

UNEDITED

The Brand Act

being

Chapter 123 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FOR HISTORICAL REFERENCE ONLY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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SCHEDULE

CHAPTER 123

An Act respecting Brands

SHORT TITLE

Short title

- 1 This Act may be cited as *The Brand Act*.

1912–13, c.33, s.1; R.S.S. 1920, c.123, s.1.

INTERPRETATION

Interpretation

- 2(1) In this Act, unless the context otherwise requires, the expression:

“Brand”

1. “**Brand**” means any letter, sign or numeral or combination of the same recorded as allotted;

“Cattle”

2. “**Cattle**” means any bull, cow, ox, heifer, steer or calf;

“Character”

3. “**Character**” means any sign, letter or numeral;

“Department”

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

“Horse”

5. “**Horse**” means any horse, mare, gelding, colt or filly, ass or mule;

“Minister”

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

“Owner”

7. “**Owner**” means the owner jointly or in severalty of any brand or vent allotted under this Act and includes the duly recorded transferee thereof and the authorised agent of such owner or transferee;

“Recorded”

8. “**Recorded**” means duly entered in the record to be kept in pursuance of this Act;

“Stock”

9. “**Stock**” means any horse or head of cattle;

“Vent”

10. “**Vent**” means:
- (a) any vent brand allotted as having been recorded prior to March 1, 1898;
 - (b) a second marking in a horizontal or lazy position immediately below the brand mark upon any stock of a character forming part or the whole of such brand;

any such vent denoting the fact of the proprietary rights in any stock bearing the same having passed from the owner to some other person.

(2) The council of every rural municipality shall at the expense of the municipality provide each of its poundkeepers and its secretary treasurer with a copy of the latest published list of brands recorded under this Act.

1912-13, c.38, s.2; 1917 (sess. 2), c.38, s.2; R.S.S. 1920, c.123, s.2.

Brands Allotment

Allotment

3(1) Subject to the provisions of subsection (2) brands of any form or combination of characters may, subject to the approval of the minister, be allotted for any part of the body of any stock.

Form

(2) Every brand for cattle allotted for the hip or thigh, for the rib and for the shoulder or top of arm shall consist of three characters and the shape and pattern of such characters and the arrangement thereof shall be fixed and determined by the minister:

Provided that on the payment of an additional fee of fifty cents any person may have allotted to him any other brand which does not conflict with any brand already allotted.

1912-13, c.38, s.3; R.S.S. 1920, c.123, s.3.

Duration

Cancellation and renewal

4(1) All brands allotted under the provisions of this Act and all brands and vents allotted under the provisions of any other Act, and save as hereinafter provided all rights of the owner thereto, therein or thereunder, shall be cancelled and determined as and upon the several times hereinafter mentioned, that is to say:

Those allotted subsequently to December 31, 1912, upon the thirty-first day of December in the fourth year next following the year during which such brand was allotted:

Provided that all brands issued between March 31, 1916, and January 1, 1917, shall be cancelled and determined on December 31, 1922, and all brands issued during 1917 shall be cancelled and determined on December 31, 1923;

Provided that upon application during the year in which any brand would become cancelled hereunder the allotment anti exclusive right to the use thereof may from time to time be renewed for a further period of four years from the end of such year;

Provided further that the owner of any brand so cancelled' may upon application in writing not later than three months next after the date of such cancellation procure the reallocation to him of such brand.

(2) Save its herein provided no brand shall after any cancellation thereof be again allotted to any person until after the expiration of five years after the date of its cancellation.

1912-13, c.38, s.4; 1917 (sess. 2.), c.38, ss.3 and 4; R.S.S. 1920, c.123, s.4.

Ownership

Owner's exclusive use

5 Until the cancellation of the same the owner of any brand allotted under this Act or under any other Act shall have the exclusive right to the use thereof and during such period the mark of any brand upon stock not bearing the mark of a subsequent vent by the owner of such brand shall be *prima facie* evidence of the ownership by the owner of such brand of the animal bearing the same but no such presumption of ownership shall arise or be given effect to in any case where the brand upon any such animal has not been recorded or has been cancelled prior to such evidence being tendered.

1912-13, c.38, s.5; R.S.S. 1920, c.123, s.5.

Record

Recorder of brands

6 The Lieutenant Governor in Council may appoint a recorder of brands who shall be subject to the direction of the minister and who shall keep in a book or books for that purpose a record of all brands allotted under this Act or any other Act and of their duration, renewal, reallocation, cancellation and transfer together with the dates thereof and the names of the owner or transferee thereof.

1912-13, c.38, s.6; R.S.S. 1920, c.123, s.6.

Searches and extracts

7 Any person shall be entitled to search or have the record searched and to obtain, certified extracts therefrom during the regular business hours of the department upon payment of the fee prescribed in the tariff of fees in the schedule.

1912-13, c.38, s.7; R.S.S. 1920, c.123, s.7.

Application for allotment

8 Any person requiring the allotment to him of a brand or the reallocation or the renewal thereof shall make application therefor to the recorder which application shall be accompanied by the proper fee therefor as prescribed in the said tariff and upon being satisfied that such application is in conformity with the provisions of this Act the recorder shall grant such application and enter such allotment renewal or reallocation in the record forthwith:

Provided however that the minister may if he deems it advisable refuse any such application;

Provided also that no brand shall be allotted to an Indian living upon a reserve.

1912-13, c.38, s.8; R.S.S. 1920, c.123, s.8.

Certificate of record

9 Upon the recording of the allotment, renewal or reallocation of any brand as aforesaid the person in whose name the same is last recorded shall become the owner thereof and of all rights thereto and therein and the recorder shall deliver or transmit to such a person a certificate of the allotment, renewal or reallocation thereof and of the recorded entry of the same, and a certificate signed or purporting to be signed by the recorder under the provisions of this section shall be *prima facie* evidence of the ownership of such brand.

1912-13, c.38, s.9; R.S.S. 1920, c.123, s.9.

Brand record book

10 The minister may at such time and in such manner as to him seems advisable cause to be published from time to time a complete list of the brands recorded under this Act and may make a reasonable charge for the volume containing the same.

1912–13, c.38, s.10; R.S.S. 1920, c.123, s.10.

*Change in Record***Change in brand**

11 The recorder may upon the application of any owner accompanied by the fee prescribed in the said tariff make changes in any brand or form or position thereof not inconsistent with the provisions of this Act.

1912–13, c.38, s.11; R.S.S. 1920, c.123, s.11.

*Notice of Expiration***Notice of expiration**

12 It shall be the duty of the recorder in each year to notify the owners of all brands which would expire and become cancelled at the expiration of such year of the date upon which the same will become cancelled unless previously renewed and such notice shall be given by registered letter postage prep aid and addressed to such owners respectively at their respective post offices as entered in the said record.

1912–13, c.38, s.12; R.S.S. 1920, c.123, s.12.

*Cancellations by the Minister***Conflicting brands**

13 If any two or more owners of stock have the same or conflicting brands recorded the minister may if he deems it advisable authorise the cancellation of the brand last recorded or (with the sanction of the owner) of any brand previously recorded, and may allot another in lieu thereof without charge.

1912–13, c.38, s.13; R.S.S. 1920, c.123, s.13.

*Transfer***Recording transfers**

14(1) Any person wishing to transfer the ownership in any brand recorded under the provisions of this Act shall make and sign in the presence of a commissioner for oaths, who shall, affix his signature thereto as such commissioner as a witness, a memorandum (form A) and shall transmit the same to the recorder with the proper fee chargeable upon such transfer as prescribed in the said tariff; and the recorder upon the receipt of such memorandum and fees shall make an entry in the record opposite to the entry of the original allotment thereof setting forth the fact of such transfer of such brand to the transferee together with his post office address and the date of such entry; and such transferee shall thereafter be deemed to be the owner of and to have the exclusive right to the use of such brand and to the same benefits and rights in respect thereof as before such transfer were held by the transferor hereunder.

(2) In case of death or absence of the owner a declaration (form B) made by the transferee may, subject to the approval of the minister, be accepted in lieu of the memorandum (form A):

Provided that such transfer shall not be recorded until thirty days after notice thereof has been published in one issue of *The Saskatchewan Gazette* and in two successive weekly issues of a newspaper to be named by the minister.

1912-13, c.38, s.14; R.S.S. 1920, c.123, s.14.

Transferred stock

15 Upon every transfer for value of any stock marked with the recorded brand of the transferor the transferor shall also mark his vent on the stock so transferred unless at the time of such transfer the said brand is transferred to the transferee of such stock:

Provided, however, that with the transferee's consent it shall be a sufficient compliance with requirements of this section if the transferor gives to the transferee when so taking possession of such stock a statement (form C) and thereafter such statement shall for the space of thirty days next after the date thereof be *prima facie* evidence of rite transfer of such stock according to the purport thereof.

1912-13, c.38, s.15; R.S.S. 1920, c.123, s.15.

BRAND COMMISSIONERS

Appointment

16(1) The Lieutenant Governor in Council may appoint a board of brand commissioners to consist of three persons each of whom shall be the owner of horses or cattle and of at least one brand allotted under this Act and shall be a resident of Saskatchewan.

Meeting

(2) The said board shall meet at such times and places as the recorder of brands arranges and appoints and shall advise him of all matters which he brings to their notice in connection with the administration of this Act.

Tenure of office and expenses

(3) Each member of the said board shall hold office during the pleasure of the Lieutenant Governor in Council and his said office shall be honorary; but each commissioner shall be allowed for his travelling and other expenses while attending meetings of the board the sum of five dollars per day and his actual transportation expenses.

Record of proceedings

(4) The recorder of brands shall be the secretary of the board and shall keep a record of the proceedings of every meeting thereof which shall be certified to by the members of the board present at each such meeting as correct and shall form a part of the records of the department.

1912-13, c.38, s.16; R.S.S. 1920, c.123, s.16.

OFFENCES AND PENALTIES

Offences and penalties**17** Any person who:

- (a) brands or directs, aids or assists any person to brand any stock with a brand, vent or mark which has not been recorded under the provisions of this Act or which has been cancelled thereunder;
- (b) brands or causes, directs or permits to be branded with his own or with any brand, vent or mark any stock of which he is not the owner without the authority of the owner;
- (c) blotches, defaces or otherwise renders illegible or alters any brand, vent or mark upon stock or directs, causes or permits any such brand, vent or mark to be blotched, defaced or otherwise rendered illegible or altered;

shall be guilty of an offence and, in addition to any other penalty to which he may be subject by law, shall, on summary conviction thereof, be liable to a penalty not exceeding the sum of \$200.

1912-13, c.38, s.17; R.S.S. 1920, c.123, s.17.

 SCHEDULE

TARIFF OF FEES

(Section 7)

On application for allotment or renewal or reallocation of a brand	\$2.00
On application for change in the record of a brand	1.00
On every transfer of a recorded brand	1.00
For every search of the brand record.....	.50
For every certified extract from the brand record50

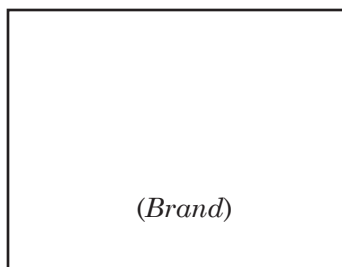
FORM A

(Section 14 (1))

MEMORANDUM OF TRANSFER OF BRAND

To the Recorder of Brands, Regina, Saskatchewan:

DESCRIPTION OF BRAND,



(Brand)

Position

Cattle or horses

Dated at _____ this _____ day of _____ 19____.

I, (or We) _____
 being the recorded owner of the brand
 mentioned in the margin hereof, having
 transferred the same to _____
 of _____
 S. _____ T. _____ R. _____
 west of the _____ meridian,
 Sask., do hereby request that you will
 make the necessary transfer to _____
 of _____ such brand in your record and
 _____ inclose herewith the sum
 of _____ is the authorised fee therefor
 under *The Brand Act*.

Owner.

Witness:

P. O. Address.

A Commissioner for Oaths for Saskatchewan.

FORM B

(Section 14 (2))

IN THE MATTER OF AN APPLICATION FOR THE TRANSFER
OF A BRAND

I, _____, of _____, residing on S. _____
T. _____ H. _____ west of the _____ meridian, Saskatchewan, do
solemnly declare:

1. That I am the purchaser of the brand No. _____ for 19____ recorded in the
name of _____ for the (*position on animal*) of (horses or cattle)
2. That the said brand was actually sold to me by the said _____ on or about
the _____ day of _____ 19____, and that I am entitled to a transfer of
the same;
3. That _____ written transfer of the said brand was given me by the said
_____;
4. That I am to the best of my knowledge and belief the rightful owner of all (horses
or cattle) running at large in this district branded with the said brand.

And I make this solemn declaration conscientiously believing it to be true and
knowing that it is of the same force and effect as if made under oath and by virtue
of *The Canada Evidence Act*.

Declared before me at _____
in the Province of Saskatchewan
this _____ day of _____ 19____.

.....
A Commissioner for Oaths.

.....
Signature of Transferee.

.....
P. O. Address.

FORM C

(Section 15)

To all whom the same may in any wise concern:

Take notice that I have this day sold to (*name of purchaser*) of _____,
the following described stock:

branded with my recorded brand No. _____

Description: _____

Dated at _____ this _____ day of _____ 19____.

.....
Signature.

.....
Post Office Address.