1960

c 158 Game and Fisheries Act

Ontario
CHAPTER 158

The Game and Fisheries Act

1. In this Act,

1. "angling" means angling as defined in the Ontario Fishery Regulations;

2. "closed season" means a specified period in which specified game or fish shall not be taken; R.S.O. 1950, c. 153, s. 1, cls. (a, b).

3. "deer" includes wapiti; 1951, c. 29, s. 1.

4. "Department" means the Department of Lands and Forests;

5. "Deputy Minister" means the Deputy Minister of Lands and Forests;

6. "dog" means a dog, male or female;

7. "domestic animals and domestic birds" includes any non-native species kept in captivity but does not include native species kept in captivity or non-native species present in the wild state;

8. "farmer" means a person actually living upon and tilling his own land, or land to the possession of which he is for the time being entitled, or a bona fide settler engaged in clearing land for the purpose of bringing it to a state of cultivation;

9. "ferret" means any of the domesticated forms of the old world polecat (putorius putorius) used for hunting;

10. "fishery" means a stretch of water, locality, premises, place or station described in the regulations, or in a licence, in or from which fish may be taken, and all nets, plants and appliances used in connection with any of them;

11. "fur-bearing animal" means a beaver, fisher, fox, lynx, marten, mink, muskrat, otter, rabbit, raccoon, skunk, red squirrel, weasel or wolverine or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal;
12. "game" means a fur-bearing animal or an animal or bird protected by this Act or the *Migratory Birds Convention Act* (Canada), and includes any part of such animal or bird;

13. "guide" means a person who for hire or reward, or hope thereof, renders service as a guide to a person engaged in angling or hunting;

14. "holder of a licence" means the person named in the licence; R.S.O. 1950, c. 153, s. 1, cls. (c-m).

15. "hunting" includes chasing, pursuing, following after, or on the trail of, or searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and "hunt" and "hunter" have corresponding meanings; 1956, c. 26, s. 1 (1).

16. "licence" means an instrument issued under this Act conferring upon the holder the privilege to do the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act, but no licence shall be or operate as a lease;

17. "Minister" means the Minister of Lands and Forests;

18. "non-resident" means a 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 this Act; R.S.O. 1950, c. 153, s. 1, cls. (o-q).

19. "officer" means a member of the Ontario Provincial Police Force, a conservation officer, a deputy game and fishery warden, or any other person authorized to enforce this Act; R.S.O. 1950, c. 153, s. 1, cl. (r); 1952, c. 33, s. 1; 1953, c. 40, s. 1.

20. "Ontario Fishery Regulations" means the Ontario Fishery Regulations made under the *Fisheries Act* (Canada); R.S.O. 1950, c. 153, s. 1, cl. (s), amended.

21. "open season" means a specified period during which game or fish may be taken; R.S.O. 1950, s. 153, s. 1, cl. (s).

22. "owner", with reference to land, includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence; 1956, c. 26, s. 1 (2).

23. "pelt" means the untanned skin of a fur-bearing animal;
24. "person" includes an Indian; R.S.O. 1950, c. 153, s. 1, cls. (t, u).

25. "pheasant hunting preserve" means an area in which pheasants propagated under a licence are released for hunting purposes; 1959, c. 40, s. 1.

26. "regulations" means the regulations made under this Act;

27. "resident" means a person who has actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act;

28. "skin" means the untanned skin of an animal stripped from its body;

29. "snare" means a device for the taking of animals whereby they are caught in a noose, and "snaring" has a corresponding meaning;

30. "trap" means a spring trap, gin, deadfall, snare, box or net used to capture game, and "trapping" has a corresponding meaning;

31. "unprime", where applied to pelts, means that the pelts show natural markings of a dark or bluish colour on the flesh side. R.S.O. 1950, c. 153, s. 1, cls. (v-zb).

APPLICATION

2. This Act does not apply to domestic animals and domestic birds. R.S.O. 1950, c. 153, s. 2.

ADMINISTRATION

3. Notwithstanding any other Act, the administration of this Act and all matters respecting game and fish are under the control and direction of the Minister. R.S.O. 1950, c. 153, s. 3.

4.—(1) The Minister may appoint deputy game and fishery wardens in and for any part of Ontario to serve without remuneration. R.S.O. 1950, c. 153, s. 4, part.

(2) Every such appointment terminates on the 31st day of December of the year in which it was made. R.S.O. 1950, c. 153, s. 4, part.
5. The expenses incurred in the administration and enforcement of this Act shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 153, s. 5.

6.—(1) An officer has the authority of a constable for the purpose of this Act, and may without a search warrant,

(a) stop and search any vehicle, motor vehicle, aircraft, boat or launch or any railway car, including a caboose, baggage car or express car; and

(b) enter and search any hunting, mining, lumber or construction camp or any baggage office or express office, or any licensed premises where pelts are bought or sold,

if he has reasonable grounds to believe that any of them contains any game or fish taken in contravention of this Act. R.S.O. 1950, c. 153, s. 6 (1).

(2) An officer may open and inspect any trunk, box, bag, parcel or receptacle if he has reasonable grounds to believe that it contains game or fish killed, taken, shipped or had in possession in contravention of this Act and for that purpose may enter all property which by this Act he is authorized to enter and may use necessary force where the owner or person in apparent charge obstructs or refuses to facilitate his inspection, and if he has reasonable grounds to believe that it is necessary to enter any store, private house, warehouse or building which by this Act he is not authorized to enter without a search warrant, he shall make a deposition before a justice of the peace and demand a warrant to search that store, private house, warehouse or building, and thereupon the justice may issue a search warrant. R.S.O. 1950, c. 153, s. 6 (2), amended.

(3) An officer on view may arrest without process any person found committing a contravention of this Act or of the regulations, in which case he shall bring him with reasonable diligence before a competent court to be dealt with according to law.

(4) An officer in the discharge of his duties and any person by him accompanied or authorized for the purpose may enter upon and pass through or over private property without being liable for trespass. R.S.O. 1950, c. 153, s. 6 (3, 4).

(5) An officer may inspect any camp occupied by or catering to anglers or hunters and may prescribe methods for sanitation, disposal of refuse and extinguishing fires. R.S.O. 1950, c. 153, s. 6 (5); 1951, c. 29, s. 2.
(6) An officer shall investigate all contraventions of this Act and of the regulations brought to his notice and prosecute every person whom he has reasonable cause to believe is guilty of an offence against this Act. R.S.O. 1950, c. 153, s. 6 (6), amended.

(7) Subsection 6 does not apply to contraventions of section 66. 1952, c. 33, s. 2.

(8) No person shall obstruct, hinder or delay or interfere with an officer in the discharge of his duty by violence or threats or by giving false information, or in any other manner.

(9) No officer or other person authorized to enforce this Act shall maliciously abuse his authority or neglect or refuse to perform any duty pertaining to his office.

(10) An officer may carry such arms and accoutrements as are necessary for self-defence if he possesses the authorities which may be legally necessary for that purpose.

(11) Any search warrant or authorization to search issued or authorized under this Act may be executed at any time, including Sunday or other holiday, and by day or night. R.S.O. 1950, c. 153, s. 6 (7-10).

LICENCES

7.—(1) Except under the authority of a licence, no resident shall hunt or trap or attempt to hunt or trap fur-bearing animals or to hunt or attempt to hunt animals or birds.

(2) Subject to this Act, the holder of a licence to hunt and trap fur-bearing animals may sell any fur-bearing animal taken by him under the authority of the licence or the pelt of any such animal.

(3) The holder of a licence to hunt and trap fur-bearing animals may, under the authority of that licence and without any other licence, hunt in the area described in the licence during the open seasons between the 1st day of November and the 30th day of June in the next following year any bird or animal, other than caribou, deer or moose. 1956, c. 26, s. 2, part.

(4) A farmer or any of his sons residing upon his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals other than caribou, deer or moose, during the open seasons, and, subject to this Act, any farmer or any of such sons may without a licence sell the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as the Lieutenant Governor in Council prescribes. 1956, c. 26, s. 2, part; 1958, c. 31, s. 1.
8. Except under the authority of a licence, no non-resident shall hunt or attempt to hunt animals or birds or carry or use any fire-arm or air-gun in any place frequented by game. 1956, c. 26, s. 2, part; 1959, c. 40, s. 2.

9. Except as prescribed by the regulations, no licence shall be issued to any person under the age of sixteen years. 1956, c. 26, s. 2, part.

10.—(1) The Minister or any officer authorized by him may, in a licence to trap fur-bearing animals,

(a) fix the number of each species of fur-bearing animal that may be taken thereunder; and

(b) define or designate the area in which fur-bearing animals may be taken thereunder by the holder of the licence.

(2) The Minister or any officer authorized by him may limit the number of licences to trap fur-bearing animals in any area.

(3) The Minister or any officer authorized by him, in exercising the powers conferred by this section, may do so in such manner as he deems proper having regard to the conservation and perpetuation of the wild-life resources in the area concerned.

(4) A licence to trap fur-bearing animals is authority to the holder of the licence to trap in accordance with its terms. 1952, c. 33, s. 4.

11.—(1) Except as provided in the regulations, no person shall hunt, trap or possess, or attempt to hunt or trap, any bird, fur-bearing animal or game in a provincial park or in a Crown game preserve. R.S.O. 1950, c. 153, s. 9 (1); 1953, c. 40, s. 2 (1).

(2) Except as provided in the regulations, no person shall possess or use in a provincial park or on Crown lands in a Crown game preserve any trap, fire-arm, explosive or weapon. R.S.O. 1950, c. 153, s. 9 (2); 1953, c. 40, s. 2 (2).

12.—(1) Except under the authority of a licence, no person shall,

(a) engage in the business of cold storage of game;

(b) buy, sell or expose for sale, game, other than fur-bearing animals that may otherwise be sold lawfully;
(c) engage in, carry on, or be concerned in tanning, dressing, plucking, dyeing or treating, or undertake to tan, dress, pluck, dye or treat a fur-bearing animal or bear or a pelt or skin of any of them;

(d) possess, or engage in, or carry on, or be concerned in trading, buying or selling, or soliciting trade in fur-bearing animals or their pelts.

(2) No holder of a licence under clause (d) of subsection 1 shall sell, trade or barter, or be concerned in the selling, trading or bartering of any pelts to or with any other person in Ontario except where that other person holds a licence under clause (d) of subsection 1. R.S.O. 1950, c. 153, s. 12.

18. Except under the authority of a licence, no hotel, boarding-house, restaurant, camp, or club shall possess game, other than pheasants that have been propagated or sold under a licence so to do. 1958, c. 31, s. 2.

14. Except under the authority of a licence, no person or his servant, clerk or agent shall buy, sell, expose or keep for sale, directly or indirectly on any pretence or device, for any valuable consideration, barter, give to or obtain from any other person a caribou, deer or moose wherever killed or procured. R.S.O. 1950, c. 153, s. 14; 1953, c. 40, s. 4.

15. Notwithstanding anything in this Act, any person may under the authority of a licence sell the meat of a muskrat, beaver, raccoon or bear if taken lawfully, and any person may without a licence possess or buy any such meat for his own use. R.S.O. 1950, c. 153, s. 15.

16. Except under the authority of a licence, no person shall use or be accompanied by a dog while hunting deer or moose. R.S.O. 1950, c. 153, s. 16.

17.—(1) Except under the authority of a licence, no person shall propagate game or possess game for that purpose.

(2) The licence shall be for the period of time and on the terms and conditions prescribed by the Lieutenant Governor in Council. R.S.O. 1950, c. 153, s. 17 (1, 2).

18. Except under the authority of a licence issued by the Deputy Minister, no person shall during the closed season take game for educational or scientific purposes.
19. Notwithstanding anything in this Act, any person licensed under this Act or the *Migratory Birds Convention Act* (Canada) to kill or capture protected animals or birds may use traps or fire-arms for that purpose at any time or place where the licence is valid.  R.S.O. 1950, c. 153, s. 17 (4, 5).

20.—(1) Every person in possession or control of live game shall within ten days after coming into such possession or control apply in writing to the Minister for a permit to keep the live game in captivity.

(2) The Minister may issue permits under this section in such form and subject to such terms and conditions as he in his discretion deems proper.

(3) The Minister may refuse to issue a permit under this section and may cancel any such permit at any time when it is shown to his satisfaction that the person to whom the permit was issued has failed to comply with the terms and conditions thereof.  1951, c. 29, s. 5, part.

(4) Every person who fails to comply with subsection 1 or who keeps live game in captivity after a permit therefor has been refused or cancelled is guilty of an offence against this Act.  1960, c. 40, s. 1.

(5) Live game kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith may be seized, and upon conviction of the person in possession or control thereof, shall be forwarded to and becomes the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister directs.

(6) This section does not apply where live game is kept in captivity in a public zoo or for scientific or educational purposes in a public institution.  1951, c. 29, s. 5, part.

21.—(1) Except under the authority of a licence, no person shall buy, sell or possess gill, hoop, pound, seine or trap nets.

(2) No person shall sell a gill, hoop, pound, seine or trap net to any other person not the holder of a commercial fishing licence or a licence under subsection 1.  R.S.O. 1950, c. 153, s. 18.

22. Except under the authority of a licence, no person shall take any fish or spawn from Ontario waters for the purpose of stocking, artificial breeding or for scientific or educational purposes.  R.S.O. 1950, c. 153, s. 19.
23. Except under the authority of a licence, no person shall use a trap to take turtles. R.S.O. 1950, c. 153, s. 20.

24.—(1) Except under the authority of a licence, no person shall act as a guide.

(2) No person shall employ a person as a guide unless the person so employed is the holder of a guide's licence. R.S.O. 1950, c. 153, s. 22 (1, 2).

(3) No non-resident shall hunt deer or moose in the District of Rainy River without employing and being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed need not be more than one guide for each two non-residents. 1958, c. 31, s. 4.

(4) The holder of a guide's licence shall not act as a guide for any person for any purpose for which that person is required to have a licence under this Act, the Migratory Birds Convention Act (Canada) or the Ontario Fishery Regulations, unless that person is the holder of a licence for the purpose. R.S.C. 1952, c. 33, s. 5 (2).

25.—(1) No licence shall be transferred and no person shall buy, sell, exchange or in any way become a party to the transfer of a licence, shipping coupon or seal, or in any way use or attempt to use a licence, shipping coupon or seal issued to any other person, except upon such terms and conditions as the Lieutenant Governor in Council prescribes.

(2) Any licence may be cancelled by the Deputy Minister, subject to appeal to the Minister, for a contravention by the holder, or by any other person with his connivance, of this Act or the regulations or of the licence, whether or not a prosecution has been instituted in respect to the contravention.

(3) The issue of a licence is in the discretion of the Deputy Minister, subject to appeal to the Minister.

(4) The holder of a licence shall produce and show it to any officer as often as reasonably requested by him.

(5) No person who is not a resident British subject shall be the holder of a licence to trap fur-bearing animals.

(6) No holder of a licence shall hunt game unless at that time he has the licence on his person and he shall wear in a conspicuous place on his person any badge that is furnished by the Department at the time of issue of the licence, and the licence with which a badge is furnished at the time of issue is not valid unless the holder is wearing the badge in the way required by this subsection.
(7) No person shall be the holder of more than one licence to hunt deer or moose in any year.

(8) The holder of a licence obtained by false representations or by false and misleading statements made to the issuer in respect to the age, nationality, place of residence or other information necessary to be furnished at the time of the issuing of the licence shall be deemed to be the holder of a void licence and the holder may be prosecuted under this Act in the same manner and with the same effect as he could be prosecuted if he were not the holder of a licence. R.S.O. 1950, c. 153, s. 23.

(9) Any person who knowingly makes any false statement in any application, affidavit or declaration required by this Act or the regulations is, in addition to any other penalty for which he may be liable, guilty of an offence against this Act. 1960, c. 40, s. 2.

26.—(1) No person shall issue any licence or collect any fee in respect thereof unless authorized by this Act.

(2) No issuer of licences shall issue and no person, while hunting or in a hunting camp or on his way to or from a hunting camp, shall possess a hunting licence that does not exhibit in the proper place the name of the possessor.

(3) No issuer of licences shall issue and no person shall accept or receive an antedated licence. R.S.O. 1950, c. 153, s. 24.

27.—(1) The Minister may in writing authorize any township to pass by-laws for issuing and fixing the maximum number of licences to hunt, during the open season, pheasants, rabbits and foxes and for charging such fees as he authorizes, and the Minister may fix the minimum number of such licences that the by-law shall provide for. 1957, c. 39, s. 1.

(2) Where a township has passed a by-law under subsection 1, no person shall hunt pheasants, rabbits or foxes in the township during the open season without a licence from the township. 1957, c. 39, s. 2.

ROYALTIES

28.—(1) No person shall take or ship or attempt to take or ship to a point outside Ontario any fur-bearing animal or its pelt or send or have sent any of them to a tanner or taxidermist to be tanned or plucked or treated in any way without a licence and without paying the royalty prescribed by the regulations. R.S.O. 1950, c. 153, s. 28 (1).
(2) The royalties apply to pelts that are damaged or destroyed by any means, but they do not apply, where the holder furnishes the Department with satisfactory proof of their origin,

(a) to fox and mink bred on fur-farms operating in Ontario under a licence; or

(b) to pelts imported from a place outside Ontario.

R.S.O. 1950, c. 153, s. 28 (2); 1952, c. 33, s. 8.

(3) Notwithstanding anything in this section, any person holding the proper hunting licence may without any other licence and without paying royalty take or export to a point outside Ontario any bear taken or killed by him, or its skin, or may have the skin tanned, plucked or treated in any way in Ontario. R.S.O. 1950, c. 153, s. 28 (4).

**ANIMALS**

29. Except during such times and under such terms and conditions and in such parts of Ontario as the Lieutenant Governor in Council prescribes, no person shall hunt or attempt to hunt caribou, deer or moose. R.S.O. 1950, c. 153, s. 29; 1951, c. 29, s. 7.

30.—(1) The skins and pelts of beaver, fisher, lynx, marten, mink and otter shall be sealed and marked by an officer before sale, and no fur dealer or buyer shall have unsealed or unmarked beaver, fisher, lynx, marten, mink or otter skins or pelts in his possession.

(2) Subsection 1 does not apply to the skins and pelts of mink bred on a fur-farm.

(3) No person shall present or permit to be presented to an officer for sealing or marking the skin or pelt of a beaver, fisher, lynx, marten, mink or otter that is not taken by him under the authority of his licence to trap or hunt fur-bearing animals, and no person shall be party to having or attempting to have a skin or pelt of a beaver, fisher, lynx, marten, mink or otter sealed or marked by an officer that is not taken under the authority of the licence that is presented to the officer with the skin or pelt. 1953, c. 40, s. 6 (1).

(4) Except in such localities and during such periods and subject to such terms and conditions as the Minister prescribes, no person shall trap, hunt or possess the pelt or any part of a beaver, fisher, fox, lynx, marten, mink, muskrat, otter, rabbit, raccoon or a black, gray or fox squirrel. R.S.O. 1950, c. 153, s. 30 (3); 1953, c. 40, s. 6 (2).
Shooting muskrat or beaver, swimming deer

(5) No person shall,

(a) shoot or spear a muskrat or beaver at any time; or

(b) hunt a deer or moose while it is swimming. R.S.O. 1950, c. 153, s. 30 (4); 1951, c. 29, s. 8; 1952, c. 33, s. 9; 1953, c. 40, s. 6 (3).

Musk rat and beaver

(6) Notwithstanding clause (a) of subsection 5, a person may shoot muskrat or beaver on such terms and conditions as the Minister determines. 1958, c. 31, s. 7.

Moose and deer that may be taken

31.—(1) Subject to subsections 2 and 3, no person shall, during the open season, take or kill more than one moose under a licence to hunt moose and one deer under a licence to hunt deer. 1957, c. 39, s. 3 (1).

(2) Where two or more persons who hold licences to hunt deer are hunting as a party, any member of the party may take or kill the number of deer that is equal to the number of such licences held by the members of the party, but in no case shall the total number of deer taken or killed by the members of the party exceed the total number of such licences held by the members of the party. 1957, c. 39, s. 3 (2).

(3) Where four or more residents who hold licences to hunt deer are hunting as members of a camp that has one or more camp licences to hunt deer, any member of the camp may take or kill the number of deer that is equal to the number of individual licences held by the members of the camp plus one deer for each camp licence held by the camp, but in no case shall the total number of deer taken or killed by the members of the camp exceed the total number of individual licences held by the members of the camp and of the camp licences held by the camp. 1957, c. 39, s. 3 (3).

Cotton-tail rabbits

32.—(1) No person shall take, kill or destroy more than six cotton-tail rabbits in any one day. R.S.O. 1950, c. 153, s. 31 (6).

Idem

(2) No person shall offer for sale or barter, or sell or barter, or purchase cotton-tail rabbits. R.S.O. 1950, c. 153, s. 44.

Protection of muskrat and beaver houses

33.—(1) No person shall cut, spear, break or destroy a muskrat house, beaver house or beaver dam, or set or place a trap closer than five feet to a beaver house or a muskrat house, burrow, feed-house or push-up. R.S.O. 1950, c. 153, s. 32 (1).

Traps in muskrat houses, etc.

(2) Notwithstanding subsection 1, the Minister may issue a permit in writing to any person under which such person may place traps in muskrat houses, burrows, feed-houses or push-ups during the open season for muskrat.
(3) Notwithstanding subsection 1, the holder of a trap-line licence, while trapping in his trap-line area, may open a muskrat house, den or push-up for the purpose of setting traps therein during the open season for trapping muskrats, and he shall properly close the opened house, den or push-up. R.S.O. 1950, c. 133, s. 32 (9, 10).

(4) Notwithstanding subsection 1, the Minister may issue a permit in writing to any person under which such person may place traps in or within five feet of a beaver house during the open season for beaver.

(5) Notwithstanding subsection 1, the holder of a trap-line licence, while trapping in his trap-line area, may set traps in or within five feet of a beaver house during the open season for beaver. 1958, c. 31, s. 8.

(6) No person shall set out a trap for the taking of fur-bearing animals until he has permanently marked the trap with the identification mark that has been allotted to him for the purpose by an officer. 1952, c. 33, s. 10 (2).

(7) No person shall molest, injure or destroy a den or usual place of habitation of a fur-bearing animal other than a skunk or fox.

(8) No person shall trap or take a deer or moose by means of traps, nets, snares, baited lines or other similar contrivances or set any of them for any such animal, and, if set, any person may destroy them without incurring any liability.

(9) No person, during the closed season for deer or moose, shall have in his possession between one-half hour after sunset and one-half hour before sunrise any device capable of throwing or casting rays of light upon an object, or any fire-arm capable of killing deer or moose, unless the fire-arm is unloaded and encased, or is dismantled. R.S.O. 1950, c. 153, s. 32 (2-4).

(10) No person shall use ferrets in hunting game. R.S.O. 1950, c. 153, s. 32 (8).

34.—(1) While hunting caribou, deer or moose, no person alone shall use or be accompanied by a dog.

(2) Subject to subsection 3, while hunting caribou, deer or moose, no party of two or three, four or five, six or seven, or eight or more, shall use or be accompanied by more than one, two, three or four dogs respectively, and no such dog shall be of the breed commonly known as police dog or any cross-breed thereof.

(3) No party shall use or be accompanied by a dog while hunting caribou, deer or moose in a densely-settled part of Ontario that is designated as such by the Lieutenant Governor in Council.
Dogs at large

(4) No person owning, harbouring or claiming to own a dog shall allow it to run at large during the closed season for deer in a locality that caribou, deer or moose usually inhabit or in which they are usually found.

(5) A dog found running caribou, deer or moose during the closed season for deer in that locality shall be deemed to be at large with leave of the owner and may be killed on sight by an officer without incurring any liability or penalty therefor.

(6) A person who loses a dog while used in the hunting of caribou, deer or moose and is unable to find it at the end of the hunt shall immediately report the loss to the Department in writing giving a description of the dog and the locality in which it was lost. 1956, c. 26, s. 5.

35.—(1) No owner of a dog shall use it or allow it to be used in any manner for the hunting of mink, beaver, otter or muskrat.

(2) No owner of a dog commonly known as a greyhound, or any cross-breed thereof, shall allow it to pursue game or run at large on a Sunday in an area that game usually inhabits or in which game is usually found.

(3) In this section, “owner” includes a person having a dog in his possession or charge or under his control. R.S.O. 1950, c. 153, s. 34.

36. Nothing in this Act applies to a person taking or destroying any animal, other than a caribou, deer or moose, or any bird, other than an eagle, osprey, vulture or a bird protected by this Act or the Migratory Birds Convention Act (Canada), on his own lands in defence or preservation of his property by any means at any time, but he shall within ten days report the pelts of fur-bearing animals in respect of which there is a closed season to the Department and he shall not offer them for sale or barter during the closed season except under a licence and any fur dealer possessing the pelts shall hold the licence and forward it to the Department when applying for a licence to ship them out of Ontario or to dress or tan them. R.S.O. 1950, c. 153, s. 35; 1953, c. 40, s. 9; 1957, c. 39, s. 4.

37. No person shall without lawful excuse have in his possession or in the possession of his servant or agent or any other person on his behalf at any time any pelts while they are in an unprime condition, except the pelts of muskrat taken in accordance with section 36. R.S.O. 1950, c. 153, s. 36.
38.—(1) Except during such periods and on such terms and conditions as the Lieutenant Governor in Council prescribes, no person shall hunt ruffed grouse, spruce partridge, Hungarian partridge, pheasant, sharp-tailed grouse, prairie-hen, ptarmigan, quail or wild turkey. R.S.O. 1950, c. 153, s. 37.

(2) Except under the authority of a licence issued on such terms and conditions as the Lieutenant Governor in Council prescribes, no person shall propagate or sell any bird mentioned in subsection 1. 1955, c. 25, s. 3, part.

39. Except under the authority of a licence, no person shall own or operate a pheasant hunting preserve. 1959, c. 40, s. 4.

40. No person shall hunt or possess, or attempt to hunt, any bird protected by this Act or the Migratory Birds Convention Act (Canada) during a closed season, or any other bird, including eagles, hawks, ospreys, owls and vultures, but excluding crows, cow-birds, blackbirds, starlings and house-sparrows, at any time. 1957, c. 39, s. 5.

41. No person shall use, set or maintain any net, trap, snare, spring, cage or other appliance for the purpose of capturing or killing any bird contrary to section 42, and any person may destroy those appliances, where so used, set or maintained, without incurring any liability or penalty therefor. R.S.O. 1950, c. 153, s. 39 (1).

42. Except in a field trial approved by the Minister, no owner or a dog shall allow it to molest or follow upon the track of any wild game-bird or disturb its nest during the months of April, May, June and July in any year. R.S.O. 1950, c. 153, s. 39 (2).

43. No person shall take, destroy or possess the eggs or nests of any bird protected by this Act, except under the authority of a licence to take, destroy or possess the eggs or nests for educational or scientific purposes issued by the Deputy Minister. 1960, c. 40, s. 6.

44. No person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any game wherever killed or procured, except that,

(a) a deer, moose or bird protected by this Act, 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 August in the next following year, unless otherwise provided by the regulations;
(b) a pelt of an animal taken in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was taken, but this clause does not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with subsection 1 of section 30 or to the pelts of mink bred on fur-farms;

(c) a pelt of an animal taken outside Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelt is received; and

(d) a person who has lawfully taken and lawfully possesses a deer or moose may donate to any other person for his own use or for the use of his immediate family any part of the deer or moose if there is attached to the donated part a statement signed by the donor exhibiting his full name and address and the number of the licence under which the animal was taken. R.S.O. 1950, c. 153, s. 42; 1952, c. 33, s. 11; 1953, c. 40, s. 10.

45. No person shall sell or purchase caribou, deer or moose or expose any of them on any commercial premises, and no hotel, restaurant, boarding-house, camp or club shall mention on a bill of fare or serve any of them. 1955, c. 25, s. 3, part.

46. No person shall take or kill, or attempt to take or kill, any game by using poison, and possession of poison by a trapper is prima facie evidence that it was used by him in contravention of this section; but the Minister may issue to a limited number of trappers licences to use poison for the taking of wolves. R.S.O. 1950, c. 153, s. 45, amended.

47. In a locality that game usually inhabits or in which game is usually found, no person shall,

(a) except as is provided by the regulations, have an air-gun or fire-arm in his possession in a place from which game may be shot, unless it is unloaded and encased or it is dismantled, between one-half hour after sunset and one-half hour before sunrise of any day;

(b) except as is provided by the regulations, have an air-gun or fire-arm in his possession, unless it is unloaded and encased or it is dismantled, between one-half hour after sunset on a Saturday and one-half hour before sunrise on the Monday next following;
(c) discharge an air-gun or fire-arm between one-half hour after sunset on a Saturday and one-half hour before sunrise on the Monday next following; or

(d) discharge an air-gun or fire-arm between one-half hour after sunset and one-half hour before sunrise from midnight Sunday until midnight Saturday in any week except under a licence for the purpose of hunting raccoon during the open season therefor when accompanied by a dog licensed therefor. R.S.O. 1950, c. 153, s. 46; 1951, c. 29, s. 12.

48. No person shall for hire, gain or reward, or hope thereof, hunt game, or employ, hire or for valuable consideration induce any other person to hunt game. R.S.O. 1950, c. 153, s. 47.

49.—(1) Nothing in this Act prevents the importation of game into Ontario from a place outside Ontario if it is accompanied by an affidavit or statutory declaration, satisfactory to the Minister, that the game was legally taken. R.S.O. 1950, c. 153, s. 48 (1), amended.

(2) Without the written authority of the Minister, no person shall release into natural cover any animal or bird imported into Ontario or propagated from stock imported into Ontario. R.S.O. 1950, c. 153, s. 48 (2).

50.—(1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one moose, all bears or their skins, and other species of game in the number authorized to be possessed by the regulations made under this Act or under the Migratory Birds Convention Act (Canada). R.S.O. 1950, c. 153, s. 49 (1); 1958, c. 31, s. 9.

(2) The holder of the licence shall attach the shipping coupon to the game or to the receptacle containing it. R.S.O. 1950, c. 153, s. 49 (2).

FISH AND FROGS

51. The Lieutenant Governor in Council may set apart any waters for the conservation or propagation of fish. R.S.O. 1950, c. 153, s. 50.

52.—(1) No person shall angle for or take fish by any means from waters set apart for the conservation or propagation of fish, but the Minister may permit fish to be taken from such waters for scientific purposes. R.S.O. 1950, c. 153, s. 51 (1), amended.
(2) No person shall, for the purpose of sale or traffic, angle for or take fish in fishing grounds or waters licensed for the purpose of net fishing and occupied by the holder of a licence for that purpose, or angle for any purpose within twenty-five yards of a pound net. R.S.O. 1950, c. 153, s. 51 (2).

53.—(1) No person shall sell, offer for sale, purchase or barter or be concerned in the sale, purchase or barter of a small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but under a licence issued by the Minister a person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, if they are propagated by the holder of the licence. R.S.O. 1950, c. 153, s. 52 (1).

(2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of yellow pickerel (also called pike-perch or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a licence.

(3) No person shall buy, sell or possess a fish or part of a fish taken from Ontario waters during a closed season for that fish under any Act of the Parliament of Canada. R.S.O. 1950, c. 153, s. 52 (2, 3).

54.—(1) Every person who sets a net for the taking of fish shall attach a buoy to each end of it while it is so set.

(2) Every person who sets a net, or uses a pole for setting baited hooks, shall attach to it the name of the owner legibly marked on two pieces of metal or wood and he shall so preserve those marks during the fishing season as to be visible without taking up the net or pole, and any net or pole without such marks, and the hooks attached to the pole, are liable to confiscation. R.S.O. 1950, c. 153, s. 54.

55. Where a fishery is in charge of a person other than the owner, either as occupant or servant, and any of the provisions of this Act are contravened by that person or by the owner, they are jointly and severally liable for any penalties incurred and all damages recoverable in respect to the contravention. R.S.O. 1950, c. 153, s. 55.

56.—(1) The grant by patent of the bed of a navigable water or of a lake or river does not include the exclusive right of fishing in the water that covers or flows over the land granted unless that exclusive right is expressly granted by the patent.
(2) No lease or conveyance made on or after the 26th day of June, 1939, granting the exclusive right of fishing to a person in or along a stream or lake that has been stocked with fish of any variety by the Department or by the late Department of Game and Fisheries at any time after the 1st day of May, 1934, is valid unless the lease or conveyance has been submitted to and approved by the Minister. R.S.O. 1950, c. 153, s. 56.

57. Except under the authority of a licence, no person shall use artificial lights for the taking of frogs. R.S.O. 1950, c. 153, s. 53.

GENERAL PROVISIONS

58. No person who has taken or killed an animal, bird or fish suitable for food shall allow the flesh to be destroyed or spoilt, and no person who has taken or killed a fur-bearing animal shall allow the pelt to be destroyed or spoilt. R.S.O. 1950, c. 153, s. 57.

59. Aircraft shall not be used in connection with hunting operations except as a means of transportation between a settlement or base of operations and a hunting camp that is authorized to operate under a licence, or that is situated on patented land, or that is established on Crown land by Crown authority. R.S.O. 1950, c. 153, s. 59.

60.—(1) No person, while engaged in hunting or trapping game, or while going to or returning from a hunting camp or locality that game inhabits or where game is usually found, shall,

(a) have a loaded air-gun or fire-arm in or on, or discharge the same from an aircraft or a motor or other vehicle;

(b) discharge an air-gun or fire-arm from or across a public road, highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles. R.S.O. 1950, c. 153, s. 58 (1); 1959, c. 40, s. 5.

(2) Except as otherwise provided in the Migratory Birds Convention Act (Canada) or the regulations made thereunder, no person shall have a loaded air-gun or fire-arm in or on or discharge the same from a power-boat. 1957, c. 39, s. 7; 1959, c. 40, s. 6.

(3) An air-gun or fire-arm having a pellet or an unfired shell or cartridge, as the case may be, in the magazine shall be deemed to be loaded within the meaning of this section. R.S.O. 1950, c. 153, s. 58 (2), amended.
61. Notwithstanding section 59 and clause a of subsection 1 of section 60, predatory animals may be hunted from an aircraft or a motor or other vehicle in such areas and subject to such terms and conditions as are permitted in writing by the Minister. R.S.O. 1950, c. 153, s. 61, 1957; c. 39, s. 8.

62. No person shall hunt any animal or bird with a repeating, automatic or auto-loading shot-gun that has not been permanently plugged or altered so that it is incapable of holding a total of more than three shells at one time in the chamber and magazine. R.S.O. 1950, c. 153, s. 60 (1).

63. No person shall hunt pheasant with a rifle. 1959, c. 40, s. 7.

64.—(1) No person, being engaged in cutting timber for any purpose or in a mining operation or in the construction or maintenance of a railway or public work, shall possess, during the closed season for deer or moose any fire-arm, or at any time any poison, snare or trap, in the vicinity of the timber or mining operation, railway or public work, as the case may be, or in or in the vicinity of a dwelling place or structure used in connection therewith unless authorized by the Minister, but this section does not apply to a farmer who does not furnish living accommodation to persons engaged in cutting timber or in mining operations or in the construction or maintenance of a railway or public work. R.S.O. 1950, c. 153, s. 60 (3).

(2) No person, being employed by a railway company, shall possess any fire-arm, poison, snare or trap on a railway velocipede, hand-car or track motor-car. R.S.O. 1950, c. 153, s. 60 (4); 1953, c. 40, s. 11 (1).

(3) The Minister may authorize any person within the meaning of subsection 1 to possess any fire-arm, poison, snare or trap.

(4) Subsection 1 does not apply during the open season for deer or moose to a person who is licensed to hunt deer or moose. R.S.O. 1950, c. 153, s. 60 (6, 7).

65.—(1) No person with any sporting implement or fishing rod or tackle in his possession shall enter or allow any dog to enter into growing or standing grain or any other crop, whether of one kind or not, without the permission of the owner. R.S.O. 1950, c. 153, s. 62 (1).
(2) No person in a party of more than twelve persons shall hunt or attempt to hunt or with any gun or sporting implement enter upon any enclosed or unenclosed land in a county without the written permission of the owner or a person authorized by the owner to give such permission. 1956, c. 26, s. 6, part.

(3) No person shall trespass upon, or without authority enter upon the lands owned by the Crown that are used as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break or cut through the fences surrounding such lands for the purpose of entering upon them. R.S.O. 1950, c. 153, s. 62 (2); 1958, c. 31, s. 11.

(4) No person shall tear down, remove, injure, deface or interfere with any notice or sign put up, posted or placed by the Department. R.S.O. 1950, c. 153, s. 62 (3).

(5) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass. 1956, c. 26, s. 6, part.

66.—(1) In this section, “owner” includes a person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence.

(2) No person shall hunt or fish or with any gun or sporting implement, fishing rod or tackle in his possession go upon any enclosed or unenclosed land or water after he has had notice not to hunt or fish thereon by the owner either by word of mouth, in writing or by posters or signboards so placed that they may be observed from any point of access to the land.

(3) No person shall,

(a) without authority give or cause to be given the notice mentioned in subsection 2 in respect of land of which he is not the owner; or

(b) tear down, remove, damage, deface or interfere with any poster or signboard placed pursuant to subsection 2.

(4) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass.

(5) Every person found contravening subsection 2 may be apprehended without warrant by a peace officer or by the owner of the land on which the contravention takes place, or by the servant of, or any person authorized by, such owner, and be taken forthwith to the nearest justice of the peace to be dealt with according to law. 1952, c. 33, s. 12.

67.—(1) No person shall sublet, transfer or assign any right, interest or privilege granted to or conferred upon him under this Act without the written consent of the Minister.
(2) The Deputy Minister may, subject to appeal to the Minister, cancel any licence where an error has been made when issuing it from any cause, and the holder has no claim for indemnity or compensation with respect to it other than the adjustment and refund of any excess fee collected. R.S.O. 1950, c. 153, s. 63.

68. No hotel, restaurant, boarding-house, camp or club shall serve as a part of a meal any game or fish under any pretended name, or serve under a false name any article of food classified as game or fish the sale of which is prohibited under this Act. R.S.O. 1950, c. 153, s. 64.

69.—(1) There shall be issued with every hunting licence one or more shipping coupons or seals with which game taken under the licence may be shipped during the open season for the game or within four days thereafter, except that game birds may be shipped at any time within the then current calendar year.

(2) Where a deer or moose or a part thereof taken under a licence for which a shipping coupon is provided is presented for shipment to a common carrier, a coupon shall be detached from the licence and signed by the holder of the licence in the presence of the shipping agent or clerk in charge of the office at the point of shipment and attached to the animal or part thereof or to the receptacle containing it, and then the shipping agent or clerk shall write "cancelled" across the face of the coupon, but where the animal or any part of it is transported by other than a common carrier, the coupon shall be attached to the animal or part of it and similarly cancelled by the holder of the licence before transporting it.

(3) Where a moose is killed under a licence for which a metal seal is provided, the seal shall be attached to the moose immediately after it is killed.

(4) Where a deer is killed under a licence for which a metal seal is provided, the seal shall be attached to the deer before it is transported or shipped.

(5) No person shall contravene any of the provisions of subsection 1, 2, 3 or 4, or use an expired coupon or seal, or transport or ship, or assist in transporting or shipping, a moose or deer without a coupon or seal attached thereto. R.S.O. 1950, c. 153, s. 65.

70. No person employed by a railway company, express company, or other common carrier or engaged in the business of cold storage, or lumbering, or dealing in game and fish,
or in charge of a camp near a fishery or near a place that game inhabits or where game is usually found, or holding a licence, or owning or in charge of a motor vehicle or aircraft, shall refuse to allow an officer to enter and inspect any railway car, building, premises, enclosure, or motor vehicle, or aircraft, or any receptacle for the purpose of examining all game and fish taken, and all implements and appliances for hunting and fishing, or refuse an officer examination of any book, invoice or document containing any entry or memorandum relating to game or fish that the officer suspects of being killed or possessed in contravention of this Act, but he shall afford every reasonable facility for the examination and upon refusal the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct the examination. R.S.O. 1950, c. 153, s. 66.

71. Where a seizure of game is made, an officer may remove to safe keeping any books or records kept in accordance with this Act or the regulations. R.S.O. 1950, c. 153, s. 67.

72.—(1) No railway or express company, or other common carrier, or any other person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport,

(a) a deer or moose, or the head or other part thereof, unless there is attached thereto or to the receptacle containing it a shipping coupon or seal mentioned in section 69;

(b) the head or antlers of a moose, unless there are produced at the same time at least the hind quarters of the carcass to which the head or antlers belonged;

(c) a deer or moose or any part thereof during the closed season or after the expiry of the shipping coupon or seal attached thereto, except under a licence; or

(d) fish or game caught, taken or killed in Ontario at a time or in a manner prohibited by law.

(2) No person shall during the transporting of a deer or moose or its head or other part, conceal or attempt to conceal the whole or any part of the carcass. R.S.O. 1950, c. 153, s. 68 (1, 2).

(3) The Department may issue at any time a licence to transport deer or moose or any part thereof upon proof by affidavit or statutory declaration satisfactory to the Minister that the deer, moose or part has been lawfully taken. R.S.O. 1950, c. 153, s. 68 (3), amended.
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73. All receptacles in which game or fish or pelts or the skins of any other protected animals are packed for transportation, including transportation by hand or otherwise, shall be plainly marked on the outside in such a manner as to give a list and description of the contents and the name and address of the consignee and of the consignor. R.S.O. 1950, c. 153, s. 69 (1).

74. Shipments of pelts shall be made by express or parcel post only, and no shipment of pelts shall be made in any other manner except under the authority of a licence. R.S.O. 1950, c. 153, s. 69 (2).

75. The Minister may issue licences, not inconsistent with any law of Canada, to export from Ontario or to transport in Ontario, at any time, any game or fish, whether dead or alive. R.S.O. 1950, c. 153, s. 70, amended.

76. The Deputy Minister may direct the refund of the whole or any part of the fee paid for any licence, where, owing to the licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Deputy Minister, shall cause the refund to be made to the holder of the licence. R.S.O. 1950, c. 153, s. 71.

77. Except as otherwise provided by this Act, all rentals, licence fees, fines, penalties, proceeds of the sale of game and fish, and of all articles confiscated, and other receipts, fees and revenue under this Act, or under any lease, licence or instrument by this Act authorized, shall be paid to the Treasurer of Ontario. R.S.O. 1950, c. 153, s. 72.

PROCEDURE

78.—(1) Where an offence against this Act is alleged to have been committed near or on a boundary line between two counties or between two districts or between a county and a district, the prosecution may be brought and heard in either of them. 1951, c. 29, s. 13.

(2) The information upon which a prosecution for an alleged contravention of this Act is based shall be laid within twelve months after the commission of the offence, except where the prosecution is for omission to make a return required by this Act.

(3) A contravention of this Act or of the regulations or of the terms or conditions of a licence is, and may be stated as, an offence against this Act.
(4) The description of an offence in the words of this Act or of the regulations, or in any words to the like effect is sufficient, and an information may be for more than one offence.

(5) A contravention of this Act constitutes a separate offence in respect of each animal or bird that is the subject of the prosecution.

(6) Where in a prosecution under this Act it appears in evidence that more than one offence of the same kind was committed at the same time, or on the same day, the court shall in one conviction impose all the penalties at the same time.

(7) The court shall in the conviction adjudge that the person accused and found guilty be imprisoned for a term not exceeding two years, unless the penalty and the costs of prosecution and committal and of conveying him to prison are sooner paid.

(8) A conviction or order made under this Act, 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 has a right of appeal shall not be removed at the instance of any person or of the Crown into the Supreme Court by certiorari or otherwise.

(9) Except where otherwise provided, The Summary Convictions Act applies to all prosecutions under this Act. R.S.O. 1950, c. 153, s. 73 (2-9).

EVIDENCE

79. In prosecutions under this Act in respect of,

(a) taking, killing, procuring or possessing game or fish, or any part thereof, the onus is upon the person charged to prove that the game or fish or part was lawfully taken, killed, procured or possessed by him;

(b) setting a net, fishing device or other article, the finding of any of them set in contravention of this Act is *prima facie* proof of the guilt of the person owning, possessing or operating any of them;

(c) hunting or trapping, the possession in or near a place that game inhabits or where game is usually found of a gun, decoy or other implement for hunting or trapping is *prima facie* proof that the person in possession of any of them was hunting or trapping, as the case may be; or

(d) making of returns by licensees, the production of a return made by a licensee is *prima facie* proof of the making of such return and the contents thereof. R.S.O. 1950, c. 153, s. 74.
Sec. 80 (1) Every person who commits an offence against this Act in respect of,

(a) caribou, deer or moose is liable to a fine,

(i) of not less than $200 and not more than $500 for each caribou the subject of the prosecution,

(ii) of not less than $100 and not more than $300 for each moose the subject of the prosecution, or

(iii) of not less than $50 and not more than $200 for each deer the subject of the prosecution;

(b) otter, fisher or marten or their pelts, other than the exporting of any of them, is liable to a fine of not less than $20 and not more than $100 for each animal or pelt the subject of the prosecution;

(c) the exporting of otter, fisher or marten or their pelts is liable to a fine of not less than $30 and not more than $200 for each animal or pelt the subject of the prosecution;

(d) beaver or their pelts, other than the exporting of them, is liable to a fine of not less than $50 and not more than $100 for each animal or pelt the subject of the prosecution;

(e) the exporting of beaver or their pelts is liable to a fine of not less than $50 and not more than $200 for each animal or pelt the subject of the prosecution;

(f) mink or muskrat or their pelts is liable to a fine of not less than $5 and not more than $25 for each mink, muskrat or pelt the subject of the prosecution; or

(g) any fur-bearing animal upon which a royalty is levied under section 28, other than beaver, fisher, marten, mink, muskrat or otter, is liable to a fine of not less than $1 and not more than $20 for each animal or pelt the subject of the prosecution. R.S.O. 1950, c. 153, s. 75 (1); 1951, c. 29, s. 14; 1960, c. 40, s. 8 (1).

(2) Every person who contravenes the terms or conditions of his licence is liable to a fine of not less than $15 and not more than $300. R.S.O. 1950, c. 153, s. 75 (2); 1959, c. 40, s. 8 (1).
(3) Every person who contravenes section 74 is liable to a fine of not less than $50 and not more than $500. R.S.O. 1950, c. 153, s. 75 (3).

(4) Every person who contravenes subsection 8 of section 6 is liable to a fine of not less than $100 and not more than $500. R.S.O. 1950, c. 153, s. 75 (7).

(5) Every person who contravenes subsection 2 of section 11 is liable to a fine of not less than $50 and not more than $500. R.S.O. 1950, c. 153, s. 75 (4); 1953, c. 40, s. 12.

(6) Every person who contravenes subsection 7 of section 25 is liable to a fine of not less than $20 and not more than $100. R.S.O. 1950, c. 153, s. 75 (5-8).

(7) Every person who contravenes subsection 3 of section 65 is liable to a fine of not less than $100 and not more than $500. R.S.O. 1950, c. 153, s. 75 (6).

(8) Except as otherwise provided in this Act, every person who commits an offence against or contravenes this Act is liable to a fine of not less than $15 and not more than $100. R.S.O. 1950, c. 153, s. 75 (9); 1959, c. 40, s. 8 (2).

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

(10) No court shall remit any fine or reduce the amount of the fine after conviction, but, if the fine exceeds $200, the Minister may remit the excess.

(11) When an offence against this Act is committed in a provincial park or within one mile thereof, the minimum and maximum fines incurred shall be increased to double the amount set forth in this section for that offence. R.S.O. 1950, c. 153, s. 75 (10-12).

81.—(1) All game or fish suspected of having been taken or possessed and all vehicles of every description, aircraft, guns, ammunition, traps, trapping accessories, snares, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, all fishing gear, materials,
implements and appliances of every kind used for hunting or fishing, packages, crates and containers of every description,

(a) suspected of having been used; or

(b) used in transporting fish or game suspected of having been taken or possessed,

in contravention of this Act or the regulations, the Ontario Fishery Regulations or the Migratory Birds Convention Act (Canada) or the regulations made under that Act shall be seized and, upon conviction, are forfeit to the Crown in right of Ontario and shall be sold by the Department, but, where the seizure is made from a person unknown, perishable game or fish is forfeit to the Crown in right of Ontario and may be sold forthwith by the Department or given to a charitable institution and any other property seized is forfeit to the Crown in right of Ontario and shall be sold or otherwise disposed of by the Department after the expiration of thirty days.

(2) If a seine net that has been found in or near waters in which fishing by seines is permitted is not claimed within two days by a person holding a licence to fish with a seine net, or has been found in or near waters in which fishing by seines is prohibited, shall be seized and is forfeit to and becomes the property of the Crown in right of Ontario and sold by the Department. R.S.O. 1950, c. 153, s. 76 (2).

(3) Where the Minister is satisfied that the seizure of any property, other than game or fish, would work undue hardship or injustice, the Minister may grant relief from forfeiture and direct its return to the person from whom it was taken upon such terms as he deems just. R.S.O. 1950, c. 153, s. 76 (3); 1960, c. 40, s. 9 (2).

(4) The Deputy Minister may after a conviction authorize an officer to destroy any property forfeited, the possession of which is at all times unlawful, or any property having no commercial value, and also authorize any perishable game or fish to be given to a charitable institution. R.S.O. 1950, c. 153, s. 76 (4).

(5) Subject to subsection 6, a licence held by a person convicted of an offence against this Act or the Ontario Fishery Regulations shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence where there has been no other conviction for an offence against this Act or the Ontario Fishery Regulations during the period of two years immediately preceding the cancellation.
(6) Upon the conviction of any person of an offence under The Forest Fires Prevention Act or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385 or 386 of the Criminal Code (Canada) as amended or re-enacted from time to time committed while using or in possession of a fire-arm or air-gun for the purpose of hunting, the magistrate or court may cancel any licence to hunt issued to such person and upon such conviction or upon the conviction of any person for an offence against this Act, the magistrate or court may order that such person shall not apply for or procure any such licence during the period up to five years immediately following the year in which the conviction was made that is mentioned in the order.

(7) Every person who fails to comply with an order made against him under subsection 6 is guilty of an offence against this Act. 1956, s. 26, s. 7.

REGULATIONS

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

1. establishing classes for licences referred to in the Act and the Ontario Fishery Regulations, governing the issue, form, renewal, transfer, refusal and cancellation of licences or any class of them, prescribing their duration, territorial limitation, terms and conditions, and the fees payable therefor, and limiting the number of licences of any class that may be issued;

2. respecting the issue of licences to trap fur-bearing animals on Crown lands, providing for the transfer of such licences, prescribing the conditions governing such transfers and dividing Ontario or any part thereof into trap-line areas and designating such areas by identifying numbers and initials;

3. prescribing the terms and conditions upon which licences may be issued to persons under sixteen years of age;

4. providing for and establishing a programme to promote the safe handling of fire-arms by hunters;

5. declaring animals, other than those mentioned in clause 11 of section 1, to be fur-bearing animals;

6. respecting the keeping of the game mentioned in clause a of section 44;
7. prescribing the number of species of game that may be possessed;

8. providing that every person holding any lease or licence under this Act, and all fish companies and fish dealers, keep such records and make such reports and returns as are prescribed;

9. prescribing the records that shall be kept and the returns that shall be made by farmers under subsection 4 of section 7;

10. authorizing the council of any county to declare open season for the hunting of foxes at any time from the 1st day of March to the 31st day of October in any year;

11. for granting without fee a licence to a guest of Ontario to angle and hunt;

12. for licensing persons who are conveyed by aircraft to fishing waters for the purpose of angling or to hunting grounds for the purpose of hunting, defining the classes of person to whom such regulations do or do not apply, governing the issue, form, renewal, transfer, refusal, inspection and cancellation of such licences and prescribing their terms and conditions and the fees payable therefor, and prescribing the methods of proving or disproving alleged breaches of such regulations;

13. for licensing persons to hunt in any provincial park in which hunting is permitted under paragraph 19 or on Crown lands in any part of Ontario designated under paragraph 25, governing the issue, form, renewal, transfer, refusal, inspection and cancellation of such licences and prescribing their terms and conditions and the fees payable therefor;

14. prescribing a closed season for, and restricting the taking of, frogs and setting apart suitable waters for their propagation;

15. designating water areas in which non-resident owners, operators or persons in charge of inboard motor-boats used for angling shall employ licensed guides;

16. restricting or prohibiting the possession of air-guns or fire-arms in any part of Ontario in which it appears desirable to take special means to prevent contraventions of this Act;
17. respecting the possession of air-guns or fire-arms mentioned in clause a or b of section 47;

18. regulating or prohibiting the use of snares;

19. prescribing the conditions under which birds, fur-bearing animals and game may be hunted in provincial parks, providing for and regulating the possession or use of traps, fire-arms, explosives or weapons in provincial parks, and prohibiting the use of motor boats for trolling in provincial parks;

20. authorizing and regulating the sale of game imported into Ontario and lawfully hunted or procured according to the law of the place in which it was hunted or procured;

21. prescribing the open seasons during which and the terms and conditions upon which and the parts of Ontario in which caribou, deer or moose may be hunted;

22. prescribing the open seasons during which and the terms and conditions upon which ruffed grouse, spruce partridge, Hungarian partridge, pheasant, sharp-tailed grouse, prairie-hen, ptarmigan, quail or wild turkey may be hunted;

23. prescribing the terms and conditions upon which a licence may be issued to propagate or sell any bird mentioned in subsection 1 of section 38;

24. designating parts of Ontario in which no person shall hunt any game at any time of the year, subject to such exceptions as are deemed reasonable;

25. designating parts of Ontario in which hunting on Crown lands therein may be regulated, and limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of blinds, decoys, punts, skiffs, canoes and other appliances and things supplied by the Department in connection therewith;

26. prohibiting for a period of not more than three years at a time the hunting, purchase, sale or possession of any game bird, non-game bird or any insectivorous bird, where they are not protected by the *Migratory Birds Convention Act* (Canada);
27. governing or prohibiting the sale of or traffic in any bird mentioned in section 38, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such bird, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed by the regulations;

28. limiting the number of licences that may be issued to own or operate pheasant hunting preserves, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of pheasants on preserves, regulating the spacing of preserves, the taking or killing of pheasants on preserves and the use of preserves for hunting;

29. exempting Indians in the northerly or northwesterly or any sparsely settled parts of Ontario, whether organized or unorganized, from any provision of this Act;

30. designating any sparsely settled parts of Ontario as "hinterland areas" and prohibiting persons, other than residents of the areas, from entering and traveling about therein for the purpose of angling or hunting;

31. designating any parts of Ontario as densely-settled parts for the purpose of subsection 3 of section 34;

32. permitting residents of any province extending a similar right to Ontario residents to be classed as Ontario residents for the purpose of any specified licence under this Act;

33. 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;

34. prescribing the royalties payable in respect of fish or under section 28, and excepting any fish or fur-bearing animal therefrom;

35. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 153, s. 77; 1951, c. 29, s. 15; 1952, c. 33, s. 13; 1955, c. 25, s. 4; 1957, c. 39, s. 9; 1958, c. 31, s. 12; 1959, c. 40, s. 9; 1960, c. 40, s. 10 (1-3), amended.
(2) The Minister may make regulations prescribing the open seasons during which and the terms and conditions upon which and the localities in which beaver, fisher, fox, lynx, marten, mink, muskrat, otter, rabbit, raccoon or black, grey or fox squirrel may be trapped or hunted or the pelt of any of them possessed. New.

(3) Any regulation may be limited territorially or as to time or otherwise. 1960, c. 40, s. 10 (4).