

# BILL

No. 38 of 1921.

An Act to amend The Domestic Animals Act, 1920.

(Assented to , 1921.)

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Section 2 of *The Domestic Animals Act*, being chapter 33 of the Statutes of Alberta, 1920, is amended—

- (a) As to paragraph (a) thereof by striking out the words “in charge” where they occur therein, and substituting therefor the words “under the immediate, continuous and effective control”;
- (b) As to paragraph (c) thereof by adding after the word “Minister” the words “or by a municipality”;
- (c) By adding as paragraph (cc) thereof the following:  
“(cc) ‘Day’ shall mean a period of twenty-four hours”;
- (d) As to paragraph (m) thereof by adding thereto the following: “or by by-law from running at large in a municipality or part thereof”;
- (e) By adding as paragraph (n) thereof the following:  
“(n) ‘Resident’ shall mean any person who resides within a municipality and is either a taxpayer thereof or a tenant at a rack rent of lands therein.”

2. Section 6a is added to the said Act as follows:

“6a. Each animal in any herd, band or flock shall be deemed to be running at large unless the herd, band or flock is under the charge of a sufficient number of herders to ensure the easy retention of immediate, continuous and effective control over each animal comprised in the same.”

3. Section 7 of the said Act is amended—

- (a) By striking out of subsection 1 thereof all the words after the word “therein,” and substituting therefor the words “the grazing of any domestic animals or any class thereof upon unfenced land other than land owned by the actual owner of the animals; and by a like order may prohibit therein the running at large of the same”;

- (b) By striking out of subsection 2 thereof the words "the equivalent thereof," and substituting therefor the word "horses";
- (c) By striking out subsection 4 thereof;
- (d) By re-numbering subsection 5 thereof as 4.

4. Section 7a is added to the said Act as follows:

"7a. Every municipality may in the same manner as that directed hereinafter with regard to by-laws as to the running at large of animals pass a by-law prohibiting the grazing of any domestic animals or any class thereof upon unfenced land, other than land owned by the actual owner of the animals.

"(2) Any by-law so made shall be subject to the same exemption and any breach thereof shall entail the same penalty as that provided in the next preceding section."

5. Section 8 of the said Act is amended—

- (a) By inserting the words "situate in the extra-municipal area and" after the word "premises";
- (b) By striking out the words "if it belongs to a class prohibited by order in council" where they occur in the proviso thereto.

6. Section 9 of the said Act is amended as to subsection 2 thereof by adding the word "thereon" after the words "damage done."

7. Section 9a is added to the said Act as follows:

"9a. If any person commit either of the next following offences he shall on summary conviction thereof before a justice of the peace be liable to a penalty not exceeding \$100; that is to say, if he—

"(a) When taking his own animal from pasture, without the owner's consent takes or drives off the animal of any other person grazing with his own;

"(b) Causes or allows any horse or head of cattle belonging to another person (without the consent of that person) to be driven with his band or herd more than five miles from its grazing place:

"Provided that if the owner of any animal in taking it from pasture finds it necessary to drive other animals a greater distance than five miles before he can separate his own animal from among them he shall not be liable to the penalties imposed by this section if he at once drives back such animals to the place from which he drove them."

8. Section 10 of the said Act is amended by striking out paragraph (c) thereof.

9. Section 14 of the said Act is amended—
- (a) By striking out the word “territory” where it occurs in subsection 1 thereof, and inserting in lieu thereof the words “part of the extra-municipal area”;
  - (b) By striking out subsection 3 thereof and substituting therefor:  
“(3) Every municipality shall be a pound district.”

10. Section 15 of the said Act is amended as to subsection 1 thereof by inserting the words “in the extra-municipal area” after the words “pound district.”

11. Sections 15*a*, 15*b*, 15*c*, 15*d*, 15*e*, 15*f*, 15*g*, 15*h* and 15*i* are added to the said Act as follows:  
“15*a*. The council of every municipality may by by-law or by-laws direct that any or all domestic animals shall be prohibited from running at large in any part or parts of the municipality.

“(2) Such by-law or by-laws shall set out the classes of animals which are prohibited from running at large and the part or parts of the municipality in which they are so prohibited and the period during which such prohibition is to exist, and may treat the animals which are not the property of residents as a distinct class from those owned by residents.

“15*b*. Any by-law passed by a municipality under the previous section may be in the following or a like form:

“ ‘By-law No. . . . . By-law of the . . . . . respecting the prohibition of animals from running at large. Under the authority and subject to the provisions of *The Domestic Animals Act*, the council of . . . . . enacts as follows:

“ ‘Domestic animals shall be prohibited from running at large in accordance with the following schedule:

Class of animal	Period of prohibition from running at large	Area of prohibition from running at large
1. Horses . . . . .		
2. Asses . . . . .		
3. Mules . . . . .		
4. Cattle . . . . .		
5. Goats . . . . .		
6. Geese . . . . .		
7. Sheep . . . . .		

"15c. Before any such by-law is finally passed by the council, a copy thereof shall be posted up in at least fifteen conspicuous places in the municipality, one of which shall be the office of the clerk or treasurer and there shall also be inserted in a newspaper of general circulation in the municipality a notice in the following or a like form:

" 'Public notice is hereby given that there has been introduced in the council of . . . . . a by-law of which the following is a short synopsis: (*here insert short synopsis of by-law*), and that a copy of the same may be seen in each of the following places: (*here insert a list of the places at which the by-law may be seen*), and further that unless within thirty days from the publication of this notice at least forty resident electors of the municipality petition the council to submit such by-law to the vote of the resident electors of the municipality the council will proceed to pass the same.'

"(2) If no such petition is received by the council within the said thirty days it shall proceed to finally pass the by-law.

"(3) If any such petition is received within the period aforesaid the council shall proceed to submit the by-law to the vote of the resident electors of the municipality.

"(4) The procedure antecedent to, at and subsequent to the taking of such vote shall be that provided for the taking of votes on debenture by-laws, in so far as the same is applicable, but such by-law shall be declared to be carried if it receives the approval of a majority of the resident electors voting thereon.

"(5) Where the by-law affects only part or parts of the municipality, only voters resident in such part or parts shall be permitted to petition the council as aforesaid, or to vote.

"15d. A certified copy of each proposed by-law shall be forwarded by the clerk or treasurer to the Department of Municipal Affairs and its approval must be obtained before the by-law is advertised or voted on.

"15e. No by-law passed under the provisions of this Act shall be effective until fifteen days after the final passing thereof.

"15f. The council of any municipality in which animals are prohibited from running at large or grazing upon unfenced lands shall have power by by-law to extend or shorten the time of such prohibition by any period not exceeding six weeks during the months of September, October, November and December, if in its opinion it seems advisable so to do.

"(2) Any by-law effecting such change shall not be effective until the fifteenth day after the passing thereof and the clerk or treasurer shall forthwith cause notice of such change to be posted up in each post office in the muni-

cipality and also to be inserted in a weekly newspaper, or, if none, a daily newspaper, having general circulation therein.

“15g. If, upon a date to be fixed by order in council, any municipality has not either passed a resolution that it does not desire any by-law prohibiting animals from running at large therein, or from any cause has no such by-law, the following by-law shall from that date have force and effect in the municipality as if it were a by-law duly and lawfully passed by the council and approved of by the resident electors of the municipality:

“ ‘By-law. Under the authority and subject to the provisions of *The Domestic Animals Act*, the council of . . . . . enacts as follows:

“ ‘Domestic animals shall be prohibited from running at large in accordance with the following schedule:

Class of animal	Period of prohibition from running at large	Area of prohibition from running at large
1. Horses . . . . .	Entire year.	Whole municip'ty
2. Asses . . . . .	“	“
3. Mules . . . . .	“	“
4. Sheep . . . . .	“	“
5. Goats . . . . .	“	“
6. Geese . . . . .	“	“
7. Cattle . . . . .	From the first day of April to the last day of December, inclusive.	

“(2) If upon the date hereinbefore mentioned any municipality has not either passed a resolution that it does not desire any by-law prohibiting animals from grazing upon unfenced lands therein, or from any cause has no such by-law, the following by-law shall from that date have force and effect in the municipality as if it were a by-law duly and lawfully passed by the council and approved of by the resident electors of the municipality:

“ ‘By-law. Under the authority and subject to the provisions of *The Domestic Animals Act*, the council of . . . . . enacts as follows:

“ ‘No domestic animal owned by a person who is not a resident shall be permitted, whether in charge of a herder or not, to graze on unfenced lands in this municipality.’

“15h. By-laws in any municipality with regard to the running at large of domestic animals within the municipality or any part thereof shall cease to have any validity upon the date hereinbefore mentioned.

**"15i.** Any animal which is found grazing upon unfenced lands in any municipality contrary to the by-laws thereof shall be deemed to be an animal unlawfully running at large within the meaning of this part."

**12.** Section 16 of the said Act is amended by inserting the words "in the extra-municipal area" after the words "pound district" where they occur therein.

**13.** Section 17 of the said Act is hereby struck out, and the following substituted therefor:

**"17.** Any occupier of land in a pound district may capture any animal unlawfully running at large therein and may capture any estray which he finds upon his premises within such pound district, and may drive it to the nearest accessible pound in the said pound district and deliver it to the poundkeeper to be impounded."

**14.** Section 18 of the said Act is amended—

- (a) By striking out the words at the beginning "When a prohibited animal running at large," and inserting in lieu thereof "When any animal unlawfully running at large";
- (b) As to subsection 2 thereof by striking out the word "trespassing" therein;
- (c) As to subsection 2 thereof by adding the words "if any" after the word "damages" therein;
- (d) By striking out subsections 2, 3 and 4, and by making these subsections into section 18a, subsections 1, 2 and 3.

**15.** Sections 22a and 22b are added to the said Act as follows:

**"22a.** In every municipality the council shall establish such a number of pounds and appoint such poundkeepers as may be necessary to provide reasonable facilities in all parts of the municipality for the impounding of estrays and animals unlawfully running at large, or grazing upon unfenced lands therein.

**"(2)** Every poundkeeper so appointed shall hold office during the pleasure of the council and until his successor is appointed.

**"(3)** The secretary shall publish in one issue of a newspaper having general circulation in the municipality a list of the pounds and poundkeepers and shall in like manner publish any alterations in or additions to such list.

**"(4)** The pound or pounds to serve a municipal district may be located in a village or town lying within the outer boundaries of the district.

**"22b.** Every municipality shall be responsible for the acts or negligence of the poundkeepers or their agents and shall be liable for all loss or damage resulting therefrom."

**16.** Section 23 of the said Act is amended—

- (a) As to subsection 1 thereof by striking out the words "made under the provisions of this part," and inserting in lieu thereof the words "for a pound situate in the extra-municipal area";
- (b) As to subsection 2 thereof by inserting the word "such" between the words "Any" and "poundkeeper."

**17.** Section 24 of the said Act is amended as to subsection 1 thereof by adding the words "or the Minister of Municipal Affairs, as the case may be," after the word "Minister," where it occurs therein.

**18.** Section 24a is added to the said Act as follows:

**"24a.** Any corral or enclosure, other than a building, used as a pound, shall be surrounded by a lawful fence, as defined by this Act, but in no case shall an open barbed wire corral be deemed to be a suitable pound unless such corral contains an area of at least twenty acres."

**19.** Section 25 of the said Act is amended—

- (a) By inserting the words "or to the council" after the word "Minister" where it first occurs therein;
- (b) By inserting the words "or by the council" after the word "Minister" where it occurs for the second time therein.

**20.** Section 29 of the said Act is amended—

- (a) As to subsection 2 thereof by adding after the word "department" therein the words "or the treasurer of the municipality, as the case may be";
- (b) By adding at the end of subsection 2 thereof the following: "and shall insert a like notice in two issues of a newspaper having general circulation within the pound district."

**21.** Section 39 of the said Act is amended—

- (a) As to paragraph (b) thereof by adding the words "ram or he-goat" after the word "boar";
- (b) As to paragraph (d) thereof by adding the words "or boar" after the word "jack";
- (c) By adding as subsection 2 thereof the following:
 

"(2) A poundkeeper shall not be entitled to any remuneration exceeding in amount \$12 for the care and sustenance of any animal."

**22.** Form C of the schedule to part II of the said Act is amended by inserting the words "or treasurer of the municipality" before the words "as the case may be" therein.

**23.** Section 41 of the said Act is amended by inserting the words "in the extra-municipal area" after the word "premises" where that word first occurs.

**24.** Section 49a is added to the said Act as follows:

"**49a.** This part shall apply to the extra-municipal area only."

**25.** Section 51 of the said Act is amended—

- (a) By striking out paragraphs (b) and (c) thereof;
- (b) By changing the letters of the remaining paragraphs to correspond.

**26.** Section 64 of the said Act is amended by striking out the figures and words "15 cents per day" under the heading "To the Finder," and inserting in lieu thereof the words "10 cents per day."

**27.** Section 72 of the said Act is amended by adding at the end thereof the words "or the treasurer of the municipality, as the case may be."

**28.** Section 74 of the said Act is amended—

- (a) By inserting the words "or the treasurer of the municipality" after the word "Minister" where it occurs for the first time therein;
- (b) By inserting the words "or the treasurer, as the case may be" after the word "Minister" where it occurs for the second time therein;
- (c) By adding at the end of the section the words "or of the funds of the municipality, as the case may be."

**29.** Section 75 of the said Act is amended by adding after the word "department" therein the words "or the treasurer of the municipality, as the case may be."

**30.** Section 76 of the said Act is amended as to subsection 2 thereof by adding the words "or the municipality, as the case may be," after the word "Minister" therein.

**31.** Section 78a is added to the said Act as follows:

"**78a.** Any sale by an auctioneer made in accordance with the formalities required by this part shall vest the ownership of the animal sold in the purchaser upon the expiration of thirty days from the date of the sale, unless the former owner of the animal has redeemed the same prior to that date.



"(2) Where any person is deprived of the ownership of an animal through the neglect or omission of the brand reader to perform any of the duties imposed upon him by this Act, then he shall be entitled to receive any fine which is recovered from the brand reader under the provisions of this Act."

**32.** Section 79 of the said Act is amended by striking out the figure "\$1" at the end of subsection 2 thereof, and substituting therefor the figure "\$5."

**33.** Section 80a is added to the said Act as follows:

"**80a.** If no bid is offered by any person then the pound-keeper, or the captor of the stray or entire animal under parts III or IV of this Act shall have the right of having the animal knocked down to him at a price sufficient to discharge all money due to him under the provisions of this Act."

**34.** Section 82 of the said Act is amended by adding as paragraph (d) thereof the following:

"(d) Being any person directed by this Act to vent a brand, fails to do so."

**35.** The schedule of part V of the said Act is amended—

- (a) As to form F thereof by adding the words "or the treasurer of the Municipal District of . . . . . ." after the words "To the Deputy Minister, Department of Agriculture, Edmonton, Alberta."
- (b) As to form F thereof by striking out the words "by the Department" where they stand after the words "information required";
- (c) As to form F by adding after the word "department" in the schedule of poundkeepers' fees the word "treasurer";
- (d) As to form F by changing the words "Amount sent to Department" to "Amount sent to Department or treasurer";
- (e) By striking out the words "if village pound give name of village" at the end thereof.

**36.** Section 103 of the said Act is hereby repealed.

No. 38.

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FOURTH SESSION  
FOURTH LEGISLATURE  
11 GEORGE V  
1921

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BILL

An Act to amend The Domestic  
Animals Act of 1920.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. D. MARSHALL.

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J. W. JEFFERY, KING'S PRINTER.  
A.D. 1921