

# BILL

No. 55 of 1926.

An Act to amend The Domestic Animals (Unorganized Territory) Act.

(Assented to \_\_\_\_\_, 1926.)

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

1. This Act may be cited as "*The Domestic Animals (Unorganized Territory) Act Amendment Act, 1926.*"

2. *The Domestic Animals (Unorganized Territory) Act*, being chapter 67 of the Revised Statutes of Alberta, 1922, is amended as to section 26 thereof by adding thereto the following as subsection (2):

"(2) Notwithstanding the omission to publish in *The Alberta Gazette* notice of the appointment of a poundkeeper, every poundkeeper at any time heretofore or hereafter appointed by the Minister shall be deemed to have been duly appointed, and a certificate of such appointment under the hand of the Minister shall be accepted as conclusive evidence of such appointment."

3. Section 38 of the said Act is amended by striking out sub-sections (3), (4) and (5) thereof, and by substituting therefor the following:

"(3) (a) If the justice adjudges that the impounding was legal but that the impounder is not legally entitled to damage under this Part, the justice shall order that the proper fees and charges for the impoundment be paid to the impounder out of the sum deposited with the poundkeeper by the owner, and that the balance of the deposited sum be repaid to the owner; and that the owner's costs of the proceedings under this section be paid by the impounder to the owner;

"(b) If no money has been deposited by the owner, the justice shall order the payment forthwith by the owner of the amount properly payable for fees and charges; and that in default of payment the impounded animal shall be sold and the proceeds applied as provided by Part V of this Act; and that the owner's costs of the proceedings under this section shall be paid by the impounder and shall be recoverable by distress.

“(4) If the justice adjudges that the impounding was legal and that the impounder is entitled to recover damages, but that the amount claimed by him for damages is excessive, the justice shall order that the amount of the excess be repaid to the owner out of the sum deposited in respect of the claim for damages, and if no deposit has been made he shall order the amount properly payable to be paid by the owner forthwith together with the proper fees and charges, and in default of payment the same may be recovered by distress; and he shall in either case order the impounder to pay to the owner his costs of the proceedings under this section forthwith; and in default of payment the same may be recovered by distress.

“(5) If the justice adjudges that the impounding was legal and that the impounder’s claim for damages is legal and not excessive, he shall order the sum deposited to be paid to the persons entitled thereto, and shall order the owner to pay the costs of the proceedings under this section; and if no deposit has been made by the owner, he shall order the owner to pay forthwith the amount of the damages, fees and charges, together with the costs of the proceedings, and in default of payment thereof, the impounded animals shall be sold and the proceeds thereof shall be applied as provided by Part V of this Act; and if the animal impounded has been released, or the proceeds of sale are insufficient to satisfy the amount ordered to be paid, then the amount so ordered to be paid, or the deficiency, shall be recoverable by distress.

“(6) The amount ordered to be paid by a justice in proceedings under this section for damages shall not exceed the sum of one hundred dollars in any one case.”

**4.** Section 38 of the said Act is further amended by re-numbering subsection (6) as subsection (7).

**5.** This Act shall come into force on.....

No. 55.

SIXTH SESSION  
FIFTH LEGISLATURE  
16 GEORGE V  
1926

BILL  
An Act to amend The Domestic  
Animals (Unorganized Ter-  
ritory) Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOADLEY.

EDMONTON:  
W. D. MCLEAN, ACTING KING'S PRINTER  
A.D. 1926.