

### LEGISLATION AGAINST DOGS TO AID SHEEP INDUSTRY.

Departments of Agriculture in the various Provinces of Canada, realizing the importance of the sheep industry, have placed on the statutes laws that tend to work in the interests of those farmers who wish to raise sheep. Since losses caused by dogs in killing, wounding and worrying are, admittedly, the most serious drawback to this desirable industry, legislation has in most cases been directed toward the control of the dog nuisance.

#### ONTARIO LAWS REGARDING SHEEP AND DOGS.

Legislation in Ontario protects owners of sheep as follows:

"Any person may kill—

- (a) Any dog which he sees pursuing, worrying or wounding any sheep or lamb; or
- (b) Any dog, without lawful permission, in any enclosed field on any farm which the owner or occupant thereof, or his servant, finds giving tongue and terrifying any sheep or lamb on such farm; or
- (c) Any dog which any person finds straying between sunset and sunrise on any farm whereon any sheep or lambs are kept;

"But no dog so straying which belongs to or is kept or harbored by the occupant of any premises next adjoining the said farm, or next adjoining that part of any highway or lane which abuts on said farm; nor any dog so straying, either when securely muzzled or when accompanied by or being within reasonable call or control of any person owning or possessing or having the charge or care of said dog, shall be so killed unless there is reasonable apprehension that such dog, if not killed, is likely to pursue, worry, wound or terrify sheep or lambs then on the said farm."

In case of worry, injury or death by dogs, complaint must be made in writing, on oath before a justice of the peace, within six months, and a date and place will be set to deal with the matter according to law. Regarding conviction the law says:

"In case any person is convicted on the oath of a credible witness, of owning or having in his possession a dog which has worried or injured or destroyed any sheep or lamb, the Justice of the Peace may make an order for the killing of such dog (describing the same according to the tenor of the description given in the complaint and in the evidence) within three days, and in default thereof may, in his discretion, impose a fine upon such person not exceeding \$20 with costs, and all penalties imposed under this section shall be applied to the use of the municipality in which the defendant resides."

Several clauses are inserted in the Act explaining details in connection with recovery of damages. The most important of these are:

"(1) The owner of any sheep or lamb killed or injured by any dog shall be entitled to recover the damage occasioned thereby from the owner or keeper of such dog, by an action for damages, or by summary proceedings before a Justice of the Peace, on information or complaint before such justice, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by the Ontario Summary Convictions Act, in respect to proceedings therein mentioned; and such aggrieved party shall be entitled so to recover in such action or proceedings, whether the owner or keeper of such dog knew or did not know that it was vicious or accustomed to worry sheep.

"(2) If it appears to the court or judge at the trial of any such action for damages, or to such justice at the hearing of the said information or complaint before him, that the damage or some part of the damage sustained by such aggrieved party was the joint act of some other dog or dogs, and of the dog or dogs owned or kept by the person charged in such information or complaint, the court, judge or justice shall have power so to decide, and to apportion the damages sustained by the complainant, among and against the respective owners or keepers of the said dogs, as far as such owners or keepers are known, in such shares and proportions as such court, judge or justice thinks fit, and to award the same by the judgment of the said court or judge, or in the conviction of such justice on behalf of such aggrieved person.

"(3) When in the opinion of the court, judge or justice, the damages were occasioned by dogs the owner or owners of which are known, and dogs the owner or owners of which are unknown, or the owner or owners of which have not been summoned to appear before the court, judge or justice, the court, judge or justice may decide and adjudge as to the proportion of the damages which, having regard to the evidence adduced as to the strength, ferocity and character of the various dogs shown to have been engaged in committing such damage, was probably done by the dogs the owner or owners of which have been summoned to appear before the court, judge or justice, and shall determine in respect thereof and apportion the damages which the court, judge or justice decides to have been probably done by the dogs whose owners have been summoned as aforesaid.

tion the damages which the court, judge or justice decides to have been probably done by the dogs whose owners have been summoned, amongst the various owners who have been summoned as aforesaid.

"(4) The same proceedings shall thereupon be had against any person found by the court, judge or justice to be the owner or keeper of the dogs which by such court, judge or justice, are found to have contributed to the damage sustained by the person aggrieved, as if the information or complaint had been laid in the first instance against such person."

Owners of dogs that do injury to sheep and lambs also are required to kill the dogs within forty-eight hours after notice is given, and if one neglects to do so must forfeit \$2.50 for each dog, and \$1.25 for each such dog for every 48 hours thereafter until killed, unless it can be proven that it was not within the power of the owner or keeper to kill such dog or dogs.

By way of guarantee to the sheep-owner, the law states:

"In case the owner of any sheep or lamb so killed or injured proceeds against the owner or keeper of the dog that committed the injury, before a justice of the peace, as provided by this Act, and is unable on the conviction of the offender to levy the amount ordered to be paid, for want of sufficient distress to levy the same, then the council of the municipality in which the offender resided at the time of the injury shall order their treasurer to pay to the aggrieved party two-thirds of the amount ordered to be paid by the justice under the conviction, in addition to the costs of the proceedings before the justice and before the council."

Suggestions have been made that a change in the clause be made so that it read that the

injured while running at large upon any highway or unenclosed land, shall have no claim under this Act to obtain compensation from any municipality."

Additional protection is afforded by a tax on dogs, levied annually, one dollar for each dog and two dollars for each bitch, except in the case of kennels of pure-breds, where a maximum tax of \$10 may be levied. This tax, however, may be cancelled by by-law, in whole or in part, on petition of twenty-five ratepayers. Municipalities may pass by-laws by which money collected can be subject to disposition the same as local taxes, and not be used for reimbursing sheep-owners. This has been considered an injustice.

#### QUEBEC LEGISLATION.

Vol. II., Revised Statutes, in the Province of Quebec, dealing with vicious dogs, contains the following clauses:

"1. Any justice of the peace, upon a complaint made to him that a dog is vicious, or supposed to be attacked by hydrophobia, or is in the habit of attacking persons, or animals at large or in harness, without the limits of its master's property, may, after hearing the parties in a summary manner, and if convinced that the complaint is well founded, condemn the proprietor or possessor of such dog to cause it to be confined for a period of forty days, or may order such dog to be killed, with costs against such owner or possessor.

"2. If the owner or possessor of such dog permit it to go at large, or fail to kill it, in contravention of the order of the justice, such owner or possessor shall incur a penalty of not more than one dollar per diem.

"3. If it be proved that the dog has bitten any person outside the limits of its master's property, and that the dog is vicious, the justice of the peace shall condemn the owner or possessor to kill it.

"4. It shall, nevertheless, be lawful to kill any dog which, without the limits of its master's property, pursues, or is known to pursue or strangle sheep, or to make a complaint to a justice of the peace, who shall condemn the owner to kill such dog and to pay the costs, upon the testimony of one credible person, without prejudice to any claim for damages caused by the loss of the sheep."

The municipal code provides that every local council may further make, amend or repeal by-laws for each of the objects mentioned.

"To order dogs to be kept muzzled or tied up; to prevent them from being at large without their masters or other persons to take charge of them; to impose a tax, not exceeding ten dollars, on the owners of every dog kept in the municipality; and to authorize any municipal officer or other person to destroy, by poison or otherwise, all dogs found at large, contrary to municipal regulations.

"The penalty imposed for any contravention of the by-laws made under this article may be recovered, except in so far as respects the tax, from persons residing outside the municipality, whose dogs are found in contravention of such by-laws."

#### DOG TAX IN NEW BRUNSWICK.

In New Brunswick an Act has been passed to impose a tax on dogs, and to serve as a protection for sheep. The clause reads:

"There shall be levied annually in every municipality upon the owner, possessor or harbinger of each dog therein, a tax of one dollar for a dog and five dollars for a bitch."

This can be amended by by-law if fifteen ratepayers, or householders, in each and every parish of a municipality outside of the limits of any city or incorporated town, send a petition, but no more than one dog can be so owned, possessed or harbored without being subject to tax. The money collected by such tax is supposed to be used to satisfy such damages as arise from dogs killing or injuring sheep or lambs, as in the case of the Ontario law.

As a further protection from dogs, the law is similar to that in force in Ontario. It reads:

"Any person may kill (a) any dog which he



Gold Cup (imp.) =50038= (86064).

Shorthorn bull; roan; calved April, 1903. Bred by Wm. Duthie, Collynie, Aberdeenshire. Owned by Sir George Drummond, Beaconsfield, Que. Sire Nonpareil Courtier, dam Golden Ray 3rd.

treasurer shall pay "not less than" two-thirds of the value of the animals destroyed. This would leave it in the discretion of the officials as to whether or not the full value be paid. Townships are privileged to pass special by-laws. In one township sheep inspectors are appointed to decide on a proper valuation, and the result has been satisfactory to all concerned.

The following clause has been recommended for insertion in the Act to cover the point:

"The council of each township, town or village, shall at their first meeting each year appoint one or more competent persons, to be known as sheep inspectors, whose duty it shall be to inspect the injury done to sheep by dogs in cases where the owner or keeper of the dog or dogs committing the injury cannot be found, and the aggrieved party intends to make claim for compensation from the council of the municipality. Said appointee shall investigate the injury within 48 hours after the notice is given to him, and forthwith make his report in writing to the Clerk of the Council as early as possible after the investigation, giving in detail the extent of injuries and amount of damage done. This report shall be used by the council as evidence in adjusting the claim."

It has also been recommended that owners of sheep or lambs must claim compensation in person, or in writing, before the sheep inspector, within 48 hours after the injury is committed.

Sheep running at large are not protected, as can be seen from the following clause:

"The owner of any sheep or lamb killed or