PROTECTION OF GAME, ETC.

CHAPTER 353.

The Game and Fisheries Act.

PART I.

INTERPRETATION AND GENERAL PROVISIONS.

1. This Act and the regulations shall apply to all game, hunting, shooting, trapping, fish, fisheries, fishing and all rights and matters relating thereto. R.S.O. 1927, c. 318, s. 1.

2. In this Act and in the regulations,—

(a) “Close season” shall mean a specified period during which fish and game may not legally be taken; R.S.O. 1927, c. 318, s. 2. cl. (a).

(b) “Department” shall mean Department of Game and Fisheries; 1937, c. 27, s. 2.

(c) “Deputy Minister” shall mean the chief officer in charge of the Game and Fisheries Department of the Public Service; R.S.O. 1927, c. 318, s. 2. cl. (b);

(d) “Dog” shall mean any dog, male or female; 1932, “Dog.” c. 41, s. 2.

(e) “Farmer” shall mean any person actually living upon and tilling his own land or lands to the possession of which he is for the time being entitled, or any bona fide settler engaged in clearing the land for the purpose of bringing the same to a state of cultivation; 1930, c. 62, s. 3; 1933, c. 19, s. 2 (1).

(f) “Fishery” shall mean and include the stretch of water, locality, premises, place or station described in the regulations, or in a permit or license, in or from which fish may be taken, and all nets, plants and appliances used in connection therewith;
"Game." (g) “Game” shall mean and include all fur-bearing animals and all animals and birds protected by this Act and the regulations, and heads, skins and every part of such animals and birds;

"Guide." (h) “Guide” shall mean any person who receives payment or remuneration of any kind for services rendered as a guide for angling or hunting parties;

"Hunt." (i) “Hunt” shall mean and include any chasing, pursuing, worrying, following after, or on the trail of, or any searching for, shooting at, stalking, or lying in wait for any game, whether or not such game be then or subsequently captured, killed or injured;

"License" or "permit." (j) “License” or “permit” shall mean an instrument issued under the authority of this Act and the regulations conferring upon the licensee or permittee the right to do the things therein mentioned, subject to such conditions, restrictions and limitations as are therein, and in this Act and the regulations contained, but no license or permit shall be deemed to be or to operate as a demise or lease;

"Minister." (k) “Minister” shall mean the member of the Executive Council for the time being charged with the administration of this Act and the regulations; R.S.O. 1927, c. 318, s. 2, cls. (c-h).

"Monitor." (l) “Monitor” shall mean any boat provided with a cockpit from which the decks slope down to the water at any point; 1933, c. 19, s. 2 (2).

"Non-resident." (m) “Non-resident” shall mean any person who has not actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under the provisions of this Act; 1931, c. 69, s. 2 (1).

"Officer." (n) “Officer” shall mean and include assistant deputy minister, inspector, district superintendent, special patrol, overseer and any other officer or persons authorized to assist in the propagation of game or fish and the enforcement of this Act and the regulations; R.S.O. 1927, c. 318, s. 2, cl. (j); 1930, c. 62, s. 2 (2).

"One day." (o) “One day” shall mean from sunrise to sunset;

"Open season." (p) “Open season” shall mean a specified period during which fish and game may legally be taken;
(q) "Person" shall mean any individual, including Indians, firm or body corporate;

(r) "Regulations" shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act; R.S.O. 1927, c. 318, s. 2, cls. (k-n).

(s) "Resident" shall mean any person who has actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under the provisions of this Act; 1931, c. 69, s. 2 (2).

(t) "Unprime" when applied to skins or pelts or fur-bearing animals shall mean any skin or pelt that shows natural markings of a dark or bluish colour on the flesh side. R.S.O. 1927, c. 318, s. 2, cl. (p).

3.—(1) The administration of this Act and the regulations and all matters relating to fish and game in all parts of the Province, notwithstanding any other Act or Acts, shall be under the control and direction of the Minister and shall constitute a department of the public service to be known as the Game and Fisheries Department.

(2) The remuneration of all officers of the Department and of all other persons employed to perform any duty in connection therewith or to assist in the enforcement of this Act and the regulations, and all expenses incident to the due enforcement thereof, shall be paid out of such money as may be appropriated for that purpose by this Legislature. R.S.O. 1927, c. 318, s. 3.

4. The grant by patent, issued before or after the passing of this Act, of the bed of any navigable water, or of any lake or river shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the water which covers or flows over the land so granted. R.S.O. 1927, c. 318, s. 4.

5. Save as otherwise provided by this Act and the regulations, all rentals, license fees, fines, penalties, proceeds of sales of articles confiscated, and other receipts, fees, and revenue under this Act and the regulations, or under any lease, license or other instrument thereby authorized, shall be payable to the Treasurer of Ontario. R.S.O. 1927, c. 318, s. 5.
PART II.

REGULATIONS.

6.—(1) The Lieutenant-Governor in Council may make regulations,—

Regulations.

Custody of archives and records.

(a) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, Orders-in-Council, documents and accounts in the custody of the Government of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario;

Records, etc., and returns by licensees and others.

(b) providing that every person holding any lease or license issued under this Act, and all fish companies and fish dealers, shall keep such records and make such reports and returns as may be prescribed; R.S.O. 1927, c. 318, s. 6 (1), cls. (a, b).

Protection of birds.

(c) prohibiting for a period of not more than three years at a time the hunting, shooting, purchase, sale and possession in Ontario or any section thereof, of any game bird, non-game bird, or any insectivorous bird, whether migratory or non-migratory, which may appear to require further protection than is afforded by this Act; R.S.O. 1927, c. 318, s. 6 (1), cl. (d).

Varying open and close seasons.

(d) varying the open season and the close season in any part of the Province where local conditions or climatic conditions shall warrant a change, but such variations shall not extend beyond one season; R.S.O. 1927, c. 318, s. 6 (1), cl. (e); 1931, c. 69, s. 3.

Regulating the possession of guns.

(e) prohibiting or regulating the possession of air guns, guns, rifles or other firearms, in any part of Ontario in which it may appear that it is desirable to take special means to prevent violation of this Act;

Licensing guides.

(f) prohibiting persons assisting hunters or hunting parties, anglers or angling parties from acting as guides except under the authority of a license or permit;

Employment of licensed guides.

(g) requiring non-resident holders of hunting licenses to employ licensed guides while hunting deer, moose or caribou;

Crown game preserves.

(h) designating certain parts of Ontario in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any game bird or animal at any time of the
year, subject to such exception in favour of the residents or settlers as may be deemed reasonable;

(i) exempting Indians in the northerly and northwesterly or other sparsely settled parts of Ontario, whether organized or unorganized, from any provisions of this Act, which may be specified in the Order-in-Council;

(j) prohibiting fishing except under the authority of a license issued on the terms and conditions prescribed by the regulations;

(k) preventing the destruction and improper, wasteful or excessive taking of fish;

(l) prescribing the number, size and weight of any species of fish that may be caught, possessed, purchased or sold;

(m) restricting the taking of frogs and setting apart any suitable provincial waters for the cultivation and propagation of frogs;

(n) prohibiting or regulating the purchase and sale of or traffic in, snipe, quail, woodcock, partridge, pheasants or other game birds, speckled trout, bass and maskinonge;

(o) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed or procured according to the law of the province, state or country in which the same was killed or procured;

(p) prohibiting the possession, purchase, sale and transportation of any species of fish in the close season;

(q) governing the issue of licenses and permits, prescribing the terms and conditions thereof, the period for which the same shall be in force, and the fees payable in respect thereof;

(r) for granting, without fee, a special permit to enable a guest of Ontario to angle, hunt and shoot therein;

(s) for the administration of the Game and Fisheries Department;

(t) for the appointment of the Deputy Minister, officers, servants and other persons whose assistance he may deem requisite for the purposes of this Act and regulations, and for their remuneration;
Making certain officers justices of the peace.

(\(u\)) conferring upon certain officers by special appointment the powers of justices of the peace for the purposes of this Act and of the regulations;

Varying conditions of section 66.

(\(v\)) varying the conditions of section 66 of this Act where conditions may warrant; R.S.O. 1927, c. 318, s. 6 (1) cls. (f-w).

Use of dogs.

(\(w\)) governing the use of dogs while hunting deer or moose on any island or peninsula or in any other area which is of similar topographical nature; 1935, c. 23, s. 2 (1).

Hunting licenses, Pelee Township.

(x) authorizing the issue of licenses by the Township of Pelee for the hunting of pheasants within such township during the period within which the hunting of pheasants is permitted in such township by this Act and any Order-in-Council passed thereunder and the charging of a fee therefor by the council of such township; 1935, c. 23, s. 2 (2).

Other provisions.

(y) containing such further and other provisions as may be deemed necessary or desirable for the administration and enforcement of this Act and of the regulations. R.S.O. 1927, c. 318, s. 6 (1), cl. (c).

Promulgation.

(2) The regulations shall come into force upon publication thereof in the Ontario Gazette or upon such later date as may be therein stated. R.S.O. 1927, c. 318, s. 6 (2).

PART III.

OPEN SEASONS.

Open seasons.

7. It shall be unlawful for any person to hunt, kill or destroy,—R.S.O. 1927, c. 318, s. 7, part.

Deer, moose, north of C.N.R.

(a) any deer or moose in that part of Ontario lying north of the main line of the Canadian National Railway (formerly the Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary line, except from the 15th day of September to the 25th day of November, both days inclusive; 1928, c. 52, s. 2 (1) part; 1929, c. 82, s. 2 (1), part.

Deer, moose, north of Lake Nipissing, French and Mattawa Rivers.

(b) any deer or moose in that part of Ontario lying south of the main line of the Canadian National Railway (formerly the Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary and north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-
Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Morse Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Morse and Dennie and the southerly boundaries of the Townships of Alton, Jasper, Durban, Ethel and Comox to the southwest angle of Comox Township; thence northerly along the westerly boundaries of the Townships of Comox, Fulton and Iris to the north-west angle of Iris Township; thence westerly along the southerly boundaries of townships 8Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14, to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, except from the 15th day of October to the 25th day of November; 1936, c. 23, s. 2 (1); 1937, c. 27, s. 3 (1).

(e) any deer or moose in that part of Ontario being the District of Manitoulin and parts of the Districts of Algoma and Sudbury which may be more particularly described as lying south of the southerly boundary of the area defined in clause b, and north of the French River, except from the 1st day of November to the 25th day of November, provided, however, that on St. Joseph's Island in the District of Algoma and on Manitoulin Island in the District of Manitoulin, the open season shall be from the 10th day of November to the 25th day of November; 1936, c. 23, s. 2 (2), part.

(d) any deer in that part of Ontario lying south of the French and Mattawa Rivers, except from the 5th day of November to the 20th day of November, both days inclusive, but it shall be unlawful to hunt, kill or destroy any deer at any time in the Counties of Bruce, Grey, Simcoe and York, and that part of Ontario lying to the south and west thereof, or in the Counties of Leeds, Grenville, Dundas, Stormont, Glengarry and Carleton; 1930, c. 62, s. 4; 1934, c. 19, s. 2 (1).

(e) any ruffed grouse (commonly known as birch part-ridge), Canada grouse (commonly known as spruce

Deer, moose,—
Manitoulin
District.
South
portions
Sudbury
and Algoma
Districts.
St. Joseph's
Island.
Manitoulin
Island.

Deer,
south of
French and
Mattawa
Rivers.

Grouse, etc.
partridge), European gray partridge (commonly known as Hungarian partridge), pheasant, sharp-tailed grouse (commonly known as prairie chicken), prairie hen (commonly known as pinnated grouse), ptarmigan, mourning dove, quail or wild turkey, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council; R.S.O. 1927, c. 318, s. 7, cl. (d); 1932, c. 41, s. 3; 1933, c. 19, s. 3 (1).

(f) any woodcock, Wilson or Jack snipe, wild duck, wild goose or other bird mentioned in the Migratory Birds Convention Act (Canada) except during such periods and on such terms and conditions as may be prescribed by the said Migratory Birds Convention Act (Canada); 1937, c. 27, s. 3 (2).

(g) any caribou or wapiti (North American elk), or have in possession the carcass of any caribou, wapiti, or any part thereof; 1929, c. 82, s. 2 (3); 1933, c. 19, s. 3 (2).

(h) any moose in that part of Ontario lying south of the French and Mattawa Rivers. 1934, c. 19, s. 2 (2).

8.—(1) It shall be unlawful for any person to shoot, destroy, wound, molest, take or have in possession, or attempt to shoot, destroy, wound, molest or take any bird protected by this Act and the regulations, during an unlawful period, and any other wild native bird at any time, other than hawks (which word shall not be interpreted to include ospreys and eagles), owls, crows, cowbirds, blackbirds (grackles), starlings and house sparrows. R.S.O. 1927, c. 318, s. 8 (1); 1932, c. 41, s. 4; 1933, c. 19, s. 4; 1936, c. 23, s. 3.

(2) It shall be unlawful for any person to use, set or maintain any net, trap, snare, spring, cage or other appliance for the purpose of either capturing or killing any bird protected under the provisions of subsection 1, and such appliances may be destroyed by any person without incurring any liability therefor. R.S.O. 1927, c. 318, s. 8 (2).

9.—(1) It shall be unlawful for any person to hunt, take or kill any beaver, or, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, have in his possession the carcass, skin or any part of any beaver. 1935, c. 23, s. 4, part.

(2) It shall be unlawful for any person to hunt, take or kill any muskrat or to have in his possession the carcass, skin or any part of any muskrat,—
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(a) in that part of the Province lying north of the French and Mattawa Rivers, except from the 1st day of April to the 21st day of May;

(b) in the Counties of Brant, Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Norfolk, Oxford, Welland and Wentworth, except from the 20th day of March to the 10th day of April;

(c) in the Counties of Addington, Bruce, Carleton, Dufferin, Dundas, Durham, Frontenac, Glengarry, Grey, Halton, Hastings, Huron, Lanark, Leeds, Lennox, Northumberland, Ontario, Peel, Perth, Peterborough, Prescott, Prince Edward, Russell, Simcoe, Stormont, Victoria, Waterloo, Wellington and York, except from the 25th day of March to the 15th day of April; and

(d) in the Districts of Haliburton, Muskoka, Nipissing (south of the Mattawa River), Parry Sound and the County of Renfrew, except from the 1st day of April to the 21st day of April. 1936, c. 23, s. 4.

(3) It shall be unlawful for any person to hunt, take or kill any fisher, fox, marten, mink or otter or have in his possession the carcass, skin or any part of any fisher, fox, marten, mink or otter except between the 1st day of November and the 28th day of February next following. 1937, c. 27, s. 4.

(4) It shall be unlawful for any person to hunt, take or kill Raccoon, or have in possession the carcass, skin or any part of a raccoon except between the 1st day of November and the 31st day of December, both days inclusive.

(5) It shall be unlawful for any person to hunt, take or kill, or have in possession the carcass, skin or any part of any Black and grey squirrel except during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 318, s. 9 (4, 5).

PART IV.
LICENSES OR PERMITS REQUIRED.

10.—(1) Non-residents shall not hunt, take, kill, wound or destroy any animal or bird or carry or use a firearm or air gun for such purpose, except under the authority of a license, and in all actions and prosecutions under this subsection the possession of any firearm or air gun shall be prima facie evidence that the person in possession thereof was hunting or shooting such animals or birds. R.S.O. 1927, c. 318, s. 10 (1).
License to
hunt, trap, etc.

Exception
as to
farmers.

Authority
to sell.

Use of dogs
for hunting
foxes.

Use of
firearms
without
license
prohibited.

Proviso.

Cold storage
license.

(2) No person shall hunt, take, trap, shoot, kill or molest, or attempt to hunt, take, trap, shoot, kill or molest any fur-bearing animal except under the authority of a license or permit, but this shall not apply to a farmer or his sons trapping upon the lands of such farmer, animals other than beaver during the various open seasons, nor shall this apply to the taking of wolf, or the shooting of fox during the open season, provided, however, that the possession of a license or permit authorized by this subsection shall be sufficient authority to enable a licensee to sell, pursuant to the provisions of this Act, fur-bearing animals or skins or pelts thereof, hunted, taken, trapped, shot or killed by such licensee under the authority of such license or permit. 1935, c. 23, s. 5; 1937, c. 27, s. 5 (1).

(3) The Department may upon application by a resident of Ontario issue a permit authorizing the use of dogs for the hunting of foxes during the regular open season, in an area where deer are not usually found. 1930, c. 62, s. 7.

(4) Every resident who uses any firearm or air gun for the purpose of hunting or shooting any bird or animal except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to farmers residing and hunting on their own lands, and in all actions and prosecutions under this subsection, possession of any firearm or air gun shall be prima facie evidence that the person in possession thereof was hunting or shooting such birds or animals, provided that such license shall not be sufficient authority to use or carry a rifle of greater calibre or projective power than the rifle commonly known as a "twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which such animals inhabit or in which they are usually found. 1933, c. 19, s. 5 (2); 1936, c. 23, s. 5; 1937, c. 27, s. 5 (2).

Cold storage license.

(1) It shall be unlawful for any person to engage in the business of cold storage of game except under the authority of a license.

(2) It shall be unlawful for any hotel, boarding-house, camp, restaurant or club to be in possession of any game except under the authority of a license.

(3) It shall be unlawful for any person to buy, sell or expose for sale, game that may be legally sold, other than fur-bearing animals, except under the authority of a license, but this shall not apply to bear, but all pelts taken therefrom shall be subject to the provisions of section 29. R.S.O. 1927, c. 318, s. 11 (1-3).
(4) It shall be unlawful, except under the authority of a license, and as in this section expressly provided, for any person or any servant, clerk or agent of such person, to buy, sell, expose or keep for sale, directly or indirectly, on any pretence or device, for any valuable consideration, barter, give or obtain, to or from any other person, any moose, deer or caribou wherever killed or procured. R.S.O. 1927, c. 318, s. 11 (4); 1928, c. 52, s. 5.

(5) Notwithstanding anything in this Act contained it shall be lawful for any person having received a permit from the Department for that purpose, to have in his possession and to buy or sell muskrat, beaver, raccoon and bear, provided that the same have been taken in a lawful manner and in the proper open season. 1932, c. 41, s. 6.

12. It shall be unlawful for any person to engage in, carry on or be concerned in tanning, dressing, plucking, dyeing, or in any way undertake to dress, tan, pluck or treat any fur-bearing animal or any raw or undressed skin or pelt of such animal upon which a royalty may be levied by the Government, except under the authority of a license. R.S.O. 1927, c. 318, s. 12.

13.—(1) It shall be unlawful for any person to hunt, take, kill, molest, wound or destroy any deer, moose or caribou, except under the authority of a license. R.S.O. 1927, c. 318, s. 13.

(2) It shall be unlawful for any person to use or to be accompanied by any dog while hunting deer, moose or caribou, unless such dog be licensed under the provisions of this Act. 1935, c. 23, s. 6.

14. It shall be unlawful for any person to take, in any manner at any time, any fish or spawn from provincial waters for the purpose of stocking, artificial breeding or for scientific purposes, except under the authority of a permit or special license. R.S.O. 1927, c. 318, s. 14.

15.—(1) It shall be unlawful, except under the authority of a license, for any person to own or operate a tourist outfitters' camp in that part of Ontario lying north of the Canadian National Railway line from Parry Sound to Pembroke, via Scotia, Madawaska and Golden Lake.

(2) For the purpose of this section “tourist outfitter” shall mean any person catering to the tourist trade and operating a camp which supplies canoes, tents, sleeping bags, blankets, utensils or any other camping equipment and employing licensed guides. 1936, c. 23, s. 6.
16.—(1) It shall be unlawful for any person to engage in, or carry on, or be concerned in trading, buying or selling, or soliciting trade, or to be in possession of fur-bearing animals or skins or pelts thereof, except under the authority of a license. R.S.O. 1927, c. 318, s. 16.

(2) It shall be unlawful for any person who is in possession of a license as provided by subsection 1, to trade, sell or barter, or be concerned in the trading, selling or bartering of any raw or undressed skins or pelts of fur-bearing animals with any person in Ontario, except where such person is in possession of a license as provided by the said subsection 1. 1937, c. 27, s. 6.

17. It shall be unlawful for any person to buy, sell, or be in possession of gill nets without the authority of a license or permit. 1932, c. 41, s. 7.

18.—(1) It shall be unlawful for any person to breed or propagate game, or to be in possession of game for such purpose, except under the authority of a license for such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, provided, however, that the Deputy Minister may issue a permit to have in possession live game for scientific and educational purposes. R.S.O. 1927, c. 318, s. 17 (1); 1931, c. 69, s. 4 (1).

(2) It shall be unlawful for any person to take game during the close season for educational or scientific purposes, except under the authority of a permit issued by the Deputy Minister. R.S.O. 1927, c. 318, s. 17 (2); 1931, c. 69, s. 4 (2).

19.—(1) It shall be unlawful for any person for hire, gain or reward, or hope thereof, to guide for hunting, shooting or angling parties, except under the authority of a license, which may be issued upon such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, and any person who engages or employs any person by hire, gain, reward or hope thereof, for the purpose of guiding hunting, shooting or angling parties, who is not in possession of a current guide's license, shall be guilty of an offence against this Act. R.S.O. 1927, c. 318, s. 18.

(2) It shall be unlawful for any non-resident party of two or more persons, hunting together, to hunt moose without engaging and employing one licensed guide for every two persons in such hunting party.

(3) Where any non-resident owner, operator or other person in charge of any boat or vessel, brings such boat or vessel within the boundaries of Ontario under its own power, such
owner, operator or other person in charge shall, while any person is angling from such boat or vessel, engage and employ a licensed guide, provided however that the Minister may exempt any such non-resident from the provisions of this subsection where he deems it advisable having regard to the local conditions, and any person who violates the provisions of this subsection shall be guilty of an offence. 1937, c. 27, s. 7.

20.—(1) A license shall not be transferable and every person who buys, sells, exchanges or in any way becomes a party to the transfer of any license or shipping coupon, or in any way uses or attempts to use a license or coupon issued to any other person shall be guilty of an offence against this Act.

(2) A license may be cancelled by the Deputy Minister, subject to appeal to the Minister, for a contravention by the licensee, or by any person with his connivance, of this Act or of the regulations, or of any of the terms and conditions of the license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention.

(3) The issue of a license shall be in the discretion of the Deputy Minister, subject to appeal to the Minister.

(4) It shall be unlawful for any person who has obtained a license or permit under the provisions of this Act and the regulations to refuse to produce or show such license or permit to any officer of the Department as often as reasonably requested, and upon failure or refusal, such license or permit shall be forfeited. R.S.O. 1927, c. 318, s. 19 (1-4).

(5) It shall be unlawful for any person who is not a resident British subject to be in possession of a license to hunt and trap fur-bearing animals, provided, however, that a non-resident hunting license shall permit the holder thereof to take bears and wolves. R.S.O. 1927, c. 318, s. 19 (5); 1933, c. 19, s. 7 (1).

(6) No person to whom a license has been issued shall be entitled to hunt, pursue, kill or take any game animal or bird unless at the time of such hunting, pursuing, killing or taking he shall have such license on his person and such licensee shall wear in a conspicuous place any badge which may be furnished by the Department at the time of issue of such license, and any license with which at the time of the issue a badge was furnished shall not be valid unless the licensee is wearing the badge as required by this subsection. 1929, c. 82, s. 5; 1932, c. 41, s. 8; 1934, c. 19, s. 4.
(7) Any person who is in possession of a license which has been obtained by false representations or by false or misleading statements made to the issuer thereof relative to the age, nationality, place of residence, or other information necessary to be furnished at the time of the issuance of such license, shall be deemed to be in possession of a license which is void and of no effect, and such person may be prosecuted under the provisions of this Act in the same manner and to the same effect as he could be prosecuted if he were not in possession of a license. 1933, c. 19, s. 7 (2).

21. It shall be unlawful for any issuer of licenses to issue, and for any person, while in a hunting camp or on his way to or from a hunting camp, to have in his possession a hunting license without the name of the licensee filled in, and any person contravening the provisions of this section shall be guilty of an offence against this Act. 1928, c. 52, s. 6.

22. It shall be unlawful for any issuer of licenses to issue and for any person to receive any license which has been ante-dated, and any person contravening the provisions of this section shall be guilty of an offence against this Act. 1930, c. 62, s. 8, part.

23. It shall be unlawful for any person other than a person authorized within the provisions of this Act to issue any licenses or collect any fees in respect of the same, and any person so doing shall be guilty of an offence against this Act. 1930, c. 62, s. 8, part.

PART V.
LICENSE FEES.

24. A license may be issued,—

(a) to non-residents and the fees and licenses shall be,—

$15—for license to hunt and shoot bear, game birds and rabbits, together with a fee of fifty cents for the issuing of same;

$25—for license to hunt and shoot deer, bear, game birds and rabbits, together with a fee of seventy-five cents for the issuing of same;

$40—for license to hunt and shoot moose, deer, bear, game birds and rabbits, together with a fee of $1 for the issuing of same; R.S.O. 1927, c. 318, s. 20, part; 1934, c. 19, s. 5; 1935, c. 23, s. 7 (1).
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$5—for license to hunt and shoot bear during the months of April and May, together with a fee of twenty-five cents for the issuing thereof; 1937, c. 27, s. 8.

(b) to a resident of Ontario to hunt deer and the fee for such license shall be $3.50, together with a fee of fifty cents for the issuing of the same, provided, however, that a farmer actually living upon and tilling his own land in the Districts of Haliburton, Muskoka, Parry Sound, Nipissing and Manitoulin and that part of the Province lying north and west thereof, may in the county or territorial district in which such farmer resides kill one deer for his own use during the regular open season upon paying a license fee of eighty cents, together with a fee of twenty cents for the issuing of same, but only one farmer’s deer license may be procured by each household, and deer taken thereunder shall not be sold or bartered; R.S.O. 1927, c. 318, s. 20, cl. (b); 1933, c. 19, s. 8 (1).

(c) to organized hunting camps of residents of Ontario of not less than four in number, and one license for every four holders of resident deer licenses in organized hunting parties, and the fee for such license shall be $3.50, together with a fee of fifty cents for the issuing of same; R.S.O. 1927, c. 318, s. 20, cl. (c); 1935, c. 23, s. 7 (2).

(d) to a resident of Ontario to hunt moose, and the fee for such license shall be $5.50, together with a fee of fifty cents for the issuing of same; R.S.O. 1927, c. 318, s. 20, cl. (d); 1929, c. 82, s. 6.

(e) to a resident of Ontario not under sixteen years of age to use firearms or air guns for hunting purposes as required under the provisions of subsection 4 of section 10, and the fee for such license shall be eighty-five cents, together with a fee of fifteen cents for the issuing of same; R.S.O. 1927, c. 318, s. 20, cl. (e); 1928, c. 52, s. 7; 1933, c. 19, s. 8 (2).

(f) to a resident British subject of Ontario to hunt and trap fur-bearing animals, and the fee for such license shall be $4.50, together with a fee of fifty cents for the issuing of the same; R.S.O. 1927, c. 318, s. 20, cl. (f); 1933, c. 19, s. 8 (3).

(g) for a dog used by or accompanying any person or persons while hunting deer, moose, or caribou, and the fee for such license shall be $1.85, together with a fee
of fifteen cents for the issuing of the same. 1935, c. 23, s. 7 (3).

25. A license may be issued,—

(a) to any person engaged in the business of cold storage of game, and the fee shall be in cities, $5, and in towns and all other municipalities, $2;

(b) to any person to buy and sell any game that may be legally sold, other than fur-bearing animals (except- ing bear) and the fee shall be in cities, $10, and in towns, $5, and in all other places, $2;

(c) to any hotel, boarding-house, camp, restaurant or club to buy, sell, or be in possession of any game, that may be legally sold, other than fur-bearing animals (excepting bear) and the fee shall be in cities, $10, and in towns, $5, and in all other places, $2. R.S.O. 1927, c. 318, s. 21; 1933, c. 19, s. 9.

26. A license may be issued to any person to buy and sell fur-bearing animals or the skins or pelts thereof, and the fees for such licenses shall be:

For a resident British subject on specific premises, to be known as "store license" $25.00

For a resident British subject where premises are not designated, to be known as "travelling fur buyer" $100.00

For a resident of the Province who is not a British subject, and for a non-resident $200.00

For a resident British subject on specified premises, to be known as "wholesale license" $100.00

For non-resident wholesale buyers purchasing direct from holders of a "wholesale license" $5.00

For a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "restricted license" $1.00

R.S.O. 1927, c. 318, s. 22.

27. A license may be issued to any person engaged in the business of dressing, plucking, dyeing, tanning or other process of curing skins of fur-bearing animals, and the fee for the same shall be $10. R.S.O. 1927, c. 318, s. 23.
28. A license may be issued to any person owning or operating a tourist outfitters’ camp and the fee for such license shall be $10 in the case of residents, and $25 in the case of non-residents. 1936, c. 23, s. 7.

PART VI.

ROYALTIES ON FUR-BEARING ANIMALS OR PELTS THEREOF.

29. It shall be unlawful for any person to ship to any point outside of the Province, or attempt to take or ship to any point outside of the Province any fur-bearing animal or raw or undressed skin or pelt thereof or to have such animal, skin or pelt sent to a tanner or a taxidermist to be dressed or plucked or treated in any way without first having obtained a permit from the Department, and paying a royalty on each and every animal, skin or pelt, as follows:

<table>
<thead>
<tr>
<th>Animal</th>
<th>Royalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bear</td>
<td>$0.60</td>
</tr>
<tr>
<td>Beaver</td>
<td>1.00</td>
</tr>
<tr>
<td>Fisher</td>
<td>1.50</td>
</tr>
<tr>
<td>Fox (cross)</td>
<td>1.50</td>
</tr>
<tr>
<td>Fox (red)</td>
<td>0.50</td>
</tr>
<tr>
<td>Fox (silver or black)</td>
<td>5.00</td>
</tr>
<tr>
<td>Fox (white)</td>
<td>1.50</td>
</tr>
<tr>
<td>Fox (not specified)</td>
<td>0.50</td>
</tr>
<tr>
<td>Lynx</td>
<td>1.00</td>
</tr>
<tr>
<td>Marten</td>
<td>1.00</td>
</tr>
<tr>
<td>Mink</td>
<td>0.50</td>
</tr>
<tr>
<td>Muskrat</td>
<td>0.05</td>
</tr>
<tr>
<td>Otter</td>
<td>1.00</td>
</tr>
<tr>
<td>Raccoon</td>
<td>0.10</td>
</tr>
<tr>
<td>Skunk</td>
<td>0.05</td>
</tr>
<tr>
<td>Weasel (Ermine)</td>
<td>0.05</td>
</tr>
<tr>
<td>Wolverine</td>
<td>0.40</td>
</tr>
</tbody>
</table>

Such royalties shall apply to any pelts that may become damaged or destroyed by any means, but shall not apply to silver, black, cross and blue fox and mink bred on fur farms operating within the Province under the authority of a license issued by the Minister, provided that satisfactory proof is furnished by the fur farm licensee, nor shall such royalties apply to pelts imported from outside of the Province, if an affidavit is furnished proving their place of origin to the satisfaction of the Department. 1937, c. 27, s. 9.
PART VII.

MISCELLANEOUS.

30. Notwithstanding anything in this Act, a person who
puts, breeds or imports game, other than fur-bearing animals,
upon his own land for the purpose of breeding and preserving
the same, may hunt, take or kill any such game during the
regular open seasons for the territory in which such game is
kept, but the onus of proof that the game was so put or bred
shall rest on the person hunting or killing the same. R.S.O.
1927, s. 318, s. 26.

31.—(1) It shall be unlawful for any person to shoot or
spear any muskrat, beaver or otter at any time, or to cut, spear,
break or destroy at any time a muskrat or beaver house or
beaver dam, or set or place a trap closer than five feet to a
beaver house or muskrat house, burrow, feed-house or push-
up. R.S.O. 1927, c. 318, s. 27 (1).

(2) It shall be unlawful for any person to molest or destroy
a den or usual place of habitation of any fur-bearing animal,
other than a wolf, bear or skunk. R.S.O. 1927, c. 318, s. 27
(2); 1937, c. 27, s. 10.

(3) Without lawful excuse, it shall be unlawful for any
person to have in possession or in the possession of his servant
or agent or any other person on his behalf at any time the skins
of fur-bearing animals protected by this Act while such skin is
in an unprime condition, except skins of muskrat taken in
accordance with subsection 1 of section 32. R.S.O. 1927,
c. 318, s. 27 (3).

32.—(1) Nothing in this Act shall apply to any person
destroying any fur-bearing animal, other than beaver, on his
own lands in defence or preservation of his property by any
means at any time, but skins so taken, of animals in respect
of which there is a close season, shall be reported to the De-
partment within ten days after the animals have been taken
and shall not be offered for sale or barter during the close sea-
son except under the authority of a permit issued by the Deputy
Minister, and any fur dealer possessing such skins shall hold
the permit so issued, and forward same to the Department
when applying for a license to ship out of the Province or to
dress or tan the skins.

(2) The onus of proving the justification under subsection
1 shall be on the person destroying any such animals.
(3) The Deputy Minister may at any time by order in writing direct the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in Ontario in which, in the opinion of the Deputy Minister, beaver are causing damage to a highway or to private property, but all beaver so taken or killed shall be duly accounted for and handed over to the Department. R.S.O. 1927, c. 318, s. 28.

33.—(1) It shall be unlawful for any person at any time to hunt, kill, take or molest any female moose of any age, or any male moose under the age of one year, or any caribou under the age of one year. R.S.O. 1927, c. 318, s. 29.

(2) It shall be unlawful for any person at any time to hunt, kill, take or molest any female deer of any age, or any male deer under the age of one year except as provided under subsections 3 and 4 of section 34.

(3) It shall be unlawful for any person to kill or molest any deer while such deer is swimming in the waters of any lake or river. 1935, c. 23, s. 9.

34.—(1) It shall be unlawful for a resident during any one year or season to kill or take more than one male deer over one year of age under a resident deer license, and one bull moose or caribou over one year of age, under the authority of a moose license, but this shall not apply to one deer which are the private property of any resident, and which have been killed or taken by him or by his direction or with his consent in or upon his own land in accordance with the provisions of section 30. R.S.O. 1927, c. 318, s. 30 (1); 1935, c. 23, s. 10 (1).

(2) It shall be unlawful for a non-resident during any one year or season to kill or take more than one male deer over one year of age and one bull moose or caribou over one year of age under the authority of a non-resident hunting license. R.S.O. 1927, c. 318, s. 30 (2); 1935, c. 23, s. 10 (2).

(3) Notwithstanding the provisions of subsections 1 and 2, two or more persons hunting together and holding licenses, may kill one female deer of any age, or one male deer under the age of one year, for every two persons of such party, but in no case shall such persons be entitled to kill more than one deer for each person of the party. 1937, c. 27, s. 11 (1).

(4) Notwithstanding the provisions of subsections 1 and 3 a resident hunting party of four or more persons having a camp license or camp licenses may in addition to the aggregate kill provided for by subsection 3, kill one deer for each camp license held by such party. 1937, c. 27, s. 11 (2).
35.—(1) It shall be unlawful for any person to use or to be accompanied by a dog commonly known as a police dog or any cross breed thereof, while hunting deer, moose or caribou. 1935, c. 23, s. 11, part.

(2) It shall be unlawful while hunting deer, moose or caribou,—

(a) for one person to use or be accompanied by a dog;

(b) for a party of two or three persons to use or to be accompanied by more than one dog;

(c) for a party of four or five persons to use or be accompanied by more than two dogs;

(d) for a party of six or seven persons to use or be accompanied by more than three dogs;

(e) for a party of eight or more persons to use or be accompanied by more than four dogs. 1936, c. 23, s. 8.

(3) It shall be unlawful for the owner of any dog to permit such dog to run at large during the period of the close season for deer in a locality which deer, moose or caribou usually inhabit or in which they are usually found.

(4) Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof and any dog found running deer, moose or caribou during the period of the close season for deer shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and such person shall not be liable to any penalty or damage therefor.

(5) Any person who loses a dog used in the hunting of deer or moose and is unable to find such animal at the termination of the hunt, shall report such loss to the Department in writing at once, giving a description of the dog and the locality in which it was lost.

(6) It shall be unlawful for the owner of any dog to use or permit to be used in any manner whatsoever such dog for the taking or killing of any mink, beaver or otter. 1935, c. 23, s. 11, part.

36. No person who has taken or killed any bird, animal or fish, suitable for food shall allow the flesh thereof to be destroyed or spoilt, and no person who has killed or taken a fur-bearing animal shall allow the skin thereof to be destroyed or spoilt. R.S.O. 1927, c. 318, s. 32; 1933, c. 19, s. 12.
37.—(1) It shall be unlawful for any person during the close season to have in possession or in the possession of his servant or agent, or of any other person on his behalf, any game, wherever killed or procured, except that,—

(a) any deer, moose, caribou and bird protected by this Act and the regulations, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the following year, unless otherwise provided for under the regulations;

(b) any skins or pelts of fur-bearing animals taken in Ontario may be had in possession during the close season under the authority of a holding permit, provided, however, that such holding permit must be applied for within ten days after the end of the open season, and the skins or pelts of fur-bearing animals taken outside of Ontario may be had in possession during the close season under the authority of a holding permit which must be applied for within forty-eight hours after such pelts are received. R.S.O. 1927, c. 318, s. 33.

(2) Provided, however, that any person who has lawfully taken and is in lawful possession of any deer or moose, may donate to any other person for his own use or for the use of the immediate family of such other person, any portion of such deer or moose provided that there is attached to such donated portion a statement signed by such donor setting forth the full name and address of such donor, and the number of the license under which such animal was taken. 1933, c. 19, s. 13.

38.—(1) It shall be unlawful for any person to sell or purchase any quail, pheasant, European gray partridge (commonly known as Hungarian partridge), ruffed grouse (commonly known as prairie chicken, pinnated grouse, deer, moose or caribou, or to expose such animals, birds or fowl on any commercial premises or for any restaurant, camp, boarding-house, hotel or club to have such animals, birds or fowl served or mentioned on a bill of fare.

(2) Notwithstanding the provisions of subsection 1, it shall be lawful for any person to propagate, buy or sell any pheasant or quail under the authority of a license issued on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. 1937, c. 27, s. 12.

39.—(1) It shall be unlawful for any person to take or kill, or attempt to take or kill, any game by use of poison, or
for a trapper to be in possession of poison. R.S.O. 1927, c. 318, s. 35.

Poisoning wolves.

(2) Notwithstanding the provisions of subsection 1, the Department may issue to a limited number of expert trappers, permits authorizing the use of poison for the taking of wolves. 1929, c. 82, s. 7.

Deer, etc., not to be taken by traps or snares.

40.—(1) It shall be unlawful for any person to trap or take any deer, moose, caribou, or any game bird protected by this Act and the regulations, by means of traps, nets, snares, baited line or other similar contrivances, or to set such traps, nets, snares, baited line, or contrivance for such animals or birds at any time, and the same, if so set, may be destroyed by any person without incurring any liability for so doing. R.S.O. 1927, c. 318, s. 36.

Use of snares in certain counties prohibited.

(2) It shall be unlawful for any person to use snares for any purpose in the Counties of Victoria, Peterborough, Hastings, Lennox, Addington, Frontenac, Leeds, Grenville, Peel and Carleton. 1932, c. 41, s. 11; 1937, c. 27, s. 13.

When snares prohibited.

(3) It shall be unlawful for any person to use snares for any purpose in any part of Ontario during the open season for deer and moose in such part. 1936, c. 23, s. 9.

Hunting rabbits.

(4) It shall be unlawful for any person when using ferrets in the hunting of rabbits to make use of, in addition to a ferret, the hands or any contrivance whatever other than a firearm in the actual taking of rabbits at such time. 1932, c. 41, s. 12.

When shooting prohibited.

41. It shall be unlawful for any person to discharge any air gun, gun or other firearm in any locality where game is usually found between sunset on Saturday night and sunrise on Monday morning following (standard time) or between sunset and sunrise (standard time) at any other time. R.S.O. 1927, c. 318, s. 37.

Shooting for hire prohibited.

42. It shall be unlawful for any person for hire, gain or reward or hope thereof, to hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do. R.S.O. 1927, c. 318, s. 38.

Live birds, eggs and nests not to be taken.

43. It shall be unlawful for any person to take, destroy, or have in possession at any time any live bird protected by this Act and the regulations, or the eggs or nests of such birds, but this shall not apply to any person who is in possession of a license or permit issued or approved of by the Department to engage in the business of propagating such birds, or to take or
have in possession such birds' eggs or nests for educational or
scientific purposes. R.S.O. 1927, c. 318, s. 39.

44. It shall not be lawful for any person at any time to
carry a loaded air gun, shotgun or rifle in or on, or discharge
the same from a motor car or other vehicle, and an air gun,
shotgun or rifle carrying loaded shells or cartridges in the maga-
zine shall be deemed to be loaded within the meaning of this
section. R.S.O. 1927, c. 318, s. 40.

45. It shall be unlawful for any person to hunt or carry for
that purpose any shotgun of the description known as "auto-
matic" in which the recoil is utilized to reload the gun, pro-
vided that this section shall not apply to any automatic shotgun
which has been reconstructed and plugged so as to be incapable
of holding more than two shells at one time, one shell in the
barrel and the other in the magazine. R.S.O. 1927, c. 318,
s. 41; 1937, c. 27, s. 14.

46.—(1) It shall be unlawful for any person employed in
any lumber camp or in connection with the construction or
maintenance of any railway or public work to have in posses-
sion in the vicinity of such lumber camp, railway or other
public work, any gun or other firearm except as may be author-
ized by special permit, but this shall not apply to a resident
employed by a railway company, provided that such employee
does not carry or be in possession of a firearm on a railway
velocipede or handcar, whether propelled by hand or motor
power. R.S.O. 1927, c. 318, s. 42 (1).

(2) During the open season for deer and moose, a license to
hunt deer or moose shall be deemed to be a special permit
within the meaning of this section. 1936, c. 23, s. 10.

47.—(1) It shall be unlawful for any person to tear down, Interfer-
remove, injure, deface or interfere with any notice or sign
posted or placed under the authority of the Department. R.S.O.
1927, c. 318, s. 43.

(2) It shall be unlawful for any person to have in his posses-
sion, or to carry or use on Crown lands which have been desig-
nated by the Lieutenant-Governor in Council as a Crown game
preserve, any firearm, trap or snare or any instrument for
hunting, trapping, catching or killing any bird or animal except
as permitted by this Act or regulations made thereunder. 1933,
c. 19, s. 15.
48. The Minister may authorize to be set apart any waters for the natural or artificial propagation of fish. R.S.O. 1927, c. 318, s. 44.

49.—(1) It shall be unlawful for any person to angle for or take fish by any means from any waters protected by this Act and the regulations, or in waters set apart for the propagation of fish, but this shall not apply to the taking of fish under authority given by the Department for the stocking and rearing of fish for public waters. R.S.O. 1927, c. 318, s. 45 (1); 1932, c. 41, s. 13.

(2) Every net that is set for the taking of fish shall have attached thereto a buoy at each end, when in use, and every pole used for setting baited hooks, pursuant to the regulations, shall have the name of the owner legibly marked on two pieces of metal or wood, attached to it, and the marks shall be preserved on such nets or poles during the fishing season so as to be visible without taking up the nets or poles, and any such net or pole without such marks, together with the hooks attached thereto, shall be liable to confiscation.

(3) Where a fishery is in charge of any person other than the owner, either as occupant or servant and any of the provisions of this Act and the regulations are contravened by any such person or by any owner, they shall be jointly and severally liable for all penalties incurred and all money recoverable in respect to such contravention.

(4) Disputes between persons relative to fishing limits, or claims to fishery locations or stations, or to the position and use of nets and other fishing apparatus, shall be settled by the local overseer subject to appeal to the Deputy Minister.

(5) It shall be unlawful for any person to angle for purposes of sale or traffic in fishing grounds or waters licensed for the express purpose of net fishing and occupied by the licensee for such purpose, or to angle for any purpose within twenty-five yards of a pound net. R.S.O. 1927, c. 318, s. 45 (2-5).

(6) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout and Aurora trout, provided that the Minister may by permit or license allow the sale of speckled trout, brown trout, rainbow trout and Aurora trout where such trout is propagated by such permit or license holder.

(7) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or be concerned in the sale, purchase
or barter of yellow pickerel, (pike-perch or dore), pike, lake trout or sturgeon which were taken from provincial waters by angling or which were taken in any other manner by any person without a license issued under this Act.

(8) It shall be unlawful for any person to buy, sell or have in his possession any fish or portion of any fish, taken from provincial waters during the time when fishing for such fish is prohibited by this Act or the *Fisheries Act* (Canada).

(9) It shall be unlawful to export from Ontario any largemouthed or small-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout or Aurora trout no matter where procured, provided that any non-resident angler fishing in provincial waters under a license may, upon leaving the Province, take with him the lawful catch of one day's fishing, such catch to be accompanied by a shipping coupon furnished with and detached from such license. 1937, c. 27, s. 15.

50.—(1) It shall be unlawful for any person to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act and the regulations, without the written consent of the Deputy Minister.

(2) If an error has been made in the issuing of any license or permit from any cause, such license or permit may be cancelled by the Deputy Minister, but the licensee or permittee shall have no claim for indemnity or compensation in connection therewith, other than the adjustment of any excess fee collected. R.S.O. 1927, c. 318, s. 46.

51. It shall be unlawful for any hotel, restaurant, boarding-house, camp or club to serve as a part of a meal any game or fish under any pretended name, or to serve any article of food under a false name and classified as any game or fish, the sale of which is prohibited under the provisions of this Act and the regulations. R.S.O. 1927, c. 318, s. 47.

52. It shall be unlawful for any employee of a railway company, express company, or other common carrier, or any person engaged in the business of cold storage, or dealing in game and fish, lumbering, or in charge of any camp near any fishery or near any place where game is usually found, or any person holding a license or permit issued by the Department, or any person owning or in charge of a motor vehicle, aeroplane or any other flying machine, to refuse any officer permission to enter and inspect any railway car, building, premises, enclosure or motor vehicle.
aeroplane, or any other flying machine, or any receptacle, for
the purpose of examining all game and fish taken, and all imple-
ments and appliances for hunting and fishing, or for any of the
persons named in this section to refuse an officer to examine
any book, invoice or document containing any entry or memo-
randum relating to fish and game, which the officer suspects to
be illegally killed or possessed, and all such parties shall afford
every reasonable facility for such search, and in the case of a
refusal, the officer may, without a search warrant, break any
lock or fastening that may be necessary in order to conduct
such examination. R.S.O. 1927, c. 318, s. 48; 1929, c. 82, s. 9.

53.—(1) It shall be unlawful for any railway or express
company, or other common carrier, or any other person or per-
sons to transport or cause to be transported, or receive or have
in possession any deer, moose or caribou, or any head, or other
part thereof, unless there is attached thereto one of the shipping
coupons belonging to a license, but this shall not apply to ship-
ments of pelts from such animals legally taken. R.S.O. 1927,
c. 318, s. 49 (1).

(2) It shall be unlawful for any railway or express company
or other common carrier, or any other person, to transport or
cause to be transported the head or antlers, or both, of any
moose, unless at the time when the head or antlers, or both, are
received by such railway or express company or other common
carrier, or other person or persons, there are produced to such
railway or express company, or other common carrier, or other
person, at least the two hind quarters of the carcass from which
the head or antlers, or both, were removed. 1935, c. 23, s. 13.

(3) It shall be unlawful for any railway or express company,
or other common carrier, or any other person or persons to
transport, or cause to be transported, or receive or have in
possession any deer, moose or caribou, or any part thereof,
during the close season, or after the expiry of the shipping
coupon attached thereto, except under the authority of a permit
issued by the Department.

(4) If an affidavit, satisfactory to the Department, is fur-
rished, a permit may be issue at any time to transport moose,
deer or caribou, or any part thereof, that has been legally taken.
R.S.O. 1927, c. 318, s. 49 (2, 3).

(5) It shall be unlawful for any person or persons, during
the transporting of any deer, moose, or caribou, or any head or
other part thereof, to conceal, or attempt to conceal the carcass,
or any part of the carcass of any such deer, moose or caribou.
1933, c. 19, s. 16.
54.—(1) There shall be attached to every hunting license one or more shipping coupons plainly marked with the description of the game for hunting which the license is issued, and there shall be printed or stamped upon the coupon the date when it will expire, which shall not be later than four days after the last day of the open season for which the license is issued.

(2) Where any deer, moose or caribou, or any part thereof, is presented for shipment, a coupon shall be detached from the license and signed by the person to whom the license is issued in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal or part thereof or to the receptacle in which it is contained, and thereupon such shipping agent or clerk shall write across the face of the coupon the word “cancelled,” provided, however, where any deer, moose or caribou or any part thereof is being transported other than by a common carrier, the coupon must be attached to such animal and cancelled by the licensee before transporting same.

(3) It shall be unlawful for any person to contravene any provision of subsections 1 and 2, or use a coupon after the expiry thereof, or ship or assist in the shipping of anything without a coupon to which a coupon is required. R.S.O. 1927, c. 318, s. 50.

55. Nothing contained in this Act or the regulations shall prevent the importation of game if accompanied by an affidavit satisfactory to the Department, that the same was legally taken. R.S.O. 1927, c. 318, s. 51.

56. It shall be unlawful for any railway or express company or other common carrier, or any other person, to receive or have in possession, or to ship or transport to any point or place any fish or game caught or killed within Ontario at a time or in a manner prohibited by law. R.S.O. 1927, c. 318, s. 52.

57. The Department may issue permits not inconsistent with any law of Canada, authorizing the exportation from the Province or the transportation within the Province, at any time, of any fish or game whether alive or dead. R.S.O. 1927, c. 318, s. 53.

58. All receptacles, including bags, boxes, baskets, crates, hand baggage, trunks, packages and parcels of every kind in which the skins of fur-bearing animals or the skins or pelts of protected animals, game or fish are packed for transportation shall be plainly marked on the outside in such manner as to
give a list and description of the contents, and the name and address of the consignee and consignor, and this shall apply to pelts, skins, game or fish when being transported by hand or otherwise, and shipments of skins or pelts of fur-bearing animals shall only be made either by express or by parcel post, unless otherwise authorized by permit issued by the Department. R.S.O. 1927, c. 318, s. 54; 1933, c. 19, s. 17.

59.—(1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game actually and lawfully killed by him in excess of the following: one deer, one bull-moose or caribou, one hundred ducks, and bears or bear pelts provided an export permit has been secured in accordance with the provisions of section 29, when exporting bears or bear pelts.

(2) The shipping coupon belonging to such license shall be attached to every such animal or to the receptacle containing it or any part of it, or containing any ducks. R.S.O. 1927, c. 318, s. 55.

60. The Minister may direct the refund of the fee paid for any license, or any part of such fee, where, owing to the license not having been used, or having been used for part only of the period for which it was issued he deems it just so to do, and the Treasurer of Ontario, upon the written request of the Minister, shall cause a cheque to be issued for the amount of such refund. R.S.O. 1927, c. 318, s. 56.

61.—(1) The Minister may, by the officers and employees of the Department, take from the waters of Ontario fish of any kind, and may cause the same to be stored, transported, distributed and sold in such quantities and at such prices and upon such terms as the Minister may determine.

(2) The Minister may employ such officers, clerks and servants as he may deem necessary for the purposes of this section, may define their duties and powers and fix the salaries or other remuneration payable to them.

(3) The expenses of carrying out this section shall be payable out of any moneys appropriated by the Legislature for that purpose, and any moneys received from sales or otherwise under this section shall be duly accounted for and be paid over into the Consolidated Revenue Fund. R.S.O. 1927, c. 318, s. 57.
62.—(1) There shall be a Deputy Minister of Game and Fisheries, officers, servants and other persons, who shall be appointed by the Lieutenant-Governor in Council, and shall perform such duties as may be assigned to them by the Minister or the Deputy Minister.

(2) The Deputy Minister shall, before entering upon his duties, take and subscribe an oath to faithfully perform the same, which shall be administered by the Minister or by some person appointed by the Lieutenant-Governor in Council for that purpose.

(3) For the purposes of The Public Service Act, the Game and Fisheries Branch shall be deemed a department and the Deputy Minister shall have and perform the like powers and duties as are conferred or imposed upon a Deputy Minister by that or any other Act in like cases.

(4) An officer shall, before acting, take and subscribe the following oath:

I, A.B., Inspector (or as the case may be) appointed under the provisions of The Game and Fisheries Act, do swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such Inspector (or as the case may be) according to the true intent and meaning of The Game and Fisheries Act and the regulations. So help me God.

R.S.O. 1927, c. 318, s. 58 (1-4).

(5) The Deputy Minister, Assistant Deputy Minister, inspectors and district superintendents shall be justices of the peace in and for every county or district for the purposes of this Act and the regulations, and may take informations and issue warrants or summonses in any county or district, returnable in the county or district in which the offense is alleged to have been committed. R.S.O. 1927, c. 318, s. 58 (5); 1930, c. 62, s. 12.

63.—(1) Subject to the approval of the Minister, the Deputy Minister may appoint such officers, servants and other persons as he may deem necessary for the enforcement of the provisions of this Act and the regulations, and may determine the remuneration to be paid for the services of such officers, servants and other persons, and may in his discretion dismiss any of them. R.S.O. 1927, c. 318, s. 59 (1).
(2) An officer shall have the authority of a constable for the purposes of this Act and the regulations and shall have authority to stop and search without a search warrant, any vehicle, aeroplane or any other flying machine, boat or launch or any railway car, including a caboose, baggage or express car and to enter and search without a search warrant any hunting camp, mining camp, lumber camp and construction camp, where the officer has reasonable grounds to believe that such railway car, vehicle, aeroplane or any other flying machine, boat or launch or hunting camp, mining camp, lumber camp and construction camp contains any fish or game illegally taken. 1933, c. 19, s. 18.

(3) Every officer on view of a violation of this Act or the regulations, may arrest the person committing same, without process, and bring him with reasonable diligence before a competent court to be dealt with according to law. R.S.O. 1927, c. 318, s. 59 (3).

(4) Every officer, if he has reason to suspect and does suspect that game or fish have been killed, taken or shipped or are had in possession contrary to the provisions of this Act or the regulations, and are contained in any trunk, box, bag, parcel or receptacle, shall open the same, entering all premises, which under the provisions of this Act he is authorized to enter, and using necessary force, in case the owner or person in charge obstructs or refuses to facilitate his search, and if such officer has reason to believe and does believe that it is necessary to enter any store, private house, warehouse or building, which he is not under the provisions of this Act authorized to enter without a search warrant, he shall make a deposition, before a justice of the peace, and demand a search warrant to search such store, private house, warehouse or building, and thereupon such justice of the peace may issue a search warrant. R.S.O. 1927, c. 318, s. 59 (4); 1928, c. 52, s. 9 (2).

(5) Every officer shall forthwith seize all game and fish and all boats, vehicles, motor cars, aeroplanes, air guns, guns, decoys, nets, lines, tackle, appliances, materials and articles used or had in possession contrary to the provisions of this Act or the regulations, and shall deal with them according to law.

(6) Every officer shall investigate all violations of this Act or the regulations brought to his notice, and prosecute every person whom he may have reasonable cause to believe guilty of any offence.

(7) In the discharge of his duties, every officer and every person by him accompanied, or authorized for that purpose, may enter upon and pass through or over private property, without being liable for trespass.
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(8) Every officer may inspect all camps occupied by angling Inspection of camps. and hunting parties, and may direct what arrangements shall be made in regard to sanitary matters, the disposal of refuse and the extermination of fires.

(9) Any person who obstructs, hinders, delays or interferes Obstructing officers in the discharge of their duty. with an officer in the discharge of his duty, by violence or by means of threats, or by giving false information, or in any other manner, shall be guilty of an offence against this Act.

(10) It shall be unlawful for any officer or other person Neglect to fulfill duties. authorized to enforce the provisions of this Act and the regulations, to neglect or refuse to perform any of the duties pertaining to his office.

(11) Any officer who maliciously abuses his power shall be guilty of an offence against this Act. R.S.O. 1927, c. 318, s. 59 (5-11).

(12) Upon permit being granted therefor by the Minister Arms and accoutrements. or Deputy Minister, it shall be lawful for officers appointed under subsection 1 and in possession of such permit to carry arms and accoutrement for the purpose of self-defence. 1932, c. 41, s. 14.

64.—(1) Subject to the approval of the Minister, the Deputy game and fishery wardens,— appointment, etc. Deputy Minister may appoint deputy game and fishery wardens, in and for any part of Ontario, and may in his discretion dismiss them, but all such appointments shall expire annually on the 31st day of December.

(2) Deputy game and fishery wardens shall be appointed without salary.

(3) Deputy game and fishery wardens shall have the authority of constables for the purposes of this Act and the regulations. R.S.O. 1927, c. 318, s. 60.

PART IX.

PROHIBITIONS.

65.—(1) It shall be unlawful for any person, at any time, Prohibitions as to entering, hunting, shooting, or fishing. to enter with any sporting implement or fishing rod or tackle in his possession, or permit his dogs to enter into any growing or standing grain, without the permission of the owner, or to hunt, shoot, or fish, or with any sporting implement, fishing rod or tackle in his possession to go upon any enclosed or unenclosed land or water after having had notice not to hunt, shoot or fish thereon.
"Owner,"—meaning of.  
(a) In this section "owner" shall mean and include every person being the owner of an interest in any land entitling him to the possession thereof, but shall not include the holder of a timber license. 1933, c. 19, s. 19 (1).

Notice of prohibition.  
(2) The notice may be given,—
   (a) in writing;
   (b) by maintaining sign-boards at least one foot square and not more than eighty rods apart on or near the boundary of the land intended to be protected, or upon the shores of any water covering the same, or any part thereof, containing a notice in the following form or to the like effect: "Hunting, shooting, or fishing is prohibited." R.S.O. 1927, c. 318, s. 61 (2); 1933, c. 19, s. 19 (2).

Unlawful erection of notices.  
(3) It shall be unlawful for any person,—
   (a) without authority to put up or cause to be put up any such notice on any land of which he is not the owner or to the possession of which he is not entitled; or
   (b) to tear down, remove, injure, deface or interfere with any notice lawfully put up.

(4) Nothing in this section shall limit or in any way effect the remedy at common law of any owner for trespass. R.S.O. 1927, c. 318, s. 61 (3, 4).

(5) It shall be unlawful for any person to trespass upon or, without proper authority to enter upon, the lands which are the property of the Crown, designated as "Experimental fur-farms, bird farms, or trout-rearing stations," or to climb over, break, or cut through the fences surrounding such lands for the purpose of entering thereon, or while on such lands to be in possession of, or to carry or use any spear, firearm, fishing net, fishing tackle, night line, or other contrivance or instrument for the hunting, trapping, fishing, spearing, catching or killing of any fish, bird or animal, except as may be permitted by this Act or the regulations. 1933, c. 19, s. 19 (3).

PART X.

PROCEDURE—EVIDENCE—PENALTIES.

66.—(1) Prosecutions for offences against or for the recovery of penalties imposed under the authority of this Act, or the Fisheries Act (Canada), or the Special Fishery Regu-
lations for the Province of Ontario, may be brought and heard before any person authorized by this Act to act as a justice of the peace, notwithstanding anything in any other Act or Acts, or before any magistrate for the county, district, village, town or city in which the offence was committed, or if near any boundary between the different counties or districts, then in either.

(2) The information or complaint shall be laid within twelve months after the commission of the offence, except in the case of a prosecution for omission to make any return required by this Act or the regulations.

(3) A contravention of this Act or of the regulations or the terms or conditions of a permit or license shall be and may be stated as an offence against this Act.

(4) The description of an offence, in the words either of this Act or of the regulations, or in any similar words, shall be sufficient, and an information or complaint may be for two or more offences.

(5) Any person authorized by this Act to act as a justice of the peace for the purposes thereof, may upon his own view convict for any offence against this Act or the regulations.

(6) A violation of this Act or the regulations shall constitute a separate offence in respect of each animal or bird which is the subject thereof.

(7) Upon the trial of any prosecution under this Act or the regulations, the justice shall, if it appears that more than one offence of the same kind was committed at the same time, or on the same day, impose all the penalties in one conviction.

(8) The justice shall, by the conviction, adjudge that the offender be imprisoned for any term not exceeding three months unless the penalty, the costs and charges of prosecution and commitment, and of conveying the offender to prison, are sooner paid.

(9) A conviction or order made in any manner arising under this Act or the regulations, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by certiorari or otherwise either at the instance of the Crown or any private person into the Supreme Court.

(10) In all prosecutions under this Act or the regulations, save when herein otherwise provided, the procedure shall be governed by The Summary Convictions Act. R.S.O. 1927, c. 318, s. 62.
67.—(1) In all actions and prosecutions under this act or the regulations, or regarding conditions of licenses or permits, the onus shall be upon the person to prove that such game, fish, or any part thereof, was lawfully taken, killed or procured.

(2) The finding of any net, fishing device or other article set in violation of this Act or the regulations, shall be prima facie evidence of the guilt of the person owning, possessing or operating the same.

(3) In all actions and prosecutions under this Act or the regulations, the possession of a gun, decoy, or other implement for shooting or hunting in or near any place where any game is likely to be found, shall be prima facie evidence that the person in possession thereof was hunting or shooting such game.

RS.O. 1927, c. 318, s. 63.

68.—(1) Any licensee or permittee who violates the conditions of his license or permit, shall for each offence incur a penalty of not less than $10, and not more than $300. R.S.O. 1927, c. 318, s. 64 (1).

(2) Any person who commits an offence against the Act or the regulations in respect of deer, moose, wapiti (North American elk) or caribou, shall for each such offence incur a penalty of not less than $20, and not more than $100. R.S.O. 1927, c. 318, s. 64 (2); 1934, c. 19, s. 7.

(3) Any person who commits an offence against this Act or the regulations in respect to beaver, otter, fisher or marten, or the skins or pelts of such animals, other than the exporting thereof, shall for each such offence incur a penalty of not less than $20, and not more than $100 for each pelt the subject thereof.

(4) Any person who commits an offence against this Act or the regulations in respect to the exporting of beaver, otter, fisher or marten, or the skins or pelts thereof, shall for each offence incur a penalty of not less than $30, and not more than $200, for each skin or pelt the subject thereof.

(5) Any person who commits an offence against this Act or the regulations in respect to any fur-bearing animal upon which a royalty is levied under the provisions of section 29, other than beaver, otter, fisher or marten, shall for each such offence incur a penalty of not less than $1, and not more than $20, for each skin or pelt the subject thereof. R.S.O. 1927, c. 318, s. 64 (3-5).
(6) Any person who commits an offence against the provisions of subsection 2 of section 47 shall for each offence incur a penalty of not less than $50, and not more than $500. 1933, c. 19, s. 20, part.

(7) Any person who commits an offence against the provisions of subsection 5 of section 65 shall for each offence incur a penalty of not less than $100, and not more than $500. 1933, c. 19, s. 20, part.

(8) Except as herein otherwise provided, any person who commits any offence against this Act or the regulations shall for each such offence incur a penalty of not less than $10, and not more than $100.

(9) Any person who after having been convicted of an offence against this Act or the regulations, within two years again offends against this Act or the regulations, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter shall incur a penalty of not less than the maximum penalty provided for the offence.

(10) Any person convicted of obstructing, hindering, delaying or interfering with an officer in the discharge of his duty by violence or by means of threats, or by means of giving false information or in any other manner, shall for each such offence incur a penalty of not less than $100, and not more than $500.

(11) No justice shall have power to remit any penalty or to reduce the amount of the penalty in case of conviction, provided, however, that when the penalty amounts to more than $200 the Minister may remit the excess thereof. R.S.O. 1927, c. 318, s. 64 (6-9).

69.—(1) All motor vehicles, aeroplanes, guns, ammunition, boats, skiffs, canoes, punts, and vessels of every description, decoys, nets, rods, lines, tackle and all appliances of every kind used for hunting and fishing, and all game and fish, together with packages, crates or containers of every description found in the possession of any person deemed to have committed an offence against this Act or the regulations shall be seized, and upon conviction be forfeited and become the property of His Majesty in the custody of the Department to be sold, provided, however, that where a seizure has been made from an unknown party, or where no legal action has been taken regarding any seizure where a violation of this Act or the regulations has occurred, the Department may sell any article seized.
(2) Any seine net found in or in the vicinity of waters in which fishing by seines is prohibited, or found in or in the vicinity of waters in which fishing by seines is permitted, where such net is not claimed within two days by a person who is licensed so to fish, shall be seized and forfeited and become the property of His Majesty in the custody of the Department to be sold.

(3) Where the Minister is satisfied that the seizure or confiscation of any article or thing would work undue hardship or injustice and the value of such article is in excess of $100, the Minister may grant relief against such forfeiture and direct the return of the article or thing to the person from whom the same has been taken, upon such terms as he may deem just.

(4) The Deputy Minister may authorize any officer to destroy any article placed under seizure that is at all times unlawful, or any article having no commercial value, and may also authorize any perishable game or fish to be given to any charitable institution.

(5) A license or permit held by any person convicted of an offence against this Act or the regulations, or the Special Fishery Regulations for the Province of Ontario, shall be deemed to be cancelled upon conviction, without further action or notice, but the Minister may authorize the reinstatement of any license or permit where the cancellation thereof has been made by reason of a first conviction for an offence against the provisions of this Act or the regulations during a period of two years. R.S.O. 1927, c. 318, s. 65.