such are demanded, and within twenty-four hours thereafter deliver to the Poundkeeper duplicate statements in writing of his demands against the owner for damages (if any) not exceeding \$20.00 done by such animal, exclusive of poundage fees, and shall also give his

written agreement (with a surety if required by the Poundkeeper) in the form following or in words to that effect:—

"I (or we as the case may be) do agree that I (or we) will pay to the owner of the (describing the animal) by me (A.B.) this day impounded, all costs to which the said owner may be put in case the distress by me the said A.B. proves to be illegal, or in case the claim for damages now put in by me, the said A.B. fails to be established."

4. It shall be the duty of the Poundkeeper when any animal is impounded as aforesaid to put up notice within forty-eight hours afterwards in at least three public places in the Municipality, specifying the time and place, at which the animal or animals will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, by paying the penalty imposed by this By-law, the amount of injury (if any) claimed or decided to have been committed by the animal or animals, to the property of the person who distrained it—together with the lawful fees and charges of the Poundkeeper and the party impounding the same, the fence-viewers fees (if any) and the expenses of the animals keeping.

5. If any animal, or any number of animals impounded at the same time, be of the value of ten dollars or more, and the owner thereof is not known, the Poundkeeper shall postpone the sale of such animal or animals for three weeks, and cause a copy of his notice to be published in a newspaper published either within the Municipality, or in a newspaper published in an adjoining or neighboring Municipality for three successive weeks, and if no person appears to claim such animal or animals the Poundkeeper may proceed to sell the same by public sale, at the time and place mentioned in such notice, and he shall apply the proceeds in the discharge of the legally claimable damages, fees and expenses attending the advertising and sale of the animal

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