

REPRINTED BILL.

BILL

No. 57 of 1923.

An Act to Amend and Consolidate the Law relating to
Domestic Animals in Municipalities.

(Assented to , 1923.)

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

SHORT TITLE.

1. This Act may be cited as "*The Domestic Animals
Act (Municipalities)*."

INTERPRETATION.

- 2.** In this Act, unless the context otherwise requires,—
- (a) "Animal running at large" shall mean—
 - (i) an animal which is off the premises of its owner, and is not under the immediate, continuous and effective control of some person or is not securely tethered, or confined within any building or other enclosure or fence, whether the same be lawful or not;
 - (ii) any animal grazing upon unfenced lands in any municipality whether in charge of a herder or not;
 - (iii) each animal in any herd, band or flock, 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; and "run at large" shall have a meaning corresponding to "running at large";
 - (b) "Auctioneer" shall mean a poundkeeper or duly qualified auctioneer employed by such poundkeeper;
 - (c) "Brand reader" shall mean any person appointed by a municipality to give an accurate description of any estray;
 - (d) "Day" shall mean a period of twenty-four hours;
 - (e) "Department" shall mean the Department of Municipal Affairs;

- (f) "Domestic animal" shall mean any horse, mule, ass, cattle, sheep, pig, goat or goose;
- (g) "Entire animal" shall mean any stallion over the age of fifteen months, or bull or jack over the age of nine months, or ram, he-goat or boar over the age of five months;
- (h) "Estray" or "stray animal" shall mean any domestic animal found on the premises of any person other than its owner;
- (i) "Minister" shall mean the Minister of Municipal Affairs;
- (j) "Mischievous animal" shall mean any cross, dangerous, notoriously breachy or mischievous animal, any sheep which is shown to have trespassed on lands enclosed by a fence, whether lawful or not, and any hog;
- (k) "Municipality" Shall mean any town, village or municipal district;
- (l) "Owner," when used with respect to an animal, shall mean any person owning the animal, or his agent or bailee;
- (m) "Prohibited animal" shall mean any animal prohibited by this Act or by by-law from running at large in a municipality or part thereof;
- (n) "Resident" shall mean—
 - (i) any person who resides within a municipality and either pays municipal taxes in respect of lands situated therein or is a tenant of lands therein at a rent which can reasonably be considered the full annual value of such lands; or
 - (ii) any person or corporation carrying on a business therein, who or which pays municipal taxes in respect of lands therein, or is a tenant of lands therein at a rent which can reasonably be considered the full annual value of such lands, and in either case carries on his or its business by means of *bona fide* officers or employees with a settled abode therein.

GENERAL PROVISIONS.

3.—(1) All domestic animals may run at large in any municipality save in so far as is otherwise provided by this Act.

(2) The owner of any animal running at large and permitted so to do merely by virtue of this section shall

assume all risk and be entirely responsible in the event of the animal being injured in entering upon or leaving or while upon the lands of another.

4. No entire animals may run at large in any municipality unless they are permitted to do so by a by-law of the municipality.

5. No mischievous animal may run at large in any municipality.

6.—(1) No action founded on damage done by domestic animals lawfully running at large shall be maintained, nor shall domestic animals lawfully running at large be liable to be distrained for causing damage to property unless, in either case, the damage was done upon land surrounded by a lawful fence:

Provided that this section shall not in any way affect the right of action in respect of damage caused by sheep given by part VII of this Act or the right to seize and impound animals in a pound district, or any right to demand or receive damages, or any other right given by this Act.

(2) The owner of any domestic animal which breaks into or enters upon any land enclosed by a lawful fence shall be liable to compensate the owner of such land for any damage done thereon by such animal.

7. Notwithstanding any other provisions of this Act, animals belonging to a poundkeeper and liable to be impounded under the provisions of this Act may be driven to the nearest accessible pound other than that of the said poundkeeper.

8. In the case of lands surrounded by a lawful fence the occupier thereof shall be entitled to impound any animal which may be found trespassing thereon, and shall be entitled to claim damages.

PART I.

PROVISIONS REGARDING FENCES.

9. Subject to sections 10 and 11 hereof, every fence mentioned in this section and no other shall be deemed a lawful fence, that is to say:

(a) Any substantial fence not less than four feet high and consisting of—

(i) rails or boards not less than four in number (the lower one being not more than eighteen

- inches from the ground), supported by upright posts, not more than twelve feet apart;
- (ii) upright posts, boards, or palings not more than six inches apart;
 - (iii) barbed wire and a substantial top-rail (the wires being not less than two in number and the lower one not more than twenty inches from the ground), supported by upright posts not more than sixteen and a half feet apart;
 - (iv) not less than three barbed wires on upright posts not more than fifty feet apart, the wires being fastened to droppers not less than two inches in width and one inch in thickness or to droppers consisting of willow or other poles nowhere less than one inch in diameter, or to wire droppers, the said droppers being placed at regular intervals of not more than seven feet apart;
 - (v) not less than three barbed wires on upright posts firmly planted in the ground, said posts not more than sixteen and a half feet apart, and the lowest wire not more than twenty inches from the ground at any post;
 - (vi) two posts spiked together at the top and resting on the ground in the shape of an inverted V and joined by a brace firmly nailed near the base, with three rails firmly secured on the one side of the inverted V; the top rail being not less than four feet and the bottom rail not more than eighteen inches from the ground, there being also firmly secured on the other side of the inverted V one rail not more than twenty inches from the ground;
 - (vii) woven wire secured to posts not more than sixteen and a half feet apart;
 - (viii) solid stone, cement, brick, or wood;
- (b) Any river bank or other natural boundary sufficient to keep domestic animals out of any land.

10. A fence surrounding growing grain crops or grain crops in process of being harvested shall not be deemed a lawful fence unless the outside limit of the fence is situated at least eight feet from such crop.

11. A fence surrounding stacks of hay or grain shall not be deemed a lawful fence unless it is situated at least twenty feet from such stacks.

12. In any action, proceeding or matter had, taken or done in respect of any domestic animal trespassing upon enclosed lands, the fence enclosing such lands shall be deemed a lawful fence if it is established that such animal broke through or passed over or under any part thereof which is a lawful fence, although any other part or parts thereof may not be lawful; but the onus of so establishing shall be on the party seeking the benefit of this section.

PART II.

PROVISIONS REGARDING POUND DISTRICTS.

13. Every municipality or part thereof where a by-law for restraining animals from running at large has not been passed under the provisions of this Act shall be a pound district.

14. Any occupier of land in a pound district may capture any estray which he finds upon his premises and which after repeated attempts cannot be kept away from such premises, and may drive it to the nearest accessible pound in the said pound district and deliver it to the poundkeeper to be impounded, there to be dealt with as a trespassing animal as provided for in this Act.

15. Any occupier of land in a pound district may capture any entire or mischievous animal running at large therein and may drive it to the nearest accessible pound in the said pound district and deliver it to the poundkeeper to be impounded, there to be dealt with as provided for in this Act.

PART III.

BY-LAWS IN MUNICIPALITIES.

16.—(1) 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.

(3) Such by-law may also prohibit the grazing of any domestic animals or any class thereof, upon unfenced lands other than lands owned by the actual owner of the animals, and may exempt from such provision not more than one hundred cattle or the equivalent thereof for every one hundred and sixty acres of land owned within the municipality by the actual owner of the animals.

(a) For the purpose of ascertaining the equivalent of one hundred cattle above mentioned, one horse or three sheep shall be taken as the equivalent of one head of cattle.

(4) For the purpose of any such by-law, a person who holds the land in question, either in freehold, or is a lessee for a year at least of patented land, or occupies land under an agreement for sale, or by virtue of a homestead entry, and only such persons shall be deemed to own the land.

17.—(1) 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.

(6) Where a by-law only affects a part of a municipality, the council shall determine the number of signatures requisite for a petition, and in so doing shall have regard to the population of the part affected, as compared with the population of the whole municipality, and in any such case the notice hereinbefore provided for shall be correspondingly changed.

18. A by-law shall only be repealed by the same procedure as that under which it was made.

19. Two certified copies 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.

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

21. Where such by-law provides for animals being restrained for only a portion of the year, the council may by by-law, shorten or lengthen the period of time during which animals are restrained, and it will not be necessary for such by-law to be advertised or submitted to a vote of the resident electors; provided, however, that such amending by-law shall only apply to the year in which it is passed and shall not shorten or lengthen the period of time in question by more than one month.

21a. All by-laws as to the running at large, or the grazing upon unfenced lands, of animals, in force at the date of this Act, shall continue until they are lawfully annulled or others are made in their stead.

PART IV.

PROVISIONS REGARDING POUNDS AND POUNDKEEPERS.

22.—(1) In every municipality whether a pound district or under a by-law 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 animals unlawfully running at large, and shall at the same time determine the places with respect to each pound (which shall include the pound and some place at or near the post office nearest the pound) at which notices as provided for by this Act shall be posted.

(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, the places where

notices are to be posted as herein provided and shall in like manner publish any alterations in or additions to such lists.

(4) The pound or pounds to serve a municipal district may be located in a village or town lying within or which touches at some point the outer boundaries of the district.

23. 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.

24. Any occupier of land in a municipality may capture any animal unlawfully running at large therein, and may drive it to the nearest accessible pound, and deliver it to the poundkeeper to be impounded, there to be dealt with under the provisions of this Act.

25.—(1) Any person impounding an animal shall at the time of impounding deliver to the poundkeeper a written statement describing the animal impounded, and setting forth the name of the owner (if known), the place where such animal was found, and the amount of damages, if any, claimed.

(2) The poundkeeper shall impound such animal and shall be responsible for the feed and safekeeping thereof so long as he is legally bound to hold the same.

(3) The poundkeeper shall be entitled to receive the amount of the damages caused by, and all charges for the keep of, the animal, and other incidental expenses, before delivering it up to the owner thereof.

(4) The owner of any impounded animal or any person in his behalf may, not later than the date provided for redeeming such animal, appeal to the council against the amount claimed as damages, and the council or a committee thereof shall, after such investigation as it may deem necessary, determine and fix the amount to be paid, and the decision of the council shall be final and binding on all parties. Any such appeal shall be in writing, addressed to the secretary-treasurer of the municipality.

26. Any person impounding any animal shall be moreover entitled to the benefits of any action, or other remedy or right that he might have at common law or otherwise by reason of the trespassing of any animal upon such land, but the taking of proceedings under this section shall be deemed a waiver by him of any such action, remedy or right in respect of the trespass in consequence of which such proceedings are taken, provided, however, that no right of distress, damage feasant shall be exercisable by any owner of land in a pound district, except that provided by this part.

27.—(1) Every poundkeeper shall keep a pound-book in such form as may from time to time be prescribed by the Minister of Municipal Affairs, and shall make all entries therein as soon as possible after the doing of the several things required to be entered therein and said pound-book

shall at all reasonable times be open to the inspection of any justice or any member of the Royal Canadian Mounted Police or of the Alberta Provincial Police Force, or any constable, free of charge, and of any other person upon payment of the sum of ten cents; and every such poundkeeper shall grant extracts from his pound-book to any person requiring the same upon payment of twenty-five cents for each extract not exceeding one hundred words and ten cents for each subsequent hundred words and ten cents for any number of words thereafter.

(2) Every poundkeeper shall at his own cost keep the pound to which he is appointed clean and in good repair, and shall supply the animals impounded therein with sufficient and wholesome food and water and the poundkeeper may send such animals out of his pound at fit times and to fit places for grazing or watering and every poundkeeper shall be responsible to the owner of any impounded animals for every loss or damage occasioned by any negligent act or default of himself or his agent.

28. 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.

29. Every poundkeeper shall make such return to the council relating to the impounding of animals in his pound as may from time to time be required by the council.

PAYMENT OF CHARGES ON IMPOUNDED ANIMALS.

30. All fees and charges payable in respect of any impounded animal shall be payable in the first instance to the poundkeeper, who shall hold the same, subject to the provisions of this part, for the person entitled thereto.

31. Every poundkeeper shall receive and detain in his custody any animal lodged in his pound until the damages for which such animal was impounded and all lawful fees and charges shall be paid:

Provided that the poundkeeper shall deliver any impounded animal to any person whom he may reasonably suppose to be the owner thereof on receiving a bond in a sum fixed by the former and executed by two good and sufficient sureties for the payment of all damages, fees or charges payable under the provisions of this Act.

32. All animals impounded under the provisions of this Act, and not sooner released shall be offered for sale not sooner than the eleventh day, and not later than the fifteenth day after such impoundment.

33. If the owner of any impounded animal is known to the poundkeeper, the poundkeeper shall—

- (a) within twenty-four hours of such impounding deliver at the address of such owner a notice in form "A" in the schedule to this part; or
- (b) mail a notice to such owner in form "A" in the schedule to this part, by the first mail leaving the post office nearest to the pound; or by mailing at any other post office if the service be shortened thereby.

34.—(1) In the case where the owner is unknown to him, the poundkeeper shall in addition if the animal bears a brand forward a copy of the notice by mail to the Recorder of Brands at Edmonton, who shall at once advise the poundkeeper whether the brand described by him is a recorded brand or not, and if the same is a recorded brand he shall apprise the poundkeeper of the name of the owner by mail and shall also notify the owner by mail of such impoundment.

(2) The poundkeeper shall upon receipt of such notification from the Brand Recorder notify the owner by mail that an animal bearing his brand is confined in his pound, the date of impounding, the date and place where such animal will be or has been sold, and if already sold, the name and address of the purchaser, and that of the secretary-treasurer of the municipality. The secretary-treasurer shall upon application give the owner of such animal the conditions under which the animal may be redeemed, and the date on which the right of redemption will expire.

35. Every poundkeeper shall without charge therefor post a copy of every such notice in a conspicuous place at his pound and at or near the nearest post office, and shall keep and maintain such notice at his pound during the whole of the time such notice may refer to.

36. Nothing in this part contained shall deprive the owner of any impounded animal of any action, right or remedy that he may have at common law or otherwise by reason of the same being unlawfully impounded or sold.

OFFENCES AND PENALTIES.

37. If any poundkeeper—

- (a) captures or seizes any animal for the purpose of impounding it, or employs some other person so to do, unless such animal has trespassed upon the poundkeeper's own land by breaking through

a lawful fence, or is an estray upon his premises, and after repeated attempts can not be kept away from such premises;

- (b) neglects to provide proper sustenance for any animal or works or uses the same in any manner while so impounded;
- (c) omits or neglects to keep books and make entries therein as required by this part or makes any incorrect or untrue entry in such books;
- (d) wilfully or negligently gives any incorrect description of any animal or animals in any case where he is required under this part to give a description thereof;
- (e) knowingly allows any animal infected with any contagious or infectious disease to be in the same enclosure with any impounded animal not so affected;
- (f) fails to give any notice required by this part;
- (g) neglects to do anything required by this part to be done by him—

he shall in addition to any civil liability which he may incur by reason thereof be guilty of an offence and be liable on summary conviction to a penalty not exceeding one hundred dollars.

(2) Paragraph (a) of this section shall not apply to any official of a town or village who has been appointed pound-keeper and whose duties as such are included in the duties which he is bound to perform as such official.

38. When any poundkeeper is charged with neglecting to provide sustenance for any impounded animal the burden of proving that proper sustenance was provided for such animal shall be on such poundkeeper and when any poundkeeper is charged with losing any impounded animal through negligence if it be proved that such animal was impounded in the custody of such poundkeeper such animal shall be deemed to have been lost through his negligence unless such poundkeeper shall prove the contrary:

Provided also that when any poundkeeper has reason to believe that any animal impounded by him is infected with mange he shall immediately notify the office of the Veterinary Director General at Medicine Hat by registered mail.

39. In any pound district if any person commits any of the next following offences, he shall on summary conviction thereof before a justice of the peace be liable to a penalty not exceeding one hundred dollars; that is to say if he—

- (a) rescues or attempts to rescue or interferes with any animal impounded or seized for the purpose of being impounded;

- (b) destroys or injures or attempts to destroy or injure any pound;
- (c) illegally impounds any animal or impounds any animal in any place not authorized by this part;
- (d) for the purpose of permitting any animal to trespass on any other person's land leaves open any gate or lets down any bar or bars or makes a gap in any fence surrounding or protecting the same; or wilfully causes any animal to trespass therein.

40. 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 one hundred dollars; 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.

41. No person who wilfully causes any animal to trespass on his own land shall be entitled to recover damages in respect of such trespass, and, unless such animal is a prohibited animal running at large contrary to the provisions of this Act, he shall not be entitled to impound the same.

FEES.

42. The following shall be recoverable, in addition to any lawful claim for damages so recoverable:

- (a) To any person capturing and impounding any entire animal, for each stallion, bull or jack five dollars; and for each boar, ram or he-goat, two dollars;
- (b) To the poundkeeper to provide for the care and sustenance of such animal for each day such animal is impounded as follows:

For each stallion, bull, jack or boar	\$1.00
For each ram or he-goat.....	.25
For each horse, mule, ass, head of cattle or swine.....	.35
For each sheep or goat.....	.10
For each goose.....	.05

- (c) To the poundkeeper for notifying owner of the animal or animals impounded, twenty-five cents;
- (d) To the poundkeeper for forwarding notice to the Recorder of Brands at Edmonton, twenty-five cents;
- (e) To the poundkeeper for posting notices of animals impounded, for each such notice (which shall include all animals impounded at one seizure), one dollar;
- (f) To the poundkeeper for each mile necessarily travelled in the performance of his duties, ten cents.

(2) A poundkeeper shall not be entitled to any remuneration exceeding an amount of twelve dollars for the care and sustenance of any animal other than entire animals.

(3) When any official of a municipality is appointed poundkeeper and his duties as such are included in the duties which he is bound to perform as such official, then all fees payable under this Act to a poundkeeper shall be paid into and form part of the general funds of the municipality.

43. The fees payable under the provisions of this Act may, where circumstances demand, be increased or diminished by order of the Lieutenant Governor in Council.

44. Whenever under the operation of this Act, an impounded animal is to be sold, the poundkeeper shall proceed as hereinafter provided:

The poundkeeper shall at least eight days before the date fixed by him for the sale of said animal, post notices of such intended sale giving full particulars thereof, at the places determined by council as in section 22 provided. Such sale shall take place at the pound where the animal is confined.

45. The person authorized to sell any animal under the provisions of this part shall neither in person nor by his agent purchase or acquire any interest in such animal at such sale.

46.—(1) The proceeds of the sale shall be applied—

- (a) in part or full payment of all costs and fees due to the poundkeeper up to and including the date of sale; then
- (b) in full (or where necessary proportionate) payment of all other costs and fees payable under this Act; then
- (c) in payment of an impounder's claim (if any) for damages,

and the residue, if any, shall be paid to the owner of the

animal sold, or if not claimed by the person entitled thereto, shall be forwarded forthwith to the treasurer of the municipality.

(2) Whenever the proceeds of the sale are insufficient to discharge the costs and fees directed to be paid under paragraph (a) of this section and the costs and fees due to the poundkeeper under the provisions of this Act, then the poundkeeper shall be entitled to receive from the general revenue of the municipality such costs and fees as the proceeds of the sale are insufficient to provide for, and any such amount so paid by the municipality shall be recoverable from the owner (if known) as a debt due to the municipality in the manner by law provided.

(3) If no bid for any animal is offered at the time of sale by any person and a report is submitted to the municipality by the poundkeeper and one other resident of the municipality, which discloses that such animal is worthless or undesirable and that the owner has refused or neglected to release such animal from the pound, or that the owner of such animal is unknown then the council may order and provide for the destruction and disposal of such animal. In the case of the destruction of such animal, the poundkeeper shall be entitled to such costs and fees as may be payable at the date such order for destruction is delivered to him. Any sums so payable including the cost of destroying such animal shall be provided from the general revenue of the municipality and shall be recoverable by the municipality from the owner (if known) as a debt due to the municipality in the manner by law provided.

47. Any moneys forwarded to the treasurer of the municipality under the provisions of section 46 hereof shall be paid to the owner of the animal sold, upon his application to the treasurer within six months of the date of the sale, and upon production of satisfactory evidence of title to the said animal, otherwise such moneys shall form part of the funds of the municipality.

48. The poundkeeper shall within twenty-four hours after such sale deliver or forward by mail to the treasurer of the municipality, a return in form "B" of the schedule hereto, and the treasurer shall, within twenty-four hours of the receipt by him of such return, forward a notice in form "C" of the schedule hereto to the King's Printer at Edmonton for publication in one issue of the supplement to *The Alberta Gazette*, and shall cause a similar notice to be published in one issue of a newspaper having general circulation in the municipality.

49.—(1) Where any animal sold is a horse, mule or head of cattle, the poundkeeper shall, immediately after the sale thereof, brand such animal.

(2) The brand used under the provisions of this section shall be of such characters and shall be placed on such part of the animal as the municipality shall from time to time direct.

(3) Every municipality shall procure a brand to be used for the purposes of this Act from the Brand Recorder at Edmonton.

50.—(1) The purchaser of any animal sold under the provisions of this part shall retain possession thereof for a period of thirty days from the date of the publication of the notice in the *Gazette*, and shall not during that period sell or dispose of the animal except to the owner as hereinafter provided.

(2) The owner of any such animal may redeem the same within a period of thirty days from the date of the publication of the notice in the *Gazette* upon paying to the treasurer of the municipality in respect of each animal so redeemed the following sums:

- (a) The price paid by the purchaser for the animal;
- (b) Any sum paid or payable out of the general revenue of the municipality under this Act.

51. The treasurer shall upon payment to him of such sums deliver to the owner in duplicate a certificate of redemption under his hand, and seal of the municipality, which will be evidence of the redemption, and upon delivery of one copy of such certificate and the payment by the owner to the purchaser of a sum equal to ten per cent. of the purchase price, and the amount due for the expense of feeding and maintaining the animal while it was in the possession of the purchaser as follows:

- (a) For a goose, she-goat or sheep, five cents per day;
- (b) For a swine ten cents per day;
- (c) For a horse, mule or head of cattle (not being an entire animal) twenty-five cents per day;
- (d) For a ram or he-goat fifteen cents per day;
- (e) For a stallion, bull, jack or boar, fifty cents per day—

the purchaser on payment of the said fee shall forthwith deliver to the owner any animal or animals so redeemed.

52. Upon the expiration of the period of redemption as in the preceding sections provided, the purchaser shall notify the poundkeeper, who shall thereupon vent the brand, and the purchaser shall pay to the poundkeeper the fees and mileage (if any) to which he is entitled by this Act for venting the said brand.

53.—(1) Any sale by a poundkeeper 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 publication of the notice in the *Gazette*, 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 poundkeeper 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 poundkeeper under the provisions of this Act.

54.—(1) Upon the redemption by the owner of any such animal the poundkeeper shall be notified and he shall thereupon vent the brand.

(2) Upon the brand being vented, the owner shall pay to the poundkeeper the amount of the fees and mileage (if any) to which he is entitled under this Act for venting the said brand.

55. No person by this Act authorized to conduct a sale under the provisions of this Act shall be liable to a penalty for selling without a licence.

56. The following fees shall be recoverable:

To the poundkeeper—

- (a) for posting notices of sale, one dollar;
- (b) for each mile necessarily travelled in the performance of his duty, ten cents;
- (c) for each animal offered for sale, fifty cents;
- (d) for postage and exchange on transmission of proceeds of sale, the amount actually expended;
- (e) for branding each animal, one dollar;
- (f) for venting brand, one dollar.

OFFENCES AND PENALTIES.

57. If any person commits any of the offences hereinafter set out, he shall on summary conviction thereof before a justice be liable to a penalty not exceeding one hundred dollars, that is to say, if he—

- (a) being a poundkeeper—
 - (i) purchases in person, or by his agent, any animal sold by public auction under the provisions of this part;

- (ii) demands or receives any sum for fees or charges not authorized by this part;
 - (iii) fails to pay over any money held by him under the provisions of this part for any person after payment of the same is due and has been demanded by or on behalf of such person;
 - (iv) fails to forward to the treasurer of the municipality concerned immediately after a sale under this part the proper return as set forth in form "B"
- (b) being the purchaser of an animal sold under this part, sells, disposes of and does not retain possession of such animal during a period of thirty days immediately following the publication of the notice in the *Gazette*;
 - (c) being any person whosoever, wilfully destroys, defaces or otherwise renders illegible or injures any notice posted up under the provisions of this Act;
 - (d) being any person directed by this Act to vent a brand, fails to do so.

58. Notices containing a list of all the fees chargeable under this Act shall be furnished to the poundkeepers by the secretary of the municipality, and the poundkeeper shall be required to post such notices in some conspicuous place upon the premises where the pound is established and to furnish to the purchaser of any animal a list of the fees and charges to which he is entitled under the provisions of section 51 hereof.

PART V.

PROVISIONS AS TO MISCHIEVOUS ANIMALS.

59. On information made on oath before a justice that the accused owns or has in his possession any mischievous animal or animals, and that the said animal or animals are not confined or restrained in such a manner as to protect the public from injury or loss, such justice may, when the owner of such animal or animals is known, issue a summons directed to such person or persons stating the matter of complaint and requiring such accused person or persons to appear before him at a certain time and place therein stated to answer such complaint, and upon conviction on the evidence of two credible witnesses other than the complainant the justice may make an order, with or

without costs, requiring the accused to confine or restrain such animal or animals in such a manner as to the justice may appear necessary.

60.—(1) Upon default in compliance with such order the justice shall, on summary conviction, impose a fine upon the owner or possessor of the animal or animals not exceeding fifty dollars and costs for each offence, and in default of payment thereof shall commit the offender to the nearest common gaol, with or without hard labour, until payment of the said fine or the expiry of thirty days, whichever shall first happen.

(2) Nothing in this part shall prevent any person from impounding an animal if otherwise entitled to do so under the provisions of this Act.

PART VI.

PROVISIONS AS TO THE PROTECTION OF SHEEP AND OTHER ANIMALS FROM DOGS.

61. Any person may kill any dog in the act of pursuing, worrying or destroying cattle, horses, sheep, pigs or poultry elsewhere than on the enclosed land occupied by the owner of such dog.

62. On complaint made on oath before a justice of the peace that any person owns or has in his possession a dog which has within the three months previous, worried, injured or destroyed any domestic animals or poultry outside the enclosed land occupied by such person, such justice of the peace may issue his summons directed to such person stating shortly the matter of such complaint and requiring such person to appear before him at a certain time and place therein stated, to answer to such complaint; if such person is convicted on the evidence of one credible witness other than the complainant, of having such dog in his possession, the justice of the peace shall order such dog to be killed within twenty-four hours and in addition thereto may in his discretion impose a fine upon such person not exceeding twenty dollars with costs.

63. No order or conviction under this part shall bar any action against the owner or possessor as aforesaid for the recovery of damages in respect of the subject matter for which such conviction is had.

64. It shall not be necessary for the plaintiff in any action for injuries done by a dog as aforesaid to prove that the defendant was aware of the propensity of the same to

pursue and injure nor shall the liability of the owner or possessor as aforesaid of any dog for any injury done by such dog depend upon his previous knowledge of the propensity of the same to injure animals.

PART VII.

PROVISIONS AS TO THE DRIVING OR TRAILING OF SHEEP.

65. Sheep that are being driven or trailed over public roads, trails or road allowances of the Province of Alberta must be in charge of their owner, or his agent, and he shall see that the sheep are kept moving and under the control of the herders, and that they travel a minimum distance of five miles a day.

66. The owner, or agent of any owner, of sheep which are being driven over the roads, trails and road allowances in the Province of Alberta shall keep such sheep to such roads, trails and road allowances, and any owner or agent who allows such sheep or any of them to enter on the lands of any person holding homestead entry, patent, lease or permit shall be liable for all damage done thereon, whether such lands are fenced or not, any other statutory provisions or rules or by-laws made thereunder to the contrary notwithstanding.

67.—(1) When sheep that are being driven or trailed enter upon any private land or land held under lease or permit they may be seized by the owner, lessee or person holding a permit of or with regard to such lands and held until all damages resulting from any entry thereon shall have been paid.

(2) Any sheep seized under the provisions of this section shall be released to their owner upon his executing a bond in a sum sufficient to satisfy any damages that may be or become due to the person whose lands have been entered upon.

68. When sheep have been seized under the provisions of the last section hereof and the parties cannot agree on the amount of the damages, or if the amount thereof is not paid forthwith, the person making the seizure shall report it without delay to the nearest justice.

69. The justice shall, on receiving a report of the seizure, appoint three disinterested persons to survey and assess the damage done, and upon receipt of their report shall order the payment of the amount, with costs, by the

owner of the sheep or his agent to the party suffering the damage and, upon such payment, shall order the release of the sheep.

70. If the owner of the sheep or his agent refuses or neglects to pay the amount as ordered by the justice, the latter shall order the sheep under seizure to be sold to satisfy the claim for that amount and in the order of sale may prescribe the notice to be given, the further costs to be paid and such other conditions as to him may appear just and reasonable.

71. Any person who has suffered damage owing to the entry of sheep that are being driven or trailed upon his land, shall have a right of action by reason thereof against the owner of the sheep.

72. Any owner or agent of any owner who rescues or attempts to rescue, or interferes, directly or indirectly, with, any sheep seized for damages, or with the person seizing them, shall be liable on summary conviction to a penalty not exceeding one hundred dollars and costs.

73. Any herder who permits sheep that are being driven or trailed to wander on privately owned land or lands held under a lease or permit and to commit damage to crops or meadows thereon shall be personally liable on summary conviction to a fine not exceeding ten dollars for each and every such offence.

74. Any person contravening any of the provisions of this part shall be guilty of an offence, and, where no other penalty is provided, shall, on summary conviction, be liable to a penalty not exceeding one hundred dollars and costs.

75. This Act shall come into force upon the day it is assented to.

SCHEDULE.

FORM A.

To *(name and address of owner)*:

Notice is hereby given under section 33 of *The Domestic Animals Act (Municipalities)*, that *(description of animal impounded, giving colour and markings, sex, age, brand or brands, and any other marks)* was impounded in the pound kept by the undersigned, located on the *(description of quarter section or other place where pound is located)* onthe.....day of....., and that the said animal will be offered for sale not sooner than

eleven days, and not later than fifteen days after the date of such impoundment, unless same is released by payment of all lawful fees and costs, under the provisions of *The Domestic Animals Act (Municipalities)*.

.....
Signature of Poundkeeper.

FORM B.

P.O. Date 19....
 Statement of impounded animal sold under the provisions of *The Domestic Animals Act (Municipalities)*.
 Class of animal.....
 General description and brand (if any).....
 Name and address of impounder.....
 Date of impounding.....
 Date of sale.....
 Name and address of purchaser.....
 Total amount realized.....
 Costs and fees of sale (in detail).....
 Cost and fees of poundkeeper (in detail).....
 Impounders claim (if any).....
 Amount remitted to municipality.....
 Amount due by municipality to poundkeeper.....

FORM C.

NOTICE OF SALE.

Notice is hereby given under section 48 of *The Domestic Animals Act (Municipalities)* that, (*description of animal impounded, giving colour and markings, sex, age, brand or brands, and any other marks*) was impounded in the pound kept by the undersigned, located on the (*description of quarter section or other place where pound is located*) onthe.....day of....., 19..., and that the said animal was sold on the.....day of....., 19..., to.....of..... and that said animal may be redeemed by the owner or on his behalf within a period of thirty days from the publication of this notice in *The Alberta Gazette*, upon payment of all fees and costs due to the municipality and the purchaser of said animal.

For information apply to the undersigned.

.....
Sec.-Treas. of Municipal District
of.....No.....

Post Office.....

No. 57.

THIRD SESSION
FIFTH LEGISLATURE
13 GEORGE V
1923

BILL

An Act to Amend and Consolidate
the Law relating to Domestic
Animals in Municipalities.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. REID.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1923