

UNEDITED

# *The Horse Breeders Act*

*being*

Chapter 190 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY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 190

## An Act to protect Horse Breeders

### SHORT TITLE

#### Short title

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

R.S.S. 1953, c.190, s.1.

### INTERPRETATION

#### Interpretation

2 In this Act:

#### “board”

1 “**board**” means the Saskatchewan Stallion Board;

#### “breeder”

2 “**breeder**” means the owner of a mare at the time of service, or his agent;

#### “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 firm, syndicate, association or company, a breeders’ club recognized by the Live Stock Branch of the Dominion Department of Agriculture, and a part owner or person acting on behalf of the owner;

#### “pure bred”

11 “**pure bred**” means a stallion registered in a stud book recognized by the minister, or a stallion identified and approved by a Canadian Horse Association recognized by the minister;

#### “stallion”

12 “**stallion**” includes jack.

R.S.S. 1940, c.183, s.2; 1946, c.57, s.1; 1953, c.72, s.2; R.S.S. 1953, c.190, s.2.

## ENROLMENT OF STALLIONS

**Enrolment of stallions**

- 3(1)** Every owner standing or travelling for breeding purposes in Saskatchewan, any stallion over twenty-four months old, 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 provided by section 4.
- (2) Every stallion brought into or raised in Saskatchewan shall, before being offered for sale, be examined as provided by sections 15 to 18, and 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.

R.S.S. 1940, c.183, s.3; 1948, c.59, s.1; R.S.S.  
1953, c.190, s.3.

**Certificate of enrolment**

- 4(1)** Certificates of enrolment shall be issued only to enrolment recorded owners of stallions.
- (2) Until it can be examined by an official examiner, every stallion which has not been examined for enrolment 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) A certificate may be cancelled by the minister at any time.

R.S.S. 1940, c.183, s.4; R.S.S. 1953, c.190, s.4.

**No service fees for stallions not enrolled**

- 5** The owner of a stallion which is not enrolled shall not stallions, not receive service fees.

R.S.S. 1940, c.183, s.5; R.S.S. 1953, c.190, s.5.

**Death reported**

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

R.S.S. 1940, c.183, s.6; R.S.S. 1953, c.190, s.6.

## ADVERTISING

**Copies of certificate posted**

7 Every owner of a stallion shall post a copy of the enrolment certificate of the stallion and keep it affixed during the whole of the breeding season in a conspicuous place, either within or upon the outside of the main door of the stable or building where the stallion stands for service.

R.S.S. 1940, c.183, s.7; R.S.S. 1953, c.190, s.7.

**Advertising matter**

8 The following requirements shall be observed and complied with by every person issuing any bill, poster or advertisement offering the service of a 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 the 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 such bill, poster or advertisement;

3 Every 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 such copy shall occupy at least one-quarter of the bill, poster or advertisement;

4 Two copies of every 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.

R.S.S. 1940, c.183, s.8; R.S.S. 1953, c.190, s.8.

**Owner's consent to advertisement**

9 The production of a bill, poster or other printed or written matter advertising a 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.

R.S.S. 1940, c.183, s.9; R.S.S. 1953, c.190, 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 Director of Animal Industry in the Department 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.

**Meetings**

(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 shall be paid their hotel and travelling expenses while attending meetings of the board. Members other than those whose whole time is at the disposal of the Government or of the University of Saskatchewan shall receive, in addition, an allowance of \$7 for each day or part of a day spent in attending meetings of the board. Such payments and allowances shall be paid out of the consolidated fund.

**Remuneration**

(4) The remuneration of members of the board shall be that authorized by the Lieutenant Governor in Council.

R.S.S. 1940, c.183, s.10; 1952, c.70, s.1; R.S.S. 1953, c.190, 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.

R.S.S. 1940, c.183, s.11; R.S.S. 1953, c.190, s.11.

**Power of board to refuse certificate**

**12** The board may refuse to certify for breeding purposes any stallion that in the opinion of the board is unsuitable for breeding purposes:

- (a) because of being of undesirable type or conformation;
- (b) because of bone spavin, thoroughpin, sidebone, curb, bog spavin or ringbone where, in the opinion of the board, such unsoundness is due to defective conformation or structural weakness;
- (c) because of cryptorchidism (ridgeling) or chorea (stringhalt or shivering); or
- (d) because of any other condition that in the opinion of the board renders such animal unfit for breeding purposes.

1953, c.72, s.3; R.S.S. 1953, c.190, s.12.

**Effect of certificate**

**13** A certificate of enrolment issued by the board shall not be deemed to be a guarantee of the fertility of the stallion named therein nor a warranty as to the soundness of such stallion.

R.S.S. 1940, c.183, s.13; R.S.S. 1953, c.190, s.13.

## STALLION EXAMINERS AND EXAMINATIONS

**Appointment of examiners**

**14** The Public Service Commission may, upon the recommendation of the board, appoint or dismiss stallion examiners and fix their remuneration, and notice of the appointment and the retirement of examiners shall be published in *The Saskatchewan Gazette*.

R.S.S. 1940, c.183, s.14; R.S.S. 1953, c.190, s.14.

**Duties of examiners**

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

(3) Stallions examined for enrolment 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.

R.S.S. 1940, c.183, s.15; R.S.S. 1953, c.190, s.14.

**Examinations**

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

R.S.S. 1940, c.183, s.16; R.S.S. 1953, c.190, s.16.

**Notification to owner**

**17(1)** The commissioner may notify the owners of stallions to be examined, so far as such owners are known to the department, of the dates on which examinations will be conducted, and require the presence, properly attended, of every such stallion at one of the examinations. Such notification shall be in the form prescribed by the minister 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 examinations are to be held.

(2) The commissioner may instruct the examiner to examine a stallion at the home of the owner or wherever the stallion may be located.

R.S.S. 1940, c.183, s.17; R.S.S. 1953, c.190, s.17.

**Stallion presented**

**18** An owner so notified shall present his stallion, properly attended, at one of the examinations, and if he fails to do so, he may be charged the sum of \$10 for the examination.

R.S.S. 1940, c.183, s.18; R.S.S. 1953, c.190, s.18.

## UNREGISTERED LIEN FOR SERVICE

### Lien and recovery of unpaid service fees

**19(1)** Until a foal reaches the age of one year, or as long as the foal remains the property of the breeder, whichever period is the longer, the owner of the stallion which has sired the foal shall, if he has complied with the provisions of this Act with respect to enrolment, without registration have a lien for the unpaid service fees of the mare which has foaled the foal.

(2) At any time during the currency of the lien the owner of the stallion may seize and sell the foal for the service fees or any part thereof remaining unpaid. The sale shall take place at public auction after notice thereof has been posted for ten days in three public places in the town or district where the owner of the foal resides. The proceeds of sale shall be applied in payment of the amount due for service fees and the expenses of the seizure and sale, and the vendor shall pay over the residue, if any, to the breeder.

(3) The lien provided for by this section shall be deemed to arise and be created at the time of the service, and it shall have priority over all other claims, liens or rights whatsoever or howsoever arising or created upon or in the foal.

R.S.S. 1940, c.183, s.22; R.S.S. 1953, c.190, s.19.

## REGISTRATION OF LIEN FOR SERVICE

### Filing lien

**20(1)** The owner of a pure bred stallion holding a current certificate of enrolment for the stallion, or his agent, may file in the office of the registration clerk of the registration district for chattel mortgages in which the owner or person in charge of any mare upon which such stallion performs service resides, within twenty-three 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 the mare and foal;
- (c) the name and residence of the owner of the 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.

R.S.S. 1940, c.183, s.23; R.S.S. 1953, c.190, s.20.

### Lien on foal

**21** The owner shall, upon filing such statutory declaration and complying with the provisions of this Act, have a lien for the amount of the service fee and cost as hereinafter provided upon the colt or filly the offspring of the stallion by reason of the service in respect of which the 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 encumbrances whatever upon or affecting such colt or filly.

R.S.S. 1940, c.183, s.24; R.S.S. 1953, c.190, s.21.

## ENFORCEMENT OF REGISTERED LIEN

**Sale of foal for non-payment of fee**

**22** If payment of the service fee is not made before the first day of December in the year in which the colt or filly is born, the owner of the stallion by himself or by his agent duly authorized in writing may, at any time not exceeding two years thereafter, take possession of the colt or filly upon which he has a registered lien wherever the same may be found; and he shall forthwith sell the same by public auction after giving the person, in whose possession the said colt or filly was then taken, ten days' notice in writing of his intention so to do, which notice may be effectually given to such person by delivering it to him personally or by posting it upon the door of his last known place of residence in Saskatchewan.

R.S.S. 1940, c.183, s.25; R.S.S. 1953, c.190, s.22.

**Application of proceeds**

**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 taking possession, giving notice and conducting the 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.

R.S.S. 1940, c.183, s.26; R.S.S. 1953, c.190, s.23.

## GENERAL

**Penalties**

**24** A violation of any of the provisions of this Act is an offence for which the offender is liable on summary conviction to a fine of not less than \$10 nor more than \$100.

R.S.S. 1940, c.183, s.27; R.S.S. 1953, c.190, s.24.

**Fees**

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

For certificate of enrolment .....	\$ 1.00
For duplicate certificate of enrolment .....	1.00
For transfer of certificate .....	1.00
For annual renewal of certificate.....	1.00

R.S.S. 1940, c.183, s.28; R.S.S. 1953, c.190, s.25.

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