

Bill No. 79 of 1936.

A BILL TO PROVIDE FOR THE IMPOSITION OF A  
TAX IN RESPECT OF DOGS AND COMPENSA-  
TION FOR SHEEP DESTROYED BY DOGS.

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NOTE.

This Bill provides for the levying of a Provincial tax of one dollar on all dogs in the Province, payable by the person who owns or keeps a dog.

The duty of collecting the tax is imposed upon the council of cities, towns, villages and municipal districts, and upon the Minister of Municipal Affairs in respect of improvement districts.

The Bill further provides for the payment of compensation out of the General Revenue Fund to the owners of sheep which are killed or injured by dogs, upon the conditions set out in section 13 of the Bill.

The amount of compensation is to be ascertained by a valuer appointed by the Minister, in the case of improvement districts, and by the council in respect of every other municipality, such compensation not to exceed 75% of the damage, and not to exceed six dollars in respect of a grade sheep and fifteen dollars in respect of a pure-bred sheep.

R. ANDREW SMITH,  
*Legislative Counsel.*

*(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)*

# BILL

No. 79 of 1936.

An Act to Provide for the Imposition of a Tax in respect of  
Dogs and Compensation for Sheep Destroyed  
by Dogs.

(Assented to \_\_\_\_\_, 1936.)

**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 Dog Tax and Sheep  
Protection Act.*"

- 2.** In this Act, unless the context otherwise requires,—
- (a) "Collector" means any person appointed as a collector pursuant to this Act;
  - (b) "Dog" means any dog over the age of six months;
  - (c) "Minister" means the Minister of Agriculture;
  - (d) "Municipality" means any city, town, village or improvement district;
  - (e) "Owner of a dog", in addition to its ordinary meaning, includes any person who harbours a dog or has a dog in his possession.

**3.** For the raising of a fund to provide compensation to the owners of sheep killed or injured by dogs an animal tax shall be levied upon every person who is the owner of a dog in respect of every dog which he owns or which is habitually kept upon premises occupied by him or under his immediate control.

- 4.** The amount of the tax shall be as follows:
- (a) In the case of a kennel of pure-bred dogs registered in the register of the Canadian Kennel Club Incorporated, the tax payable by the owner thereof shall be ten dollars in respect of all such pure-bred dogs; and
  - (b) In all other cases, the tax shall be one dollar for each dog.

**5.** The tax shall be payable in the year 1936 not later than the first day of May and in every subsequent year not later than the first day of April.

**6.—(1)** The council of every municipality shall be responsible for the collection of the tax hereby imposed from the persons in the municipality liable for the payment

thereof and shall appoint a person who may be the secretary, secretary-treasurer or clerk as a collector whose duty it shall be to collect the tax imposed by this Act.

(2) In case any collector so appointed fails to discharge to the satisfaction of the Minister the duties imposed upon him by this Act, the Minister may by writing cancel the appointment and may appoint a collector for the municipality.

(3) In case any municipality omits or neglects at any time to appoint a collector the Minister of Municipal Affairs may appoint a collector for the municipality.

(4) In any case in which a collector is appointed by the Minister pursuant to this section he shall receive such remuneration as the Minister may prescribe, and the amount of such remuneration shall be payable to the Minister on demand and shall be recoverable as a debt due to the Crown.

**7.**—(1) Every person who is an owner of a dog in respect of which the tax payable pursuant to this Act has not been paid shall notify the collector of the municipality in which he ordinarily resides and furnish the collector with a description of the dog in such detail and with such particulars as the collector may require, and shall pay the tax payable in respect of that dog pursuant to this Act.

(2) The collector shall thereupon issue a receipt for the tax so paid and a dog tag for each dog in respect of which the tax is paid, and shall set out in the receipt a description of the dog in respect of which the tax is paid and the serial number of the tag.

(3) The tag shall be marked with a serial number and the year of issue and shall be of such design and material as may be prescribed by the Minister and shall be supplied by the Minister to collectors without charge.

(4) The collector shall keep a full and complete record showing,—

- (a) the name and address of every person from whom any tax is received;
- (b) a description of each dog in respect of which a tax is paid; and
- (c) the serial number of every tag issued in respect of any dog.

**8.** The collector shall deposit in a special account in a chartered bank, to be known as “The Dog Tax Trust Account” all moneys received by him on account of the tax and shall forward to the Minister, not later than the tenth day of each month, the moneys so received by him during the preceding month.

**9.** The Minister may allow the municipality a commission of twenty-five per centum by way of remuneration for the collection of the tax and other services under this Act.

**10.**—(1) Every person shall be guilty of an offence against this Act and liable upon summary conviction to a fine of not more than ten dollars and costs and in default of payment to imprisonment for seven days,—

- (a) who is the owner of a dog in respect of which the tax payable pursuant to this Act has not been paid; or
- (b) who permits any dog of which he is the owner to be at large without having the tag issued for such dog securely fastened upon it; or
- (c) who attaches to or fastens upon any dog any tag other than the tag issued in respect of that dog.

(2) In any prosecution for an offence under this section the fact that the dog was at any time under the control of the accused or was at any time upon any premises in the occupation of or under the control of the accused shall be *prima facie* evidence of the accused being at that time the owner of the dog.

**11.** In case a dog is found off the premises upon which it is ordinarily kept without having attached to it the tag issued in respect of it, the same may be destroyed by the person entitled to the possession of the premises upon which it is found or by any peace officer.

**12.**—(1) The council of every municipal district shall appoint by resolution sufficient persons as valuers for the district, and every such appointment shall be approved by the Minister.

(2) The Minister shall appoint such valuers as he may deem necessary as valuers in improvement districts.

(3) In case it is made to appear to the Minister that in any municipality effective measures are not being taken for the enforcement of this Act, he may appoint one or more persons as collectors for that municipality and may prescribe their duties and fix their remuneration and may recover from the municipality the amount paid for the remuneration of every collector so appointed as well as any other expenses incurred by him.

**13.** The owner of any sheep killed or injured by a dog shall be entitled to receive compensation pursuant to this Act upon complying with the conditions next hereinafter set forth and not otherwise, which conditions are as follows:

- (a) In case the killing or injuring occurs in an improvement district, the owner shall give notice thereof to the collector, and in all other cases the owner shall give notice thereof to the secretary-treasurer of the municipality; and every such notice shall be in writing and shall set forth the number of sheep so killed or injured and shall be delivered to the collector or secretary-treasurer, as the case may be, within twenty-four hours of the occurrence of the killing or injury;

- (b) The owner shall satisfy the valuer investigating the claim that the killing or injuring was occasioned by a dog;
- (c) The owner shall satisfy the valuer that the killing or injuring took place at a time when the sheep killed or injured were upon land in respect of which the owner of the sheep or an agister thereof was then entitled to the immediate possession thereof;
- (d) In case the killing or injuring took place at any time between sunset and sunrise the owner shall satisfy the valuer that the sheep killed or injured were at the time of the killing or injuring in an adequate enclosure located within a reasonable distance of the place then actually occupied by the owner or herder.

**14.** Upon receipt of any notification of the killing or injuring of any sheep in conformity to this Act the secretary-treasurer or collector receiving the same shall notify a valuer and instruct him to investigate into the occurrence and to report to him as to whether or not the killing or injuring was caused by a dog, and the amount in money of the damage occasioned thereby.

**15.** Upon being so notified and instructed the valuer shall proceed to investigate into the circumstances of the killing or injuring and shall inspect any sheep injured and the carcasses of any sheep killed and shall, without any unnecessary delay, report in writing to the secretary-treasurer as to whether or not the killing or injuring was caused by a dog and the amount in money of the damage occasioned thereby.

**16.** Upon the receipt of the report of the valuer by the secretary-treasurer or collector, he shall forward the same to the Minister without any unnecessary delay together with the notification given to him by the owner of the sheep.

**17.** The Minister may, upon the receipt of the notification and the report of the valuer, cause any further inquiries to be made into the circumstances which he thinks proper, and upon being satisfied as a result of such inquiries or otherwise as to the propriety of the claim he may allow the same in writing and in so doing shall state the amount allowed for the value of any sheep to which the claim relates and the amount of the damage in respect of the killing or injuring of such sheep, and thereupon the Provincial Treasurer is authorized to pay to the owner of the sheep a sum by way of compensation for the sheep so damaged or killed of seventy-five per centum of the amount of the damage as found and reported by the valuer, provided that in no case shall the amount paid exceed six dollars in respect of a grade sheep or fifteen dollars in respect of a pure-bred sheep.

**18.** 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 Minister 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 six dollars for each grade sheep and fifteen dollars for each pure-bred sheep, and thereupon the owner shall, in consideration thereof, assign to the Minister the said judgment and all moneys to be received thereunder.

**19.** The Minister may from time to time prescribe rules and regulations as to procedure in relation to any proceeding under this Act and the forms to be used in connection therewith.

**20.** This Act shall come into force on the day upon which it is assented to.

No. 79.

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FIRST SESSION  
EIGHTH LEGISLATURE  
1 EDWARD VIII  
1936

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**BILL**

An Act to Provide for the Imposition  
of a Tax in respect of Dogs and  
Compensation for Sheep De-  
stroyed by Dogs.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. CHANT.

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EDMONTON:  
A. Shultka, King's Printer  
1936