



CHAPTER 62

An Act to amend the Agricultural Abuses Act

[Assented to, the 13th of March, 1941]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Agricultural Abuses Act (Revised Statutes, 1925, chapter 264) is amended by adding thereto, after section 8 thereof, the following division and sections: R. S., c. 264, ss. 8a-8m, added.

" DIVISION IVA

Dogs

Obligations of dog owners

"**Sa.** Except in territories not organized, the owner, possessor or custodian of a dog shall, within eight days after its acquisition, furnish a declaration thereof to the secretary-treasurer or treasurer of the municipality. Declaration by keeper of a dog.

The declaration shall set forth the surname, Christian names, occupation and domicile of the keeper and all particulars necessary to establish the identity of each dog, as well as any other information required by the municipal by-laws. Contents.

"**Sb.** The owner, the possessor or the custodian of a dog is forbidden to let it wander in the territory of any municipality without a license from the latter in the form of a special identity tag attached to such dog. Such license shall not be granted by any municipality for a vicious or dangerous dog which might strangle farm animals. Prohibition to let a dog wander without a license, in a municipality.

"**Sc.** Every owner, possessor or custodian of a dog is forbidden to allow it to wander in territory which is Territory not organized.

not organized, between the first of May and the fifteenth of December.

Dog wandering may be destroyed.

8d. Any person may destroy a dog found wandering in violation of the provisions of the previous section.

Duties of municipalities

Duty of municipal corp. to prevent damages.

8e. Every municipal corporation shall, by suitable regulations and supervision, prevent the damages which stray dogs may cause.

Observance of this division carried out by municipal corporations.

8f. Every municipal corporation is specially obliged to see that the provisions of this division are observed; its officers and employees shall seek out and prosecute any violation and shall lock up or destroy any dog wandering contrary to the above provisions or to the municipal by-laws.

Responsibility of municipalities

Responsibility for damages.

8g. Every municipal corporation shall be responsible for the damages caused by dogs to sheep or other farm animals within its territory.

Amount of indemnity.

The indemnity shall be limited to three-fourths of the damages caused, unless they be imputable to the negligence of the corporation.

Exception.

No indemnity shall be due for damages suffered by animals wandering on the public road or caused by a dog belonging to the owner or custodian of the injured animals or which he allows to roam over his farm.

Notice of claim.

8h. A written notice of every claim under the preceding section shall be given to the secretary-treasurer or clerk of the municipality within six days. Failure to give such notice shall not deprive the claimant of his recourse if he proves that he has been prevented, for sufficient reason, from giving it.

Appraisal of damages.

8i. The damages shall be valued without delay by one or more appraisers appointed by the municipal corporation. Such appraisers shall deposit their report in the office of the corporation and the corporation shall transmit without delay a copy thereof to the claimant.

Objection by petition.

The latter may, within eight days of the notification of such deposit, file an objection to the decision which has been rendered, by means of a petition deposited in the office of the corporation and accompanied by security in the sum of ten dollars. A receipt shall be given to him for such security.

The petition shall be submitted to three arbitrators, one of whom shall be appointed by the municipal corporation, another by the claimant and the third by the two first named or, if they should not agree, by a district magistrate at the request of one of the interested parties. The arbitrators shall render their decision by a majority vote by means of a certificate deposited in the office of the corporation.

Petition submitted to arbitrators.

Such decision shall be final and without appeal.

No appeal.

The costs of arbitration shall be paid by the corporation, but the security of ten dollars above-mentioned shall be confiscated for the benefit of the corporation in the case where the valuation of the damages made by the arbitrators does not exceed that of the appraisers by more than ten per cent.

Costs of arbitration.

“*Sj.* If a municipal corporation does not appoint appraisers, if the latter make no report within the month following the receipt of the notice, if the municipal corporation does not name an arbitrator or if the arbitrators appointed do not give their decision within the same delay, the claimant may, within three months, enter suit before a civil court of competent jurisdiction.

Suit before civil court if appraisers not appointed, etc.

“*Sk.* The corporation responsible shall have a recourse for the reimbursement of the indemnities and valuation and arbitration costs which it has been called upon to pay pursuant to this act, as the result of damages caused by a dog, against any person civilly responsible for such damages.

Recourse of the corporation.

Where damages are caused by a dog kept out of the municipality, the same recourse may be had against the local corporation in whose territory such dog is kept, saving the latter's right to exercise the recourse hereinabove provided for.

Id., where dogs kept out of municipality.

“*Sl.* Every municipal corporation, in order to meet the payment of the indemnities and other expenses contemplated by this division, shall establish a special fund by means of an annual tax imposed upon each dog kept within the limits of the municipality, and of the fee it may fix for issuing the license provided for in section 8*b*. The fines, deposits and other sums collected pursuant to this division shall also form part of this fund.

Special fund and annual tax.

At the expiration of each financial year, the council may, by resolution, transfer to the general fund the surplus remaining in the special fund after having provided for any unsettled claims or expenses.

Surplus transferred to general fund.

Special tax if fund insufficient.

If the fund be insufficient, the corporation shall make up the deficiency from its general funds and impose a special tax upon the dogs kept within the municipality sufficient to reimburse the sums so taken from the general funds.

Categories of dogs—different taxes, etc.

For the imposition of such taxes or licenses, the municipal corporation may distinguish different categories of dogs, and impose different taxes and licenses for each category according to the breed, size, age, sex or value of the dog.

Infringements

Penalty.

“**Sm.** Every violation of the provisions of this division shall render the offender liable, upon summary proceeding, to a fine of from five to twenty-five dollars and costs.”

R. S., cc. 123 and 264B, repealed.

2. The Sheep-Owners' Compensation Act (Revised Statutes, 1925, chapter 123) and the Stray Dogs Act (Revised Statutes, 1925, chapter 264B, as enacted by the act 21 George V, chapter 99) are repealed.

Delay for declaration.

3. The declaration provided for in section 8a of the Agricultural Abuses Act shall be made within a delay of one month from the coming into force of this act, for dogs acquired before such date.

Carrying out of act.

4. The Minister of Agriculture is charged with the carrying out of this act.

Coming into force. (Procl., 12 Apr., 1941, O. G., 1941, p. 1183).

5. This act shall come into force upon such date as the Lieutenant-Governor in Council may be pleased to fix by proclamation.