

1937

## c 354 Protection of Birds Act

Ontario

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### Bibliographic Citation

*Protection of Birds Act*, RSO 1937, c 354

### Repository Citation

Ontario (1937) "c 354 Protection of Birds Act," *Ontario: Revised Statutes*: Vol. 1937: Iss. 3, Article 92.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1937/iss3/92>

## CHAPTER 354.

## The Protection of Birds Act.

**1.** Nothing in this Act shall affect *The Game and Fisheries Act* or apply to any imported cage bird or other domesticated bird or birds generally known as cage birds or to poultry. R.S.O. 1927, c. 319, s. 1.

Game birds and cage birds and poultry not affected.  
Rev. Stat., c. 353.

**2.**—(1) Except as in section 6 provided it shall not be lawful to or to attempt to shoot, destroy, wound, catch, net, snare, poison, drug or otherwise kill or injure any wild native birds other than hawks, crows, blackbirds and English sparrows and the birds specially mentioned in *The Game and Fisheries Act*.

Birds that may not be killed.  
Exceptions.  
Rev. Stat., c. 353.

(2) Any person may, during the fruit season for the purpose of protecting his fruit, shoot or destroy on his own premises the bird known as the robin without being liable to any penalty under this act. R.S.O. 1927, c. 319, s. 2.

Robins.

**3.**—(1) Except as in section 6 provided it shall not be lawful to take, capture, expose for sale or have in possession any bird, save the kinds hereinbefore or hereinafter excepted, or to set wholly or in part any net, trap, springe, snare, cage, or other machine or engine by which any birds, except hawks, crows, blackbirds and English sparrows, might be killed or captured.

Trapping and selling forbidden.  
Exceptions.

(2) Any net, trap, springe, snare, cage or other machine or engine set either wholly or in part for the purpose of capturing or killing any birds, except hawks, crows, blackbirds and English sparrows, may be destroyed by any person without incurring any liability for so doing. R.S.O. 1927, c. 319, s. 3.

Destruction of traps.

**4.** Except as in section 6 provided it shall not be lawful to take, injure, destroy or have in possession any nest, young or eggs of birds other than hawks, crows, blackbirds and English sparrows. R.S.O. 1927, c. 319, s. 4.

Nest, young or eggs not to be taken.

**5.** Any person may seize, on view, any bird unlawfully possessed and carry it before a justice of the peace to be by him confiscated, and if alive to be liberated; and all market clerks and peace officers on the spot shall seize and confiscate, and if alive, liberate such bird. R.S.O. 1927, c. 319, s. 5.

Power to seize birds unlawfully possessed.

Permit.

6.—(1) The Deputy Minister of Game and Fisheries, on receiving from any ornithologist or student of ornithology, or biologist or student of biology, an application (Form 1) and recommendation (Form 2) may grant to such applicant a permit (Form 3) authorizing him to collect and to purchase or exchange all birds and their nests and eggs otherwise protected by this Act at any time or season when he may require them for the purpose of study, without incurring any penalty under this act.

Duration of permit.

(2) A permit granted under this section shall continue in force until the end of the calendar year in which it is issued and may be renewed at the option of the Deputy Minister of Game and Fisheries. R.S.O. 1927, c. 319, s. 6; 1937, c. 72, s. 46 (1).

Penalties.

7.—(1) Every person who contravenes any of the provisions of this Act shall incur a penalty of not less than \$1 nor more than \$20, recoverable under *The Summary Convictions Act*.

Rev. Stat., c. 136.

Application of fines.

(2) The whole of the penalty shall be paid to the prosecutor unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the justice may order the disposal of the fine as in ordinary cases. R.S.O. 1927, c. 319, s. 7.

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## SCHEDULE.

### FORM 1.

(Section 6 (1)).

#### FORM OF APPLICATION FOR PERMIT.

I, \_\_\_\_\_, of \_\_\_\_\_, apply for a permit granting to me the right to collect and to purchase or exchange birds, and their nests and eggs, for strictly scientific purposes only, in accordance with *The Protection of Birds Act*.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
A.B.,  
Applicant.

To  
The Deputy Minister of Game and Fisheries,  
Toronto.

R.S.O. 1927, c. 319, Sched. Form 1; 1937, c. 72, s. 46 (2).

## FORM 2.

(Section 6 (1)).

## FORM OF RECOMMENDATION.

We, the undersigned, personally know \_\_\_\_\_ and believe him to be a person of good character, and fit to be entrusted with the privilege of collecting and purchasing, or exchanging birds, and their nests and eggs in accordance with *The Protection of Birds Act*, which we have carefully examined and fully comprehend.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
A. B.  
(Address.)

R.S.O. 1927, c. 319, Sched. Form 2.

## FORM 3.

(Section 6 (1)).

## FORM OF PERMIT.

Mr. \_\_\_\_\_ of the \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Ontario is hereby authorized to collect and to purchase and exchange birds, and their nests and eggs, for strictly scientific purposes only, in accordance with *The Protection of Birds Act*.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Deputy Minister of Game and Fisheries.

R.S.O. 1927, c. 319, Sched. Form 3; 1937, c. 72, s. 46 (3).