

1927

c 321 Fur-Bearing Animals Kept In Captivity Act

Ontario

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CHAPTER 321.

The Fur-bearing Animals Kept in Captivity Act.

Trespassing on property where foxes, etc., kept for breeding purposes.

1. Every person who, without the consent of the owner or caretaker of a ranch or enclosure where foxes or other fur-bearing animals are kept in captivity for breeding purposes, enters upon the private grounds of the owner of such animals where the said animals are located, and notices forbidding trespassing on the said premises are kept posted so as to be plainly discernible at a distance of not less than twenty-five yards shall incur a penalty of not more than \$50 nor less than \$5, and, in default of payment, shall be imprisoned for a period of not more than three months nor less than one month. 1919, c. 71, ss. 1, 2, *part*.

Penalty.

Entering enclosures where notices posted.

2. Every person who, without the consent of the owner or caretaker of any enclosure within which foxes or other fur-bearing animals are kept for breeding purposes, and on the outer fence of which enclosure are kept posted notices forbidding trespassing on the premises where the said animals are kept, and plainly discernible at a distance of not less than twenty-five yards therefrom, passes within the said fence of such enclosure, or climbs over, breaks or cuts through the same, for the purposes of entering the said enclosure, or for any other purpose whatever, shall incur a penalty of not more than \$100, nor less than \$50, and in default of payment shall be imprisoned for a period of not more than six months nor less than two months. 1919, c. 71, ss. 3, 4, *part*.

Penalty.

Owner may kill dog.

3. The owner or caretaker of any property upon which foxes or other fur-bearing animals are kept may kill any dog found thereon which is not muzzled or accompanied by some person having it in charge and which has become a nuisance by giving tongue or otherwise terrifying such animals. 1919, c. 71, s. 5, *part*.

Recording brands by owner of silver or black fox ranch.

4.—(1) The owner of any ranch or enclosure where silver or black foxes are kept in captivity for breeding purposes may record with the Department of Game and Fisheries a brand which shall be in such form and combination as may be approved by the Minister.

When renewal necessary.

(2) A brand so recorded shall not be valid for a longer period than three years unless it is renewed by the owner.

(3) The owner of any brand shall be entitled to transfer the same to any person applying to the Department and complying with the regulations made regarding such transfer. Transfer of brand.

(4) Upon the recording in the books of the Department of Game and Fisheries of an allotment or transfer of a brand, the person in whose name the same is last recorded shall become the owner of the brand and of all the rights therein and shall be entitled to a certificate of the allotment or transfer and of the recorded entry of the same, and the production of such certificate shall be *prima facie* evidence of the ownership thereof, without any further proof of the signature of the officer or other person signing the same. Effect of record of allotment or transfer of brand.

(5) Where a silver or black fox branded with any such brand escapes from the possession of the owner, the property in such animal and its skin or pelt shall remain in the owner subject to the following provisions of this section. Property in branded animal or pelt.

(6) Where a silver or black fox escapes from such ranch or enclosure, the property in such animal shall remain in the owner of the ranch or enclosure when branded as aforesaid upon an ear or ears of the animal, and the person capturing or killing such animal shall not acquire any property right in the animal or in the pelt, if killed, except as hereinafter provided. Ibidem.

(7) Every person into whose possession such animal shall come, shall forthwith advertise the fact and the place and date of its capture together with a description of the animal, its place of captivity and the name and place of residence of the person advertising the same, and such advertisement shall be published in a newspaper at least once a week for two consecutive weeks in the county or district where the animal is captured. Advertisement by captor.

(8) If, within one month after the date of the last publication of such advertisement no claim has been made by or on behalf of the owner and identification of the animal by its brand corresponding with the registered brand, such animal shall become the property of the captor, but where a claim of ownership is made and identification is verified, the captor or person having the custody of the animal shall, upon payment of all costs incurred for advertising and an additional allowance of fifty cents per day for the maintenance of the animal while in his possession, deliver such animal to the owner or his nominee. When property to pass to captor.

(9) Where any such animal is found dead or is killed or dies while in the custody of any person other than the owner, the person finding or killing such animal or having such custody shall take all necessary steps to preserve the pelt thereof and shall advertise the possession of the pelt in the manner provided by subsection 7 and shall deliver up the pelt to the Property in pelt after capture.

owner of the ranch or other enclosure upon proof of ownership and identification in the manner provided by subsection 8.

Liability of
owner for
damages of
animal.

(10) Notwithstanding anything hereinbefore contained where any such animal is captured or killed while doing damage to property the owner of the animal, in addition to any other costs above mentioned, shall be responsible for damages caused by the animal while it was alive.

Regulations.

(11) The Minister of Game and Fisheries, with the approval of the Lieutenant-Governor in Council, may make regulations, —

- (a) providing for the recording of all brands registered in the Department;
- (b) prohibiting the imitating of any brand or the improper use of the same;
- (c) for imposing fees for the allotment of brands and the renewal and transfer thereof and for searches made in the register of brands;
- (d) generally for the better carrying out of the provisions of this section. 1926, c. 65, s. 2.

Application
of Rev. Stat.
c. 121.

5. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.
