

UNEDITED

The Horse Breeders Act

being

Chapter 122 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

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.

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CHAPTER 122

An Act to protect Horse Breeders

SHORT TITLE

Short title

- 1 This Act may be cited as *The Horse Breeders Act*.

1917 (sess. 2), c.37, s.1; R.S.S. 1920, c.122, s.1.

INTERPRETATION

Interpretation

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

“Approved stallion district”

1. “**Approved stallion district**” means the approved stallion district so declared under the authority of this Act;

“Board”

2. “**Board**” means the Saskatchewan Stallion Board;

“Commissioner”

3. “**Commissioner**” means the Live Stock Commissioner;

“Department”

4. “**Department**” means the Department of Agriculture;

“Examination”

5. “**Examination**” means a municipal or other stallion examination held under the provisions of this Act;

“Examiner”

6. “**Examiner**” means a duly appointed stallion examiner;

“Grade”

7. “**Grade**” means a stallion other than a pure bred;

“Minister”

8. “**Minister**” means the Minister of Agriculture;

“Municipality”

9. “**Municipality**” means a rural municipality or local improvement district;

“Owner”

10. “**Owner**” includes a part owner or the person acting on behalf of the owner;

“Pure bred”

11. “**Pure bred**” means a stallion that is registered in a stud book which is recognised by the department;

“Stallion”

12. “**Stallion**” includes jack.

1917 (sess. 2), c.37, s.2; R.S.S. 1920, c.122, s.2.

ENROLMENT OF STALLIONS

Enrolment of stallions

3(1) Every person, firm, syndicate, association or company, standing or travelling any stallion for breeding purposes in Saskatchewan, shall annually cause the name, description and breeding of such stallion to be enrolled in the department and shall procure a certificate of such enrolment as hereinafter provided.

(2) Every stallion brought into Saskatchewan, if over thirty months old, shall, before being offered for sale for breeding purposes, be enrolled in the department.

(3) Upon a sale being made of any stallion enrolled under this section the certificate of enrolment may be transferred to the purchaser by the minister upon proof to his satisfaction of such transfer of ownership.

(4) A duplicate certificate of the enrolment of a stallion under this section may be obtained by the owner upon furnishing proof satisfactory to the minister that the original certificate of enrolment has been lost or destroyed.

1917 (sess. 2), c.37, s.3; R.S.S. 1920, c.122, s.3.

Certificate of enrolment

4(1) Certificates of enrolment shall be issued only to recorded owners of stallions.

(2) Until it can be examined by an official examiner, every stallion which has not been examined for license shall be granted an interim enrolment certificate which shall be surrendered and a new certificate issued after the first examination of such stallion.

(3) Every certificate of enrolment shall continue in force until the first day of January then next following the issue thereof and shall thereupon cease to have effect until renewed.

(4) Any certificate under this Act may be cancelled by the minister at any time.

1917 (sess. 2), c.37, s.4; R.S.S. 1920, c.122, s.4.

Stallions not enrolled

5 The owner of a stallion which is not enrolled shall not have route bills or breeding cards printed or posted nor shall he advertise the services of such stallion or charge or receive service fees.

1917 (sess. 2), c.37, s.5; R.S.S. 1920, c.122, s.5.

Death reported

6 The death of any stallion enrolled under this Act shall promptly be reported by the owner to the department and the certificate of enrolment of such stallion shall be returned to the department with such report.

1917 (sess. 2), c.37, s.6; R.S.S. 1920, c.122, s.6.

ADVERTISING

Copies of certificate posted

7 The owner of a stallion shall post up and keep affixed during the whole of the season copies of the enrolment certificate of such stallion in a conspicuous place either within or upon the outside of the main door leading into every stable or building where the said stallion stands regularly for service.

1917 (sess. 2), c.37, s.7; R.S.S. 1920, c.122, s.7.

Advertising matter

8 The following requirements shall be observed and complied with by every person issuing any bill, poster or advertisement for the purpose of offering the service of any stallion for breeding purposes:

1. The true description of the stallion as a pure bred, or grade, shall be printed immediately above or below the name of such stallion in letters at least one inch in height and of bold type;
2. No illustration, pedigree, description or other matter that is untruthful or misleading shall be used in any such bill, poster or advertisement;
3. Every such bill, poster or advertisement issued shall contain a true copy of the certificate of enrolment for the current year of the stallion referred to therein and any such copy shall occupy at least one-quarter of such bill, poster or advertisement;
4. Two copies of every such bill, poster or advertisement shall be mailed to the Department of Agriculture, Regina, by the person or firm employed to print or publish the same.

1917 (sess. 2), c.37, s.8; R.S.S. 1920, c.122, s.8.

Owner's consent

9 The production of any bill, poster or other printed or written matter advertising any stallion for public service shall be prima facie evidence that such bill, poster or other advertising matter was used to advertise the stallion named and described therein by or with the consent of the owner of said stallion.

1917 (sess. 2), c.37, s.9; R.S.S. 1920, c.122, s.9.

STALLION BOARD

Constitution

10(1) The members of the faculty of the College of Agriculture in charge of the Department of Animal Husbandry and Veterinary Science respectively, the Deputy Minister of Agriculture, the Live Stock Commissioner, the president for the then current year of the Saskatchewan Horse Breeders' Association and one member of such association who shall be elected at its annual meeting and whose term of office shall be for one year only, unless re-elected, shall constitute the Saskatchewan Stallion Board.

Meeting

(2) The board shall elect a chairman and a secretary from among its number and shall meet from time to time as is deemed necessary by its chairman and any three of its members shall constitute a quorum.

Expenses

- (3) Members of the board shall be entitled to payment of their hotel and travelling expenses while attending meetings of the board.

1917 (sess. 2), c.37, s.10; R.S.S. 1920, c.122, s.10.

Duties

- 11** The duties of the board shall be:

- (a) to recommend suitable persons to the minister for appointment as stallion examiners;
- (b) to prepare instructions for the use of and to arrange for the training of examiners;
- (c) to issue certificates upon the recommendation of an examiner; and
- (d) to make such recommendations to the minister respecting the administration of this Act as it deems advisable.

1917 (sess. 2), c.37, s.11; R.S.S. 1920, c.122, s.11.

STALLION EXAMINERS AND EXAMINATIONS

Examiners appointed

- 12** Upon recommendation of the board the minister shall appoint stallion examiners and every such appointment and the resignation of every such appointee shall be published in the issue of *The Saskatchewan Gazette* then next following.

1917 (sess. 2), c.37, s.12; R.S.S. 1920, c.122, s.12.

Duties of examiners

- 13(1)** It shall be the duty of stallion examiners to make a thorough examination of the stallions submitted for enrolment under this Act and to report their findings to the stallion board; and in particular, every examiner shall report with respect to any such stallion any grave defect of conformation or any unsoundness or other condition or cause which in the judgment of the examiners renders it unfit for breeding purposes.

- (2) Any unsoundness of the following kinds shall disqualify a stallion or jack for public service in Saskatchewan, namely: periodic ophthalmia (moon-blindness), bonespavin, ring-bone, curb (when accompanied by curby formation of the hock) or any contagious or infectious disease.

- (3) Every stallion shall be subject to re-examination at the end of every three year period from the date of the first examination of such stallion, but any stallion of the age of eight years or over when last examined shall not be required to be again examined.

- (4) Stallions examined for license under the provisions of this Act may be granted a certificate of enrolment of such grade as the stallion board may determine without further examination.

1917 (sess. 2.), c.37, s.13; R.S.S. 1920, c.122, s.13.

Examinations

14 The place or places at which and the dates or date on which the examination of stallions shall be held shall be determined by the commissioner.

1917 (sess. 2), c.37, s.14; R.S.S. 1920, c.122, s.14.

Notification of owner

15 The commissioner shall notify each and every owner of a stallion to be examined, so far as such owners are known to the department, of the date or dates on which such examination or examinations will be conducted, and require the presence, properly attended, of every such stallion at one of such examinations; such notification shall be in a prescribed form and shall be mailed from the department under registered cover at least twelve days before the date or the first of the dates upon which such examination or examinations are to be held.

1917 (sess. 2), c.37, s.15; R.S.S. 1920, c.122, s.15.

Stallion presented

16 It shall be the duty of any owner notified as provided in section 15 to present such stallion, properly attended, at one of such examinations.

1917 (sess. 2), c.37, s.16; R.S.S. 1920, c.122, s.16.

APPROVED STALLION DISTRICT**Petition**

17 The council or a majority of the resident ratepayers of any municipality may petition the minister to incorporate within the approved stallion district all of the area comprised within the outer boundaries of such municipality.

1917 (sess. 2), c.37, s.17; R.S.S. 1920, c.122, s.17.

Constitution

18 Upon receipt of any such petition the minister may by order made public in *The Saskatchewan Gazette* declare all of the area comprised within the outer boundaries of any such municipality so having petitioned to constitute or to be incorporated within the approved stallion district on and after the first day of January then next following.

1917 (sess. 2), c.37, s.18; R.S.S. 1920, c.122, s.18.

Prohibitions of stallions not enrolled

19 Within such areas as are declared to constitute the approved stallion district it shall be unlawful for any person, firm, syndicate, association or company, to stand or travel for breeding purposes any grade stallion whatsoever or any pure bred stallion that has not been granted a current certificate of enrolment.

1917 (sess. 2), c.37, s.19; R.S.S. 1920, c.122, s.19.

REGISTRATION OF LIEN FOR SERVICE

Filing lien

20(1) The owner of any pure bred stallion holding a current certificate of enrolment for such stallion under this Act, or his agent, may file in the office of the registration clerk of the registration district for mortgages and other transfers of personal property in which the owner or person in charge of any mare upon which such stallion performs service resides, within twelve months after such service is performed a statutory declaration setting forth:

- (a) the fact of such service and the date thereof;
- (b) a reasonable description of such mare;
- (c) the name and residence of the owner of such mare;
- (d) the amount of service fee; and
- (e) that the same is unpaid.

Clerk's fee

(2) For filing such statutory declaration the registration clerk shall be entitled to a fee of twenty-five cents.

1917 (sess. 2), c.37, s.20; R.S.S. 1920, c.122, s.20.

Lien on foal

21 The owner of such stallion shall, upon filing such statutory declaration and complying with the provisions of this Act, have a lien for the amount of said service fee and cost as hereinafter provided upon the colt or filly the offspring of any such stallion by reason of the service in respect of which such statutory declaration is filed, which lien shall take and have priority over any and all writs of execution, chattel mortgages, bills of sale, claims and incumbrances whatsoever upon or affecting such colt or filly.

1917 (sess. 2), c.37, s.21; R.S.S. 1920, c.122, s.21.

ENFORCEMENT OF LIEN

Sale of foal for non-payment of fee

22 If payment of the service fee is not made before the first day of October in the year in which the colt or filly is born the owner of the said stallion by himself or by his agent duly authorised by him in writing may at any time before the first day of May then next following take possession of the colt or filly upon which he has such lien as aforesaid wherever the same may be found, and shall forthwith proceed to sell the same by public auction after giving the person in whose possession the said colt or filly was when taken ten days' notice in writing of such intention to sell, which notice may be effectually given to such person by delivering the same to him personally or by posting it upon the door of such person's last known place of residence in Saskatchewan.

1917 (sess. 2), c.37, s.22; R.S.S. 1920, c.122, s.22.

Proceeds applied

23 The proceeds of sale shall be applied first in payment of the reasonable expenses, not in any case to exceed \$10 in all, of the taking of possession, giving of notice and conduct of sale, and next in payment of the service fee, and the balance shall be paid forthwith by the owner of the stallion to the person from whose possession such colt or filly was taken.

1917 (sess. 2), c.37, s.23; R.S.S. 1920, c.122, s.23.

GENERAL**Examiner's remuneration**

24 The remuneration of examiners shall be such as is described by the Lieutenant Governor in Council.

1917 (sess. 2), c.37, s.24; R.S.S. 1920, c.122, s.24.

Penalties

25 A violation of any of the provisions of this Act shall be an offence for which the offender shall be liable on summary conviction to a penalty not exceeding \$100 and not less than \$10.

1917 (sess. 2), c.37, s.26; R.S.S. 1920, c.122, s.25.

Fees

26 The fees to be paid to the department under this Act shall be as follows:

| | |
|--|--------|
| For certificate of enrolment | \$5.00 |
| For duplicate certificate of enrolment | 1.00 |
| For transfer of certificate | 1.00 |
| For annual renewal of certificate..... | 1.00 |
| For examination of stallion | 5.00 |

1917 (sess. 2), c.37, s.27; R.S.S. 1920, c.122, s.26.

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