BILL

No. 75 of 1931.

An Act respecting Sheep Protection and the Licensing of Dogs.

(Assented to , 1931.)

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 Sheep Protection and Dog Licensing Act."*

INTERPRETATION.

2. In this Act, unless the context otherwise requires—

(*a*) "Collector" shall mean any person appointed to fulfill the duties of a collector under the provisions of this Act;

(*b*) "Council" shall include the Minister of Municipal Affairs in the case of an improvement district;

(*c*) "Dog" shall mean any dog, male or female;

(*d*) "Municipality" shall include any city, town, village, municipal district or improvement district;

(*e*) "Owner of a dog" shall include any person who possesses or harbours a dog.

PART I.

DOG TAX, ETC.

3.—(1) Subject to the provisions of section 6, an annual dog tax shall be levied in every municipality upon every owner of a dog in respect of every dog which he owns within the municipality, or any dog which is habitually kept upon the premises for which he is assessed, although such dog may be owned by some other person.

(2) The amount of the tax payable where no by-law increasing the tax has been passed by the municipality shall be—

For a male dog, if only one is kept	$1.00
For each additional male dog	2.00
For a female dog, if only one is kept	3.00
For each additional female dog	3.00

(3) Where a certificate in writing by a veterinary surgeon is produced showing that a bitch has been spayed, she shall be taxed at the same rate as a male dog

(4) Any municipality may pass a by-law increasing the tax to be paid.

(5) The owner of a kennel of pure-bred dogs registered in the register of the Canadian Kennel Club, Incorporated, shall pay an annual tax of ten dollars to the treasurer of the municipality as a tax upon the kennel and shall not be liable to pay any further tax in respect of such pure-bred dogs

COLLECTION OF DOG TAX.

4.—(1) Every person shall, not later than the thirty-first day of January in each year and at any other time when so required by the collector, forthwith deliver to him a statement in writing of the number of dogs owned by him or which are habitually kept upon his premises

(2) Any person who neglects or refuses to furnish the statement required by subsection (1) or who makes a false statement shall be liable to a penalty not exceeding ten dollars.

(3) When the tax is demanded and is not paid, the person who should pay the same may be summoned before a justice of the peace, who may direct the dog to be destroyed unless the tax and costs are paid on or before a time named

(4) For the purpose of carrying out such order, a constable may enter upon the premises of the owner and destroy the dog

DOG TAGS.

5.—(1) Every person, in each year on or before the fifteenth day of February or on or before such earlier or later date as may be fixed by by-law of the council, shall procure from the collector a tag for each dog owned by him and shall keep the tag securely fixed on the dog at all times during the year and until he procures a tag for the following year.

(2) A fee not exceeding twenty-five cents may be charged for each tag

(3) The tag shall bear a serial number and the year in which it was issued and a record shall be kept by the collector showing the name and address of the owner and the serial number of the tag

(4) Every owner of a dog who neglects to obtain a tag and keep it securely fixed on his dog, or who uses a tag upon a dog other than that for which it was issued, shall upon summary conviction be liable to a penalty not exceeding ten dollars

(5) Every dog which is found off the premises upon which it is habitually kept without a tag and not under the control of any person, may be destroyed.

6. When any city, town or village has passed a by-law for the licensing of dogs and the license fee is equal to or exceeds the dog tax required to be levied by this Act, sections 3 and 4 shall not apply while the by-law remains in force, and on payment of the license fee the owner shall be furnished with a dog tag and the provisions of subsections (1) and (4) of section 5, as to keeping the tag securely fixed on the dog, and subsections (2), (3) and (5) of that section shall apply

PART II

7.—(1) The owner of any sheep which has been killed or injured by a dog shall, as a condition precedent to his obtaining any of the advantages provided by this Act, notify the secretary-treasurer of the municipality in which such killing or injury occurred within twenty-four hours of the occurrence thereof.

(2) The secretary-treasurer of the municipality shall thereupon give notice thereof to the valuer and shall request him to investigate and report thereon

(3) The carcase of any sheep in respect of which a claim is made shall not be destroyed until after it has been seen by the valuer

(4) It shall be the duty of every valuer to make an investigation of every claim for damages under this Act arising in the municipality for which he is appointed upon being requested so to do by the secretary-treasurer, and within ten days of such request to report in writing to the secretary-treasurer as to the extent and the amount of the damage done with details

(5) If the owner of the dog is known, and in case the person claiming damages obtains a judgment in a court of competent jurisdiction for the amount of such damage but fails to obtain payment of the amount of such judgment with costs within thirty days after the date of the issue of a writ of execution to enforce payment thereof, he may notify the treasurer of the municipality who shall then pay to the owner of the sheep seventy-five per centum of the amount fixed by the valuer as the amount of the damage, such damage not to exceed the sum of ten dollars for each grade sheep and twenty-five dollars for each pure-bred sheep, and thereupon the owner shall, in consideration thereof, assign to the municipality the said judgment and all moneys to be received thereunder

(6) In the case of sheep killed or injured by a dog whose owner is unknown, the municipality shall be liable

to the owner of the sheep for fifty per centum of the amount of the damage to such sheep as fixed by the valuer, such amount not to exceed the sum of ten dollars for each grade sheep and twenty-five dollars for each pure-bred sheep

(7) In case the owner is dissatisfied with the sum so fixed by the valuer of the sheep so killed or injured, the question shall be referred to arbitration and the amount shall be ascertained by arbitrators appointed pursuant to and under the provisions of *The Arbitration Act.*

(8) The municipality shall not be liable for any death or injury to sheep unless it is established that such death or injury was caused through such sheep being worried by a dog.

(9) The municipality shall not be liable unless at the time of death or injury of any sheep the same was on the lands of the owner or of an agister thereof.

(10) The municipality shall not be liable for death or injury to any sheep occurring between the hours of sunset and sunrise unless such sheep was at the time in an adequate enclosure, such enclosure being within a reasonable distance of the place which the owner or herder was then actually occupying

(11) In case any sheep to which this Act applies are killed or injured by a dog and the owner of such dog is known and such owner ordinarily resides in a municipality other than the municipality in which such sheep were so killed or injured, such other municipality shall, on demand, pay to the municipality the amount which any person is, by this Act, entitled to receive from the municipality in respect of the sheep so killed or injured.

8. In every municipality other than an improvement district, the council, and in improvement districts the Minister of Municipal Affairs, shall appoint one or more competent persons as valuers and fix their remuneration.

No 75

FIRST SESSION

SEVENTH LEGISLATURE

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1931

BILL

An Act respecting Sheep Protection and the Licensing of Dogs

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOADLEY

EDMONTON:
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A.D. 1931

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