



## CHAPTER 10.

An Act to prevent certain Animals from running at Large, and respecting Injuries by Animals of a Domestic Nature.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

*Short Title.*

1. This Act may be cited as the “Animals Act.” R.S. 1924, Short title. c. 11, s. 1.

*Interpretation.*

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

“Dog” means any animal of the canine species:

“Domestic animal” includes any horse, mule, ass, swine, sheep, or goat, and any turkey, goose, duck, barn-door fowl, or other poultry, as well as any neat cattle or animal of the bovine species, and by whatever technical or familiar name known. R.S. 1924, c. 11, s. 2.

Expressions interpreted.

*Restrictions upon Animals running at Large.*

3. (1.) No person shall allow:—

(a.) Any swine to run at large:

(b.) Any stallion over one year old to run at large, except as provided under subsection (2):

(c.) Any bull over six months old to run at large, except as provided under subsection (2).

Prohibition as to swine, stallions, and bulls running at large

(2.) The Lieutenant-Governor in Council may by Proclamation published in the Gazette define any area of land in the Province as a district in which stallions over one year old or in which bulls over one year old may be allowed to run at large, and may by the Proclamation prescribe the times during which and the

Power to establish districts in which stallions and bulls may run at large.

conditions subject to which such stallions or bulls may be so allowed to run at large, and the type and breeds of bulls which may be so allowed to run at large; and the Lieutenant-Governor in Council may from time to time alter or revoke any Proclamation made under this subsection.

Provision as to  
number of bulls.

(3.) Where cows or heifers which are over one year old are allowed to run at large upon any unfenced pasture or range within any area defined by Proclamation under subsection (2) as a district in which bulls may be allowed to run at large, and at a time during which such bulls are by the Proclamation allowed to run at large in that district, the owner of such cows or heifers shall with every twenty or major fraction thereof of such cows or heifers provide and run therewith one bull of a good beef type over one year old.

Prosecutions.

(4.) It shall be the duty of every constable or police officer who in any manner has become aware or has been made cognizant of a violation of any of the provisions of subsection (1), which has taken place within sixty days then last past, to lay information for the offence before a Justice against the person guilty of the violation.

Penalty.

(5.) Every person who violates any of the provisions of subsection (1) shall be liable, on summary conviction, to a penalty of not more than fifty dollars; but no action for damages in respect of any such violation shall be suspended or affected by reason of any prosecution or conviction under this section.

Municipal by-laws  
unaffected.

(6.) Nothing in this section contained shall in any way limit or affect the right of municipalities to provide by by-law or otherwise for the prevention of the running at large of any animals within the limits of a municipality, and nothing herein contained shall affect the validity of any by-law or resolution of any municipality passed or made before the seventeenth day of April, 1920. R.S. 1924, c. 11, s. 3; 1931, c. 2, ss. 2, 3.

*Provisions to prevent Injuries by Dogs.*

Killing of dogs  
worrying domestic  
animals.

4. (1.) It shall be lawful for any person to kill any dog in the act of pursuing and worrying or destroying any domestic animal elsewhere than on the land belonging to the owner of the dog.

(2.) Any person may kill any dog which he sees pursuing, worrying, or wounding any sheep.

(3.) The owner or occupant of a farm on which sheep are kept, or his servant, may kill any dog which he finds straying between sunset and sunrise on such farm: Provided that it shall not be lawful to kill a dog which belongs to or is kept or harboured by the occupant of any premises next adjoining such farm, or next adjoining that part of any highway or land which abuts thereon, nor any dog so straying either when securely muzzled or when accompanied by or being within reasonable call or control of its

owner or of any person having the charge or care thereof, unless there is reason to believe that such a dog, if not killed, is likely to pursue, worry, wound, or terrify sheep then on such farm. R.S. 1924, c. 11, s. 4.

5. (1.) On complaint made in writing on oath before any Justice that any person owns or has in his possession a dog which has, within the space of six months then last past, worried and injured or destroyed any sheep, the Justice may issue his summons directed to such person, stating shortly the matter of the complaint, and requiring such person to appear before him at a certain time and place therein stated, to answer to the complaint and to be further dealt with according to law. Complaint where dog has worried sheep.

(2.) On complaint made in writing on oath before any Justice that any person owns or has in his possession a dog which has, within the space of six months then last past, bitten or attempted to bite any person, the Justice may issue his summons directed to the owner or possessor, stating shortly the matter of the complaint, and requiring the owner or possessor to appear before him at a certain time and place therein stated, to answer to the complaint and to be further dealt with according to law. R.S. 1924, c. 11, s. 5. Complaint where dog has bitten person.

6. On such Justice finding the complaint proved, he may make an order for the killing of the dog, describing the same according to the tenor of the description given in the complaint and in the evidence. R.S. 1924, c. 11, s. 6. Order to kill vicious dog.

7. Such order shall be directed to a constable or other peace officer, and shall require the owner or person in possession of the dog to destroy the dog or deliver up the same to the constable or other peace officer, within three days from the date of the order, to be destroyed in accordance with the terms thereof; and in default of compliance with the said order, the owner or other person aforesaid shall be liable, on summary conviction, to a fine not exceeding twenty dollars; but the payment of such fine shall not in any way nullify the order for the destruction of the dog. R.S. 1924, c. 11, s. 7. How order may be executed.

8. In case the defendant wishes to appeal from the order made by the Justice for the killing of the dog, notice shall be given within three days from the making of the order, and the Judge of the County Court to which notice of appeal has been given may, if he sees fit, grant an order staying the order of the Justice for the killing of the dog, and also for the confinement of the dog, until after the appeal has been disposed of. R.S. 1924, c. 11, s. 8. Proceedings on appeal.

9. No such owner or possessor shall be entitled to plead the proceedings mentioned in the last four preceding sections in bar Above proceedings not to bar claim for damages.

of or as a defence to any action for damages in respect of the same matter. R.S. 1924, c. 11, s. 9.

Defence in action for damages for killing a dog.

10. The defendant in any action for damages for killing a dog under any of the circumstances mentioned in section 4 may plead the general issue and give this Act and the special matter in evidence. R.S. 1924, c. 11, s. 10.

*Liability for Injuries by Animals.*

Liability of owners of animals unlawfully at large.

11. The owner of any animal unlawfully at large shall be liable for the actual damage committed by it when running at large, such damage to be recovered in an action at law by the person sustaining the same, or by the arrest and sale of the animal as hereinafter mentioned. R.S. 1924, c. 11, s. 11.

*Arrest of Animals unlawfully at Large.*

Impounding of swine.

12. It shall be lawful for the owner or occupier of any premises to arrest and detain any swine found trespassing upon his premises, and for any person to arrest and detain any swine found at large, and, if detained under authority of this Act, to supply any such swine with fit and sufficient food and water, and safely keep the same at the expense of the owner of the swine. R.S. 1924, c. 11, s. 12.

Impounding of stallions and bulls.

13. (1.) It shall be lawful for any Provincial police officer or constable or for any bona-fide settler or resident in the Province who is the owner of a band or drove of mares or herd of cows, which he is in the habit of pasturing either on his own or on the public lands of the Province, to arrest and detain, under authority of this Act, any stallion or bull which he may find running in such band, drove, or herd, and, if detained under authority of this Act, to supply any such stallion or bull with fit and sufficient food and water, and safely keep the same at the expense of the owner of the stallion or bull.

(2.) It shall be lawful for any Provincial police officer or constable or for any bona-fide settler or resident of the Province to arrest, detain, and keep, in like manner as aforesaid, any stallion or bull which he finds running at large contrary to the provisions of section 3 or any Proclamation in force thereunder, or which he finds running at large upon any Crown range or unfenced lands of private owners contrary to the provisions of the "Grazing Act" or the regulations made thereunder. R.S. 1924, c. 11, s. 13; 1925, c. 3, s. 2.

Notice of impounding.

14. Immediately after any such arrest, the person making the same shall cause a notice of the arrest to be served on the owner or his agent if known, or, if the owner or his agent is not known, to be posted at the school-house and post-office nearest the place

of arrest; and the notice shall contain a description of the animal, including every mark or brand (if any) and colour, and shall state the cause of arrest and detention, and the date of the impounding of the animal and of the service or posting of the notice, and that the owner is required to reclaim the animal forthwith, or in default the animal will be sold; and the notice shall be signed by the person making the arrest, and shall state his address. R.S. 1924, c. 11, s. 14.

15. If within ten days from the serving of the notice or the publication thereof in the manner aforesaid the owner of the animal does not reclaim it and pay all damages sustained by reason of its trespass, together with the fees and costs of arrest, maintenance, and detention, according to the scale contained in the Schedule, the person making the arrest may thereafter sell the animal by public auction, of which sale five days' notice shall be given, and which shall be posted up at the school-house and post-office nearest to the place of arrest; and such sale may be made by the person making the arrest, or any person authorized by him, without the taking-out or payment of any licence to the Government or to any municipal authority therefor; and out of the proceeds of such sale the person making the arrest may retain the fees and costs specified in the Schedule, and also the expenses of the sale (if any), and also a sufficient sum to cover all damages sustained by reason of the trespass (if any), and shall stand possessed of the balance (if any) in trust for the owner of the animal; but such sale shall be effected within twenty days from the date of arrest: Provided that the owner may prove the ownership of his animal and recover it by paying all costs, charges, and damages at any time before the sale takes place. And provided further that no such sale shall be lawful unless permission for the same has been obtained from some Justice.

Sale of impounded animals.

(2.) Where at any sale held under subsection (1) no bid is received for the impounded animal to be sold, the person making the arrest may sell it at private sale; and if in the opinion of the person making the arrest it is impossible to dispose of such animal for valuable consideration, he may destroy or cause such animal to be destroyed or otherwise disposed of. R.S. 1924, c. 11, s. 15; 1925, c. 3, s. 3.

16. If the parties cannot agree as to the amount of the damage sustained, then each party shall choose an arbitrator, or in case of the refusal or neglect of the person claiming such animal to appoint an arbitrator, any Justice residing in the electoral district where such animal is impounded may appoint such arbitrator. R.S. 1924, c. 11, s. 16.

Arbitration as to damage.

Proceedings on arbitration.

17. (1.) The two arbitrators shall choose a third person, and these three persons, or a majority of them, shall finally determine the amount of damage caused by the animal, and award by whom the costs of the arbitration shall be paid; and if the trespass is repeated by neglect of the owner of the animal, he shall for the second and every subsequent trespass be subject to double the damage sustained by reason of the trespass, and double all costs and charges, to the owner or occupier of the said premises.

Action where proceeds of sale insufficient.

(2.) Where the sum derived from the sale of any animal trespassing as aforesaid is not sufficient to pay all costs, charges, and damages, the party sustaining such damage shall be entitled to bring an action against the owner of the animal for whatever sum may be due or unpaid. R.S. 1924, c. 11, s. 17.

*Shooting of Wild Horses and Stallions.*

Licences to shoot wild horses.

18. (1.) On the written request of at least five owners of cattle or horses ranging upon the public lands of any district, a licence may be issued by the Government Agent of the district to any person named in the request, authorizing such person to shoot unbranded horses running wild upon the public lands within the portion of the district mentioned in the request and described in the licence, upon such terms and conditions as the Government Agent may endorse upon the licence.

Report to Government Agent.

(2.) Any person having killed a horse under the provisions of this section shall, as soon as possible, report the same to the Government Agent who issued the licence, stating the date and locality of killing and description of the animal.

Application of section.

(3.) This section shall apply only to that part of the Province lying to the east of the Cascade Mountains. R.S. 1924, c. 11, s. 18; 1925, c. 3, s. 4.

Authority to shoot stallions running at large in certain districts.

19. The Lieutenant-Governor in Council may by Proclamation published in the Gazette define any area of land in the Province as a district in which every stallion, whether branded or unbranded, over one year old running at large shall be deemed to be a public nuisance. Every such stallion found running at large in any district so defined may be shot by any person who is authorized in writing by a Government Agent, and any Government Agent upon the application in writing of any person may issue to him an authority in writing for the purposes of this section. 1931, c. 2, s. 4.

*Damages—Scienter.*

Proof of scienter not necessary.

20. In any action brought to recover damages for injuries caused by any domestic animal or any dog, it shall not be necessary for the plaintiff, in order to entitle him to a verdict, to aver in any pleading, or to adduce any evidence that the defendant knew, or had the means of knowledge, that the animal, for the

injuries caused by which the action shall be brought, was or is of a vicious or mischievous nature, or was or is accustomed to do acts causing injury; but the plaintiff, if otherwise entitled to a verdict, shall not be deprived thereof by reason of the absence of any such averment or the non-production of such evidence. R.S. 1924, c. 11, s. 19.

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SCHEDULE.

(Section 15.)

|  |               |
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| To arrest.....   | \$2.50        |
| To sending notice to owner.....  | 1.00 and      |
| mileage at rate of 12½ cents per mile or portion of mile<br>each way from place of detention to owner's residence. |               |
| To posting of notices if owner unknown (mileage same as<br>above) .....  | 1.00          |
| To every day's feed on arrest .....  | .25 per head. |
| Fee to each arbitrator.....  | 2.50 and      |
| mileage same as above.   |               |

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