

# SENATE . . . . No. 223

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To accompany the petition of John C. Gordon to prohibit trespassing upon grounds in which fur-bearing animals are kept in captivity. Mercantile Affairs.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seventeen.

### AN ACT

Relative to the Protection of Foxes and Other  
Fur-bearing Animals kept in Captivity.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Every one is guilty of an offence  
2 and liable to the penalty hereinafter provided  
3 who, at any time hereafter, in any part of the  
4 commonwealth, without the consent of the owner  
5 or caretaker of a ranch or enclosure where foxes  
6 or other fur-bearing animals are kept in captivity  
7 for breeding purposes, shall enter upon the private  
8 grounds of the owner or owners of the said animals  
9 within a distance of twenty-five yards from the  
10 outer fence or enclosures within which the pen  
11 or dens of the said animals are located and upon

12 which said fences notices forbidding trespasses  
13 on the said premises are kept posted so as to be  
14 plainly discernible at the said distance of not less  
15 than twenty-five yards.

1 SECTION 2. Any person convicted of an offence  
2 against section one of this act shall be liable to a  
3 fine of not exceeding three hundred dollars nor  
4 less than fifty dollars, and in default of payment  
5 of such fines, to imprisonment for a term of not  
6 exceeding twelve months nor less than one  
7 month.

1 SECTION 3. Every one is guilty of an offence  
2 and liable to the penalty hereinafter provided,  
3 who at any time hereafter in any part of the state,  
4 without the consent of the owner or caretaker of  
5 any enclosure within which foxes or other fur-  
6 bearing animals are kept for breeding purposes,  
7 and on the outer fence of which enclosure are  
8 kept posted notices forbidding trespasses on  
9 the premises where the said animals are kept, and  
10 plainly discernible at a distance of not less than  
11 twenty-five yards therefrom, shall pass within  
12 the said fence of such enclosure or climb over,  
13 break or cut through the same for the purpose of  
14 entering the said enclosure.

1 SECTION 4. Any person convicted of an  
2 offence against section three of this act shall be  
3 liable to a fine of not exceeding five hundred  
4 dollars nor less than two hundred and fifty dollars

5 and in default of payment of said fine to imprison-  
6 ment for a term not exceeding two years nor less  
7 than six months.

1 SECTION 5. Every offence against this act  
2 may be prosecuted and the penalties and punish-  
3 ments therefor enforced, in the manner directed  
4 by the usual criminal court procedure, and the  
5 amendment thereto, so far as no provision is  
6 hereby made for any matter or thing which is  
7 required to be done with respect to such prosecu-  
8 tions; and all the provisions contained in said  
9 acts and amendments shall be applicable to  
10 such prosecutions, and to the judicial and other  
11 officers before whom the same are hereby author-  
12 ized to be brought, in the same manner as if  
13 they were incorporated in this act, and as if all  
14 such judicial and other officers were named in  
15 the said act: *provided, always*, that in no instance  
16 shall a warrant to distrain, to levy the amount of  
17 the fine imposed under this act, be issued, but  
18 on default of payment forthwith of the fine  
19 imposed, with costs, the offender shall be com-  
20 mitted to jail.

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