BILL

No 80 of 1931

An Act to Make Provision for the Branding of Fur-Producing Animals

(*Assented to* , *1931.*)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE

1. This Act may be cited as "*The Fur-Producing Animals Brand Act.*"

INTERPRETATION.

2 In this Act, unless the context otherwise requires—

(*a*) "Brand" shall mean any letter, mark or numeral, or combination of the same, recorded as allotted for the purpose of denoting ownership in the fur-producing animals bearing it;

(*b*) "Fur-producing animal" shall mean any animal whose pelt is utilized for the manufacture or trimming of clothing, articles of wearing apparel or rugs,

(*c*) "Character" shall mean any sign, letter, or numeral;

(*d*) "Department" shall mean the Department of Agriculture,

(*e*) "Minister" shall mean the Minister of Agriculture,

(*f*) "Owner" shall mean owner of any brand recorded under this Act and the authorized agent or transferee of such owner,

(*g*) "Recorded" shall mean duly entered and a record kept in pursuance of this Act

NATURE, OWNERSHIP, USE AND SIGNIFICANCE OF BRANDS.

3. Brands of any form or combination of characters may be allotted for any part of the body of fur-producing animals, subject to the approval of the Minister.

RECORD OF BRANDS.

4. The Recorder of Brands shall be such person as may be appointed as such under the provisions of *The Brand Act*, being chapter 66 of the Revised Statutes of Alberta, 1922, who shall keep in a book or books for that purpose, a record of all brands allotted under this Act, and of their cancellation and transfer, together with the dates thereof and the names of the owners or transferees thereof.

5. Any person applying for the allotment to him of a brand, shall make application therefor to the Recorder, which application shall be accompanied by the proper fee as prescribed in the tariff hereto, 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 in the record forthwith:

Provided, however, that the Minister may, if he deems it advisable, refuse any such application.

6. Upon the recording of the allotment of any brand as aforesaid, the person in whose name the same is recorded shall become the owner thereof and of all rights thereto and therein, and the Recorder shall deliver or transmit to such person a certificate of the allotment thereof, and of the recorded entry of the same, and the production of any certificate purporting to be a certificate signed by the Recorder under the provisions of this section, in any court or tribunal in Alberta, shall be *prima facie* evidence of the ownership of such brand without any further proof of signature

7. Until the cancellation of the same, the owner of any brand recorded as allotted under this Act shall have the exclusive right to the use thereof, and during such period the mark of any brand upon fur-producing animals shall be *prima facie* evidence in any court or tribunal in Alberta 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.

8. Any person shall be entitled to search the records, or have the same searched, and to obtain certified extracts therefrom during the regular business hours of the Department, upon payment of the fees prescribed in the tariff appended hereto.

9. The Minister may at such time and in such manner as to him may seem 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

CHANGE IN RECORD

10. The Recorder may, with the approval of the Minister upon the application of any owner, accompanied by the fee prescribed in the tariff hereto, make changes in any brand or form or position thereof, not inconsistent with the provisions of this Act, and record the same.

CANCELLATION BY THE MINISTER.

11. If any two or more owners of fur-producing animals have the same or conflicting brands recorded, the Minister may, if he deems it advisable, direct 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

TRANSFER OF BRANDS.

12.—(1) Any person wishing to transfer the ownership of 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 a witness), a memorandum in Form A in the schedule hereto, and shall transmit the same to the Recorder with the proper fee chargeable upon such transfer, as prescribed in the tariff hereto

(2) The Recorder, upon the receipt of such memorandum and fee, shall make an entry in the record, setting forth the fact of such transfer, together with the post-office address of the transferee and the date of such entry; and such transferee shall thereafter be deemed to be the owner of such brand with all the rights of ownership

(3) In case of the death or absence of the owner, a declaration made by the transferee in Form B in the schedule hereto, may, subject to the approval of the Minister, be accepted in lieu of the memorandum in Form A

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

BRAND COMMISSIONERS

13.—(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 fur-producing animals, and of at least one brand allotted under this Act, and a resident of Alberta.

(2) The Board shall meet at such times and places as the Recorder of Brands appoints, and shall advise him upon all matters which he may bring to its notice in connection with the administration of this Act.

(3) Each member of the board shall hold office without remuneration during pleasure, but 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.

(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 as correct by the members of the board present at each such meeting, and shall form a part of the records of the Department.

OFFENCES AND PENALTIES.

14. Any person other than the owner who—

(*a*) brands, or directs, aids or assists in branding any fur-producing animal with a brand or mark which has been recorded under the provisions of this Act, or

(*b*) brands, or causes, directs or permits to be branded with his own or with any brand or mark, any fur-producing animal of which he is not the owner, without the authority of such owner, or

(*c*) blotches, defaces or otherwise renders illegible, or alters any brand or mark upon fur-producing animals or pelts, or directs, causes or permits any such brand or mark to be blotched, defaced or otherwise rendered illegible or altered—

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

15. The Minister may prescribe any forms necessary for the purpose of carrying out the provisions of this Act.

16.—(1) Where any person captures any fur-producing animal dead or alive, bearing a brand as provided for by this Act, he shall report the fact to the Minister, giving a description of the brand, and shall retain such animal or the pelt thereof until disposition has been made by the Minister.

(2) It shall be unlawful for any person other than a licensed fur-dealer to have in possession a live fur-producing animal, or pelt thereof, which bears a registered brand, unless such person is in possession of a certificate in Form C of this Act from the owner of the brand with which the animal or pelt is marked, unless he has notified the Minister.

17. Each and every person or company trafficking in live fur-producing animals or pelts thereof, shall keep a record of all purchases of animals or pelts, and such records shall show the names and addresses of persons from whom such animals or pelts were obtained, the date of such transaction and a description of the animal or pelt and brand thereon If the brand is not decipherable this fact must be at once reported to the Minister.

18 Where any person has notified the Minister of his having possession of a live fur-producing animal bearing a brand as provided for by this Act, he shall be entitled to such remuneration as may be provided for under regulations to be adopted by the Lieutenant Governor in Council as may seem reasonable, and likewise where any pelt bearing a brand as above specified is to be sold by the Minister

or turned over to the original owner of the brand, the person caring for the pelt shall also be entitled to such remuneration as may be specified by any such regulation.

19. The Lieutenant Governor in Council may, from time to time, make regulations consistent with the provisions of this Act for the purpose of carrying out the intent thereof.

SCHEDULE

FORM A

(Section 13)

MEMORANDUM OF TRANSFER OF BRAND.

To the Recorder of Brands, Edmonton, Alberta

Description of Brand

Position

Species of Fur-Producing Animal

I, (*or* we) . . . . . of . . . . . , being the recorded owner of the brand mentioned in the margin hereof, having transferred the same to . . . . . , of . . . . . , Alberta, do hereby request that you will make the necessary transfer to . . . . . of such brand in your record and I (*or* we) enclose herewith the sum of . . . . . as authorized fee therefor under *The Fur-Producing Animals Brand Act.*

Dated at . . . . . this . . . . . day of . . . . . , 193

Owner.

Post Office Address.

Witness

A Commissioner for Oaths for Alberta.

FORM B

(Section 13)

In the matter of an application for the transfer of a brand.

I, (*or* we) . . . . , of . . . . . Alberta, do solemnly declare

Description of Brand (1) That I am (*or* we are) the purchaser . . of the brand mentioned in the margin hereof and recorded in the name of . . . . . , of . . . . .

Position (2) That the said brand was actually sold to me (*or* to us) by the said . . . . on or about the . . . . day of . . . . . , 19 , and that I am entitled to a transfer for the same.

Species of Fur-Producing Animal (3) That a (*or* no) transfer of the said brand was given to me by the said . . . . .

(4) That I am, to the best of my knowledge and belief, the rightful owner of all . . . . branded with the said brand

And I make this solemn declaration, conscientiously believing it to be true and knowing 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 Alberta, this . . day of . . . A.D. 193 .

. . . . . (*Signature of Transferee.*)

. . . . . *A Commissioner for Oaths for Alberta.*

FORM C.

(*Section 14*)

To all whom the same may in anywise concern

Take notice that I have this day sold to (*name of purchaser*) the following described fur-producing animals

. . . . . .

. . . . . .

. . . . . .

. . . . . .

branded with my recorded brand No . .

Dated at . . . . . , this . . . . . day of . . . . . , 19

. . . . . .

Signature.

. . . . . .

Post Office Address.

Witness

TARIFF OF FEES.

On application for allotment of a brand .	$3.00
On application for change in the record of a brand	2 00
On every transfer of a recorded brand	3 00
For every search of a brand record . .	1 00
For every certified extract from the brand record	2 00

No 80

FIRST SESSION

SEVENTH LEGISLATURE

21 GEORGE V

1931

BILL

An Act to Make Provision for the Branding of Fur-Producing Animals.

Received and read the

First time . .

Second time . .

Third time . . . .

HON. MR. HOADLEY

EDMONTON
W. D McLEAN, KING'S PRINTER
A.D 1931

Title: 1931 (7th, 1st) Bill 80, An Act to Make Provision for the Branding of Fur-Producing Animals