

1927

c 319 Protection of Birds Act

Ontario

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CHAPTER 319.

The Protection of Birds Act.

Game birds and cage birds and poultry not affected. Rev. Stat. c. 318.

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. 1914, c. 263, s. 2.

Birds that may not be killed.

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*.

Exceptions. Rev. Stat. c. 318.

Robins.

(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. 1914, c. 263, s. 3.

Trapping and selling forbidden.

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.

Exceptions.

Destruction of traps.

(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. 1914, c. 263, s. 4.

Nest, young or eggs not to be taken.

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. 1914, c. 263, s. 5.

Power to seize birds unlawfully possessed.

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. 1914, c. 263, s. 6.

6.—(1) The Assistant 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. Permit may be granted to ornithologists, etc.

(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 Assistant Deputy Minister of Game and Fisheries. R.S.O. 1914, c. 263, s. 7. Duration of permit.

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*. Penalties. Rev. Stat. c. 121.

(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. 1914, c. 263, s. 8. Application of fines.

SCHEDULE.

FORM 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 Superintendent of Game and Fisheries,
 Toronto.

R.S.O. 1914, c. 263, Sched. Form 1.

FORM 2.

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. 1914, c. 263, Sched. Form 2.

FORM 3.

FORM OF CERTIFICATE.

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 _____.

Superintendent of Game and Fisheries.

R.S.O. 1914, c. 263, Sched. Form 3.