

The Sheep Protection and Dog Licensing Act

being

Chapter 250 of *The Revised Statutes of Saskatchewan, 1940*
(effective February 1, 1941).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

1	Short title
2	Interpretation
PART I	
PROTECTION OF SHEEP	
3	Power to destroy dogs
4	Liability of municipality for damages to sheep
5	Assessment of damages
6	Recovery of damage from owner of dog
7	Procedure
8	Action for damages
PART II	
LICENCES	
9	Application of sections 10, 11 and 12
10	Annual licences and fees
11	Returns by owners of dogs
DOG TAGS AND COLLARS	
12	Duties of dog owners
PART III	
DISPOSAL OF FINES	
13	Disposal of fines

CHAPTER 250

An Act to provide for the Protection of Sheep and the Licensing of Dogs

Short title

1 This Act may be cited as *The Sheep Protection and Dog Licensing Act*.

R.S.S. 1930. c.207, s.1; R.S.S. 1940, c.250, s.1.

Interpretation

2 In this Act, unless the context otherwise requires, the expression:

“At large”, “running at large”

1. “**At large**” or “**running at large**” means off the premises of the owner and not muzzled or under the control of any person;

“Dog”

2. “**Dog**” means any dog, male or female, more than four months old and includes an animal which is a cross between a dog and a wolf;

“Injured”, “injuring”

3. “**Injured**” and “**injuring**” include injuries caused by wounding, worrying, terrifying or pursuing;

“Municipality”

4. “**Municipality**” includes a city, town, village and rural municipality;

Owner”

5. “**Owner**” includes any person who possesses or harbours a dog and “**owned**” has a corresponding meaning;

“Sheep”

6. “**Sheep**” means sheep of any age kept by a farmer or rancher for breeding purposes, but does not include sheep being fattened in commercial feedlots or feeding stations.

R.S.S. 1930, c.207, s.2; 1934-35, c.63, s.2; R.S.S. 1940, c.250, s.2.

PART I

PROTECTION OF SHEEP

Power to destroy dogs

3 Any person may kill a dog:

- (a) which is found killing, injuring or pursuing sheep; or
- (b) which is found at large at any time and not under proper control upon premises where sheep are habitually kept.

R.S.S. 1930, c.207, s.3; 1938, c.73, s.2; R.S.S. 1940, c.250, s.3.

Liability of municipality for damages to sheep

4(1) Whether the owner of a dog which has killed or injured sheep is known or not, the municipality in which sheep were killed or injured shall be liable to the owner of the sheep for seventy-five per cent of the amount of damage reported by the valuer as hereinafter provided, and shall pay over such sum to the owner of the sheep within thirty days after he has filed with the clerk or secretary of the municipality an affidavit that to the best of his knowledge and belief the sheep were killed or injured by a dog, not being a dog owned by him, unless an appeal is taken under subsection (5) of section 5 in which case seventy-five per cent of the amount shown by the arbitrator's award shall be paid over within twenty days from the date thereof.

(2) The municipality shall not be liable under subsection (1) unless at the time the sheep were killed or injured they were on the premises of their owner or of an agister.

(3) Where sheep are brought into an urban municipality in course of transit and are killed or injured therein by a dog, the municipality shall be liable in respect of the damage done only if the sheep are so killed or injured within twenty-four hours after they are brought into the municipality; and the provisions of this Act shall apply.

(4) If sheep are killed or injured by a dog owned by a resident of an adjacent municipality, whether urban or rural, the municipality in which the sheep are killed or injured shall not be liable, but the first mentioned municipality shall be liable, for the damage done; and the provisions of this Act shall apply.

R.S.S. 1930, c.207, s.4; 1931, c.65, s.2; 1934-35, c.63, s.3; R.S.S. 1940, c.250, s.4.

Assessment of damages

5(1) The council of every municipality shall appoint one or more competent persons as sheep valuers.

(2) Within forty-eight hours after the owner of a sheep discovers that it has been killed or injured, he shall notify the clerk or secretary of the municipality who shall forthwith notify a sheep valuer.

(3) The valuer shall forthwith make full investigation and shall make his report in writing to the clerk or secretary of the municipality, within ten days thereafter, giving in detail the extent and amount of the damage done, and shall at the same time forward a copy of the report to the owner of the sheep.

(4) The carcass of the sheep shall not be destroyed until it has been seen by the valuer.

(5) If the council is dissatisfied with the affidavit filed by the owner of the sheep under subsection (1) of section 4, or if the owner of the sheep or the council is dissatisfied with the report of the valuer, an appeal may be had to the Minister of Agriculture who may authorize the appointment of a board of three arbitrators, the chairman to be named by the minister, one arbitrator by the council and one by the owner of the sheep; and such board shall make a further investigation and its award shall be fiscal and conclusive as to the cause of the death of or injury to the sheep and as to the amount of the damage done, if any.

(6) Such appeal shall be made within thirty days after the date of the valuer's report, and the appellant shall deposit \$25 with the minister which shall be forfeited if the report of the valuer is sustained.

(7) If no sheep valuer has been appointed or if the clerk or secretary or valuer fails to discharge the duty imposed upon him by this Act, the Minister of Agriculture may, on the application of the owner of the sheep, name an arbitrator to make an investigation, whose award shall be final and conclusive; and the municipality, in addition to its liability to the owner of the sheep as provided by section 4, shall forthwith pay to the Minister of Agriculture the costs of the investigation as fixed by him.

R.S.S. 1930, c.207, s.5; 1934-35, c.63, s.4; 1938, c.73, s.3; R.S.S. 1940, c.250, s.5.

Recovery of damage from owner of dog

6(1) A municipality, having paid to the owner of the sheep the percentage of the amount of the damage ascertained as herein provided, shall be entitled to recover the amount so paid from the owner of the dog, in any court of competent jurisdiction, without proving that it was vicious or accustomed to worry sheep.

(2) In order to ascertain the owner of a dog which has killed or injured a sheep, the clerk or secretary may, on the instructions of the head of the municipality, issue a subpoena calling upon any person to attend before the council. The member of the council presiding may administer an oath to such person, and any member of the council may examine him touching his knowledge of the matter.

(3) If it appears that the damage was caused by two or more dogs, the court may apportion the amount recoverable under subsection (1), having regard to the strength, ferocity and character of the dogs concerned, and may make such order as to costs as it deems just.

(4) Where a dog is known to have killed or injured sheep the owner, on being duly notified by the clerk or secretary of the municipality, shall within forty-eight hours cause the dog to be killed.

(5) If the owner refuses or neglects to do so, he may be summoned before a police magistrate or a justice of the peace who may order that the dog be killed and in such case a constable may enter upon the premises of the owner and kill the dog.

(6) The magistrate or justice may direct the owner to pay the costs of the proceedings and of the destruction of the dog and if he deems the neglect or refusal of the owner to have been unreasonable may, in addition, impose a fine not exceeding \$20.

R.S.S. 1930, c.207, s.6; 1931, c.65, s.3; R.S.S. 1940, c.250, s.6.

Procedure

7 The times and the method of procedure set out in this Act shall be regarded as merely directory and a proceeding which is in substantial conformity with this Act shall not be open to objection on the ground that it is not in strict compliance therewith.

R.S.S. 1930, c.207, s.7; R.S.S. 1940, c.250, s.7.

Action for damages

8(1) Where the owner of sheep killed or injured by a dog has failed to recover damages from the municipality under this Part, he may proceed by action against the owner of the dog for recovery of the damages.

(2) It shall not be necessary for the plaintiff in such action to prove that the defendant was aware of the propensity of the dog to pursue and injure animals, nor shall the liability of the owner of the dog for any injury done by it depend upon his previous knowledge of its propensity to injure animals.

1931, c.65, s.4; R.S.S. 1940, c.250, s.8.

 PART II

LICENCES

Application of sections 10, 11 and 12

9 The council of any municipality may by bylaw provide that the provisions of sections 10, 11 and 12 or any of them shall apply to the municipality, but in the absence of a bylaw these provisions shall have no effect

R.S.S. 1930, c.207, s.5; R.S.S. 1940, c.250, s.9.

Annual licences and fees

10(1) Every owner of a dog shall procure annually from the clerk or secretary of the municipality in which he resides, or from any other municipal official designated for the purpose, a licence for every dog owned by him.

(2) Subject to the provisions of the following subsections the annual licence fees payable shall be:

for a male dog, if only one is kept	\$1.00
for each additional male dog	3.00
for each female dog	5.00

(3) Where a certificate in writing by a veterinary surgeon is produced showing that a bitch has been spayed the licence fee shall be the same as for a male dog.

(4) A municipality may pass a bylaw decreasing the annual licence fee mentioned in subsections (2) and (3).

(5) The owner of a kennel or pure bred dogs registered in the register of The Canadian Kennel Club shall pay to the municipality an annual licence fee of \$10 and he shall not be liable to pay any further licence fee in respect of such dogs.

(6) An owner failing to comply with the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$25.

R.S.S. 1930, c.207, s.9; R.S.S. 1940, c.250, s.10.

Returns by owners of dogs

11(1) Every person requested by the clerk or secretary or other municipal official to do so shall forthwith deliver to him a statement in writing of the number of dogs owned by him.

(2) A person who neglects or refuses to furnish the statement required by subsection (1), or who makes a false statement, shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$20.

(3) A person who fails to comply with the provisions of subsection (1) may be summoned before a police magistrate or a justice of the peace who may order any dog owned by him to be destroyed unless the licence fee and costs are paid before a time to be named in the order.

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

R.S.S. 1930, c.207, s.10; R.S.S. 1940, c.250, s.11.

DOG TAGS AND COLLARS**Duties of dog owners**

12(1) Every owner of a dog shall each year, on or before the fifteenth day of February or such date as may be fixed by bylaw of the municipality, when obtaining his dog licence, procure from the clerk or secretary or other official designated for the purpose, a tag for each dog owned by him and he shall keep the tag securely fixed on the dog's collar at all times until he procures a tag for the following year.

(2) Every owner of a dog shall provide it with a collar.

(3) The tag shall bear a serial number and the year in which it is issued, and a record shall be kept by the clerk or secretary or other official designated for that purpose showing the name and address of the owner and a description of each dog owned by him including its breed, colour, sex, age and name and the serial number of the tag issued for each dog.

(4) Every owner of a dog who neglects to obtain a tag and keep it securely fixed on the dog's collar, or who uses a tag upon a dog other than that for which it was issued, shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$20.

(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 killed by any person designated by the council for the purpose.

R.S.S. 1930, c.207, s.11; R.S.S. 1940, c.250, s.12.

PART III

DISPOSAL OF FINES

Disposal of fines

13 All fines recovered under this Act shall belong to the municipality.

R.S.S. 1930, c.207, s.12; R.S.S. 1940, c.250, s.13.