CHAPTER 153

The Game and Fisheries Act

1. In this Act,

(a) "angling" means angling as defined in the Special Fishery Regulations;

(b) "closed season" means a specified period in which game and fish may not be taken;

(c) "Department" means Department of Lands and Forests;

(d) "Deputy Minister" means Deputy Minister of Lands and Forests;

(e) "dog" means any dog, male or female;

(f) "domestic animals and birds" includes non-native species kept in captivity but does not include native species kept in captivity or non-native species present in the wild state;

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

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

(i) "fishery" means the 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;

(j) "fur-bearing animal" means a beaver, fisher, fox, lynx, marten, mink, muskrat, otter, raccoon, skunk, red squirrel, weasel or wolverine or any other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal;
"game" means all fur-bearing animals and all animals and birds protected by this Act and the *Migratory Birds Convention Act* (Canada) and includes any portion of any such animal or bird;

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

"holder of a licence" means the person named in the licence;

"hunting" includes chasing, pursuing, worrying, following after, or on the trail of, or searching for, shooting, shooting at, stalking or lying in wait for any game, whether or not the game be then or subsequently captured, injured or killed, and "hunt" and "hunter" have corresponding meanings;

"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;

"Minister" means Minister of Lands and Forests;

"non-resident" means 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 this Act;

"officer" means any member of the Ontario Provincial Police Force, any game and fishery warden and any other person authorized to enforce this Act;

"open season" means a specified period during which game and fish may be taken;

"pelt" means the untanned skin of a fur-bearing animal;

"person" includes an Indian;

"regulations" means regulations made under this Act;

"resident" means 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 this Act;

(x) "skin" means the untanned skin of an animal stripped from the body;

(y) "snare" means any device for the taking of animals whereby they are caught in a noose, and "snaring" has a corresponding meaning;

(z) "Special Fishery Regulations" means the special fishery regulations for Ontario made under the authority of the Parliament of Canada;

(za) "trap" means any spring trap, gin, deadfall, snare, box or net used to capture game, and "trapping" has a corresponding meaning;

(zb) "unprime" where applied to pelts means that the pelts show natural markings of a dark or bluish colour on the flesh side. 1946, c. 33, s. 1; 1947, c. 40, s. 1; 1948, c. 35, s. 1; 1949, c. 37, s. 1; 1950, c. 22, s. 1.

APPLYIATION

2. This Act shall not apply to domestic animals and domestic birds. 1946, c. 33, s. 2.

ADMINISTRATION

3. Notwithstanding any other Act, the administration of this Act and all matters respecting game and fish shall be under the control and direction of the Minister. 1946, c. 33, s. 3; 1947, c. 40, s. 2.

4. The Minister may appoint deputy game and fishery wardens in and for any part of Ontario to serve without remuneration, but all the appointments shall terminate on the 31st day of December in each year. 1946, c. 33, s. 5 (1).

5. The expenses incurred in the administration and enforcement of this Act shall be paid out of such moneys as may be appropriated therefor by the Legislature. 1947, c. 40, s. 4.
6.—(1) An officer shall have 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 violation of this Act. 1946, c. 33, s. 7 (1); 1948, c. 35, s. 2.

(2) An officer may open and inspect any trunk, box, bag, parcel or receptacle which he has reason to suspect and does suspect contains game or fish killed, taken, shipped or had in possession in violation 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 reason to believe and does 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.

(3) An officer on view may arrest without process any person found committing a violation of this Act or of the regulations and shall bring him with reasonable cause 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.

(5) An officer may inspect all camps occupied by anglers and hunters and may prescribe methods for sanitation and disposal of refuse and the extinguishing of fires.

(6) An officer shall investigate all violations 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.
(7) 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.

(8) 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.

(9) 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. 1946, c. 33, s. 7 (2-9).

(10) Any search warrant or authorization to search issued under this Act may be executed at any time, including Sunday or other holiday, and by day or night. 1949, c. 37, s. 2.

**Licences**

7.—(1) No person shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any fur-bearing animal or any bear, deer or moose, except under the authority of a licence.

(2) Subsection 1 shall not apply to a farmer or his sons residing upon his lands and hunting and trapping fur-bearing animals, other than beaver, thereon during the open seasons.

(3) The holder of a licence may sell pursuant to this Act the fur-bearing animals or their pelts, hunted, taken, trapped, or killed by him under the authority of the licence. 1946, c. 33, s. 8.

8.—(1) A licence to trap fur-bearing animals on Crown lands shall be subject to such limitations as to territory and the number of fur-bearing animals which may be taken as the Minister may deem proper.

(2) The Minister may limit the number of licences to be issued for any area of Crown land. 1947, c. 40, s. 5, part.

9.—(1) No person shall hunt, take, molest, wound, trap, kill, destroy or possess, or attempt to hunt, take, molest, wound, trap, kill or destroy any bird, fur-bearing animal or game within the limits of a provincial park, except as provided in the regulations. 1947, c. 40, s. 5, part.
(2) No person shall possess or use within the limits of a provincial park any trap, fire-arm, explosive or weapon except as provided in the regulations. 1947, c. 40, s. 5, part; 1950, c. 22, s. 3.

10. No non-resident shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any animal or bird or carry or use any fire-arm or air-gun in any place frequented by game, except under the authority of a licence. 1946, c. 33, s. 9; 1948, c. 35, s. 3; 1950, c. 22, s. 4.

Fire-arms. 11.—(1) No person shall carry or use any fire-arm or air-gun for the purpose of hunting any animal or bird, except under the authority of a licence. 1946, c. 33, s. 10 (1); 1949, c. 37, s. 3 (1).

(2) No person shall carry or use any fire-arm or air-gun from and including the 1st day of March to and including the 31st day of August in any year for the purpose of hunting any animal or bird not protected by the Migratory Birds Convention Act (Canada), this Act or the regulations, except under the authority of a licence. 1947, c. 40, s. 6 (1).

(3) Subsections 1 and 2 shall not apply to a farmer or his sons residing and hunting on his lands. 1946, c. 33, s. 10 (2); 1947, c. 40, s. 6 (2).

Power of fire-arms. (4) The holder of a licence under subsection 1 shall not,

(a) carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a "twenty-two calibre low-powered rifle"; or

(b) while hunting with a shotgun have in his gun or on his person shotgun shells loaded with ball or with shot larger than number two shot,
during the open season for deer or moose in areas which such animals inhabit or in which they are usually found. 1949, c. 37, s. 3 (2).

Minors. (5) No licence shall be issued to any person under the age of sixteen years, except as prescribed by the regulations. 1946, c. 33, s. 10 (4); 1950, c. 22, s. 5.

Licences, cold storage: 12.—(1) 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 lawfully be sold;
(c) engage in, carry on, or be concerned in tanning, dressing, plucking, dyeing or treating, or undertake to tan, dress, pluck, dye or treat any fur-bearing animal or bear or any pelt or skin of any of them;

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

except under the authority of a licence.

(2) No holder of a licence issued 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. 1946, c. 33, s. 11 (1, 3).

13. No hotel, boarding-house, camp, restaurant or club shall possess any game, except under the authority of a licence. 1946, c. 33, s. 12.

14. 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 any moose, deer, caribou or wapiti, wherever killed or procured, except under the authority of a licence. 1946, c. 33, s. 13.

15. Notwithstanding anything in this Act, any person may under the authority of a licence sell the meat of any 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. 1949, c. 37, s. 5.

16. No person shall use or be accompanied by a dog while hunting deer or moose, except under the authority of a licence. 1946, c. 33, s. 15 (1); 1947, c. 40, s. 7 (1).

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

(2) The licence shall be for the period of time and on the terms and conditions prescribed by the Lieutenant-Governor in Council. 1946, c. 33, s. 16 (1, 2).
Game for exceptional purposes.

(3) The Deputy Minister may issue a licence to any person to possess live game for scientific or educational purposes, or as a pet. 1946, c. 33, s. 16 (3); 1949, c. 37, s. 6.

Idem.

(4) No person shall take game during the closed season for educational or scientific purposes, except under the authority of a licence issued by the Deputy Minister. 1946, c. 33, s. 16 (4).

Killing or capturing for scientific purposes.

R.S.C. 1927, c. 130.

(5) 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. 1948, c. 35, s. 4.

Fish nets. 18.—(1) No person shall buy, sell or possess gill, hoop, pound, seine or trap nets, except under the authority of a licence. 1946, c. 33, s. 17 (1); 1950, c. 22, s. 6 (1).

Restricted sale.

(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. 1946, c. 33, s. 17 (2); 1948, c. 35, s. 5; 1950, c. 22, s. 6 (2).

Fish for exceptional purposes.

19. No person shall take any fish or spawn from Ontario waters for the purpose of stocking, artificial breeding or for scientific or educational purposes, except under the authority of a licence. 1946, c. 33, s. 18.

Turtles.

20. No person shall use a trap to take turtles, except under the authority of a licence. 1947, c. 40, s. 8.

Tourist outfitter’s camps.

21.—(1) No person shall erect or establish or attempt to erect or establish, or own or operate, a tourist outfitter’s camp in the district of Patricia, Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Sudbury, Manitoulin or Timiskaming or the parts of the districts of Parry Sound, Nipissing and Haliburton and the county of Renfrew lying north of the line of the Canadian National Railway from Parry Sound to Pembroke by way of Scotia, Madawaska and Golden Lake, except under the authority of a licence.

Interpretation.

(2) For the purposes of this section,

(a) “tourist outfitter” means a person who owns or operates a camp and maintains or provides directly or indirectly for the accommodation and use of tourists
any boat, canoe, tent, sleeping bag, blanket, utensil or other article used or required for angling, hunting, or camping, or supplies or provides licensed guides;

(b) "camp" means a dwelling, lodge, cabin, tent, houseboat or other temporary or permanent structure used as sleeping-quarters;

(c) "tourist" means a guest, tenant, club member or any other person who pays directly or indirectly for accommodation or services rendered at a camp. 1946, c. 33, s. 19 (1, 3).

22.—(1) No person shall act as a guide, except under the authority of a licence. 1946, c. 33, s. 20 (1).

(2) No person shall employ any other person as a guide unless such other person is the holder of a guide's licence. 1950, c. 22, s. 7.

(3) No non-resident shall hunt, take or kill deer in the district of Rainy River or Kenora or moose in any part of Ontario without employing and being accompanied by a licensed guide, but where two or more non-residents hunt together the number of guides employed shall be not less than one guide for each two non-residents. 1946, c. 33, s. 20 (3).

23.—(1) No licence shall be transferred and no person shall buy, sell, exchange or in any way become a party to the transfer of any 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 may prescribe. 1948, c. 35, s. 6.

(2) Any licence may be cancelled by the Deputy Minister, subject to appeal to the Minister, for a violation by the holder of a licence 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 violation.

(3) The issue of a licence shall be 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, kill or take any 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 which may be furnished him 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 shall not be 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. 1946, c. 33, s. 21 (2-8).

24.—(1) No person shall issue any licences or collect any fees 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 any antedated licence. 1946, c. 33, s. 22.

25. Where a township licensing system is in operation under clause g of section 77 no person shall hunt pheasants, rabbits or foxes in the township or on the lands controlled by the township organization, as the case may be, during the open season without a licence from the township or township organization. 1950, c. 22, s. 8.

**LICENCE FEES**

26. A licence may be issued,

(a) to a resident and the licences and fees shall be,

(i) to hunt deer, where subclause ii does not apply ................. $3.50

and an issuing fee of ................. .50
(ii) for a farmer actually living upon and tilling his own land in the district of Haliburton, Muskoka, Parry Sound, Nipissing or Manitoulin or that part of Ontario lying north and west of those districts, to kill in the county or territorial district in which he resides one deer during the open season for his own use and not to be sold or bartered and restricted to one licence for each household $ .80 and an issuing fee of .20

(iii) to hunt moose ......................... 5.50 and an issuing fee of ................. .50

(iv) for a British subject to hunt and trap fur-bearing animals ......................... 4.50 and an issuing fee of ................. .50

(v) for a person to carry or use fire-arms or air-guns for hunting purposes pursuant to subsection 1 of section 11 .............................. .85 and an issuing fee of .................. .15

(vi) for a person to carry or use fire-arms or air-guns for hunting purposes pursuant to subsection 2 of section 11 .............................. .85 and an issuing fee of .................. .15

1946, c. 33, s. 23, cl. (a); 1948, c. 35, s. 7.

(b) to an organized hunting camp of not fewer than four residents, and the licence and fees shall be,

(i) for each four holders of resident deer-licences ......................... $ 3.50 and an issuing fee of .................. .50

1946, c. 33, s. 23, cl. (b).

(c) to a non-resident, and the licences and fees shall be,

(i) to hunt bear, fox, game birds, rabbits, raccoon, squirrel and wolf ..................... $15.00 and an issuing fee of .................. .50

(ii) to hunt deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf ..................... 25.00 and an issuing fee of .................. .75
(iii) to hunt moose, deer, bear, fox, game birds, rabbits, raccoon, squirrel and wolf... $74.00
and an issuing fee of... 1.00

(iv) to hunt bear from the 1st day of April to the 15th day of June provided that the holder of this licence shall not use a shot gun or a rifle commonly known as a twenty-two calibre low-powered rifle or a rim-fire rifle... 5.00
and an issuing fee of... .25

(v) to hunt wolves from the 1st day of March to the 15th day of June... 5.00
and an issuing fee of... .25

1946, c. 33, s. 23, cl. (c); 1949, c. 37, s. 8;
1950, c. 22, s. 9 (1).

dogs;

(d) for a dog used by or accompanying any person while hunting deer or moose, and the licence and fee shall be,

(i) licence... $ 1.85
and an issuing fee of... .15

1946, c. 33, s. 23, cl. (d).

raccoon;

(e) to a resident to hunt raccoon, and the licence fee shall be... $ 2.00

raccoon dogs.

(f) for a dog used by or accompanying any person while hunting raccoon, and the licence fee shall be... $ 1.00

1950, c. 22, s. 9 (2).

Licences,
cold storage, of game;

(a) to any person engaged in the business of cold storage of game, and the fee shall be... $ 3.00

1946, c. 33, part; 1950, c. 22, s. 10 (1).

game dealers;

(b) to any person to buy, sell or deal in any game, other than fur-bearing animals, that may be lawfully bought, sold or dealt in, and the fee shall be,

(i) in cities... $10.00
(ii) in towns... 5.00
(iii) in other places... 2.00
(c) to any hotel, boarding-house, camp, restaurant or club to buy, sell or possess any game, other than fur-bearing animals, that may be lawfully sold, and the fee shall be,

(i) in cities ........................................ $10.00
(ii) in towns ......................................... 5.00
(iii) in other places ................................. 2.00

(d) to any person to buy, sell and deal in fur-bearing fur dealers: animals or their pelts, and the fee shall be,

(i) for a resident British subject on specific premises, to be known as "store licence". $25.00
(ii) for a resident British subject where premises are not designated, to be known as "travelling fur buyer" .................. 100.00
(iii) for a resident who is not a British subject. 200.00
(iv) for a non-resident .............................. 200.00
(v) for a resident British subject on specific premises, to be known as "wholesale licence" .......................... 100.00
(vi) for non-resident wholesale buyers, purchasing direct from holders of a wholesale licence ............................... 5.00
(vii) for a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "restricted licence" .......................... 1.00

(e) to any person engaged in the business of dressing, plucking, dyeing, tanning or treating pelts, and the fee shall be .......................... $10.00

1946, c. 33, s. 24, cls. (b-e).

(f) to owners or operators of tourist outfitters' camps, and the fee shall be,

(i) for residents .................................. $10.00
(ii) for non-residents ............................ 25.00

1950, c. 22, s. 10 (2).
ROYALTIES

28.—(1) No person shall take or ship or attempt to take or
ship to any point outside of 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 a royalty. 1946, c. 33,
s. 25 (1); 1948, c. 35, s. 8 (1).

Exceptions.

(2) The royalties shall apply to pelts that are damaged or
destroyed by any means, but they shall not apply, where the
holder furnishes the Department with satisfactory proof of
their origin,

(a) to silver, black, cross and blue fox and mink, bred on
fur-farms operating within Ontario under a licence; or

(b) to pelts imported from any place outside of Ontario.
1946, c. 33, s. 25 (2); 1948, c. 35, s. 8 (2).

Amount of royalty.

(3) The Lieutenant-Governor in Council may prescribe the
royalty payable under this section, and may exempt rabbit
and squirrel from subsections 1 and 2.

Bear exempt.

(4) 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
within Ontario. 1946, c. 33, s. 25 (3, 4).

SEASONS FOR ANIMALS

29. No person shall hunt, kill or destroy, or attempt to
hunt, kill or destroy any caribou, deer, moose or wapiti, except
during such times and under such terms and conditions and
in such parts of Ontario as the Lieutenant-Governor in
Council may prescribe. 1949, c. 37, s. 9.

30.—(1) No person shall at any time trap, hunt, take, or
kill, or attempt to trap, hunt, take or kill, any beaver, or
possess the carcass, pelt or any part of any beaver, except
during such period and on such terms and conditions as the
Lieutenant-Governor in Council may prescribe, but the
Minister may at any time by order in writing authorize the
taking or killing of beaver by an overseer or other officer
named in the order in any designated locality in which, in the
opinion of the Minister, beaver are causing damage to a
The skins and pelts of beaver, fisher and marten shall be sealed or marked by an officer before sale, and no fur dealer or buyer shall have unsealed or unmarked beaver, fisher or marten skins or pelts in his possession. 1950, c. 22, s. 11 (2).

(4) No person shall,

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

(b) at any time hunt, take or molest any female moose of any age or any male moose under the age of one year;

(c) at any time hunt, take, kill or molest any female deer of any age or any male deer under the age of one year except under subsections 3 and 4 of section 31;

(d) hunt, take, kill or molest any deer or moose while it is swimming in any waters. 1946, c. 33, s. 27 (3); 1948, c. 35, s. 9 (3).

BAG LIMITS FOR ANIMALS

31.—(1) No resident shall during any one year or season take or kill more than one male deer over one year of age under a resident deer-licence and one bull moose over one year of age under a moose licence but this subsection shall not apply to deer which are the private property of any resident, and which are killed or taken by him or by his direction or with his consent in or upon his own land in accordance with section 41.

(2) No non-resident shall during any one year or season take or kill more than one male deer over one year of age and one bull moose over one year of age under a non-resident hunting licence.
(3) Notwithstanding subsections 1 and 2 a party of two or more persons hunting together and holding licences may kill one female deer of any age or one male deer under the age of one year for every two persons of the party, but those persons shall not take or kill in the aggregate more than one deer for each person of the party.

(4) Notwithstanding subsections 1 and 3 a hunting party of four or more residents having a camp licence or camp licences may, in addition to the aggregate kill in subsection 3, kill one deer for each camp licence held by the party. 1946, c. 33, s. 28 (1-4).

(5) The Lieutenant-Governor in Council may make regulations designating the counties and townships in which subsections 1, 2, 3 and 4 shall not apply to deer. 1950, c. 22, s. 12 (1).

(6) No person shall take, kill or destroy more than six cotton-tail rabbits in any one day. 1946, c. 33, s. 28 (6); 1950, c. 22, s. 12 (2).

PROTECTION OF ANIMALS

32.—(1) No person shall cut, spear, break or destroy a muskrat house 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. 1946, c. 33, s. 29, cl. (a).

(2) No person shall molest, injure or destroy a den or usual place of habitation of any fur-bearing animal other than a skunk or fox. 1946, c. 33, s. 29, cl. (b); 1947, c. 40, s. 11 (1).

(3) No person shall trap or take any 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. 1946, c. 33, s. 29, cl. (c).

(4) 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, and any rifle or other fire-arm capable of killing deer or moose, unless the rifle or other fire-arm is unloaded and encased, or is dismantled. 1950, c. 22, s. 13 (1).
(5) No person shall use snares for any purpose in the county of Bruce, Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria, Waterloo or York, provided that snares may be used for the taking of wolves in the townships of Canonto and Palmerston in the county of Frontenac from the 1st day of December to the 30th day of April. 1946, c. 33, s. 29, cl. (e); 1947, c. 40, s. 11 (2); 1949, c. 37, s. 11 (1); 1950, c. 22, s. 13 (2).

(6) No person shall use snares for any purpose in any part of Ontario, except the district of Rainy River, Kenora or Thunder Bay, during the open season for deer and moose in that part and during the period of one month immediately preceding the open season. 1946, c. 33, s. 29, cl. (f); 1949, c. 37, s. 11 (2).

(7) No person shall use snares for the taking of beaver. 1946, c. 33, s. 29, cl. (g).

(8) No person shall use ferrets in hunting rabbits or game. 1950, c. 22, s. 13 (3).

(9) 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.

(10) 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. 1950, c. 22, s. 13 (4).

33.—(1) While hunting deer or moose no person shall use or be accompanied by a dog commonly known as a police dog or any cross-breed thereof.

(2) While hunting deer or moose no person alone shall use or be accompanied by a dog, but a party of two or more, four or more, six or more, or eight or more may use and be accompanied by not more than one, two, three or four dogs respectively.

(3) 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 which deer, moose, caribou or wapiti usually inhabit or in which they are usually found.

(4) A dog found running deer, moose, caribou or wapiti during the closed season for deer in that locality shall be deemed to be at large with the leave of the owner and may be killed on sight by an officer without being liable for damages to any other person or to a penalty.

(5) A person who loses a dog while used in the hunting of 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. 1946, c. 33, s. 30.

34. — (1) No owner of a dog shall use it or allow it to be used in any manner for the hunting, taking or killing of any mink, beaver, otter or muskrat. 1946, c. 33, s. 31 (1); 1948, c. 35, s. 10.

(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 Sunday in any area which game usually inhabits or in which game is usually found.

(3) In this section, "owner" includes any person having a dog in his possession or charge or under his control. 1946, c. 33, s. 31 (2, 3).

35. Nothing in this Act shall apply to any person taking or 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 he shall within ten days report the pelts of the 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. 1946, c. 33, s. 32.

36. 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 35. 1946, c. 33, s. 33.
SEASONS FOR BIRDS

37. No person shall hunt, kill or destroy any ruffed grouse, spruce partridge, Hungarian partridge, pheasant, sharp-tailed grouse, prairie-hen, ptarmigan, quail or wild turkey, except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe. 1946, c. 33, s. 34.

38. No person shall shoot, destroy, wound, molest, take or possess, or attempt to shoot, destroy, wound, molest or take any bird protected by this Act during a closed season, or any other wild native bird at any time, including ospreys and eagles, but excluding hawks, owls, crows, cow-birds, blackbirds, starlings and house-sparrows. 1946, c. 33, s. 35.

PROTECTION OF BIRDS

39.—(1) No person shall use, set or maintain any net, trap, snare, springe, cage or other appliance for the purpose of capturing or killing any bird contrary to section 38, and any person may destroy those appliances, where so used, set or maintained, without incurring any liability therefor and without penalty.

(2) No owner of 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, except in a field trial approved by the Department. 1946, c. 33, s. 36.

40. No person shall take or possess any live bird protected by this Act or take, destroy or possess its eggs or nests, except a holder of a licence to engage in the business of propagating the birds or to take or possess the eggs or nests for educational or scientific purposes. 1946, c. 33, s. 37.

PROTECTION OF GAME

41. 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 them may hunt, take or kill that game during the open seasons for the territory in which the game is kept. 1946, c. 33, s. 38.
42. 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) any 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 March in the next following year, unless otherwise provided under the regulations, or may be kept under a licence during the period between the end of the open season and the 31st day of August in the next following year;

(b) any pelts of animals 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 they were taken;

(c) any pelts of animals taken outside of Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelts are received; and

(d) any person who has lawfully taken and lawfully possesses any deer or moose may donate to any other person for his own use or for the use of his immediate family any portion of the deer or moose if there is attached to the donated portion a statement signed by the donor exhibiting his full name and address and the number of the licence under which the animal was taken. 1946, c. 33, s. 39; 1949, c. 37, s. 12.

43. No person shall sell or purchase any bird mentioned in section 37, or any deer, moose, caribou or wapiti, or expose any of them on any commercial premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them, but any person may propagate, buy or sell any pheasant or quail under a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe. 1946, c. 33, s. 40.

44. No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of cotton-tail rabbits. 1946, c. 33, s. 41; 1950, c. 22, s. 14.
45. No person shall take or kill, or attempt to take or kill, any game by using poison, and possession of poison by any trapper shall be prima facie evidence that it was used by him in violation of this section; but the Department may issue to a limited number of trappers licences to use poison for the taking of wolves. 1946, c. 33, s. 42.

46. In any locality which game usually inhabits or in which game is usually found, no person shall,

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

(b) discharge any air-gun, gun, rifle or other fire-arm between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following; or

(c) discharge any air-gun, gun, rifle 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, shooting, taking, killing or possessing raccoon during the open season therefor when accompanied by a dog or dogs licensed therefor. 1948, c. 35, s. 11; 1949, c. 37, s. 13; 1950, c. 22, s. 15.

47. No person shall for hire, gain or reward, or hope thereof, hunt, take or kill any game, or employ, hire or for valuable consideration induce any other person to do any of those acts. 1946, c. 33, s. 44.

48.—(1) Nothing in this Act shall prevent the importation of game into Ontario from any place outside of Ontario if it is accompanied by an affidavit or statutory declaration, satisfactory to the Department, that the game was legally taken. 1946, c. 33, s. 45.

(2) No person shall release into natural cover any animal or bird imported into Ontario or propagated from stock imported into Ontario without the written authority of the Minister. 1948, c. 35, s. 12.
49.—(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 bull 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). 1946, c. 33, s. 46 (1); 1949, c. 37, s. 14; 1950, c. 22, s. 16.

(2) The holder of the licence shall attach the shipping coupon to each of those animals or to the receptacle containing them, or any part of them, or containing birds. 1946, c. 33, s. 46 (2).

**FISH AND FROGS**

50. The Lieutenant-Governor in Council may set apart any waters for the conservation or propagation of fish. 1948, c. 35, s. 13.

51.—(1) No person shall angle for or take fish by any means from waters set apart for the conservation or propagation of fish, provided that the Department may take fish from such waters for the stocking and rearing of fish for public waters or may permit fish to be taken from such waters for scientific purposes. 1946, c. 33, s. 49 (1); 1948, c. 35, s. 14.

(2) No person shall, for purposes 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. 1946, c. 33, s. 49 (2).

52.—(1) No person shall 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, Kamloops trout or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, if they are propagated by the holder of the licence. 1946, c. 33, s. 50 (1); 1949, c. 37, s. 15.

(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 any fish or portion thereof of any fish taken from Ontario waters during a closed season for that fish under any Act of the Parliament of Canada. 1946, c. 33, s. 50 (2, 3).

53. No person shall use artificial lights for the taking of frogs except under the authority of a licence. 1946, c. 33, s. 51.

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 those marks, and the hooks attached to the pole, shall be liable to confiscation. 1946, c. 33, s. 52.

55. 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 are violated by that person or by the owner, they shall be jointly and severally liable for any penalties incurred and all damages recoverable in respect to the violation. 1946, c. 33, s. 53.

56.—(1) The grant by patent of the bed of any navigable water or of any lake or river shall not include the exclusive right of fishing in the water which covers or flows over the land granted unless that exclusive right is expressly granted by the patent. 1946, c. 33, s. 54 (1).

(2) No lease or conveyance made on or after the 26th day of June, 1939, granting exclusive rights to any person in or along any stream or lake which 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, shall be valid unless the lease or conveyance has been submitted to and approved by the Minister. 1946, c. 33, s. 54 (2); 1947, c. 40, s. 12.

GENERAL PROVISIONS

57. No person who has taken or killed any 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. 1946, c. 33, s. 55.

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

(a) carry a loaded air-gun, shot-gun, rifle or other fire-arm in or on, or discharge any of them from an aircraft, motor car or other vehicle;

(b) discharge any air-gun, shot-gun, rifle or other fire-arm from or across any 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. 1946, c. 33, s. 56 (1), amended.

(2) An air-gun, shot-gun, rifle or other fire-arm carrying loaded shells or cartridges in the magazine shall be deemed to be loaded within the meaning of clause a of subsection 1. 1946, c. 33, s. 56 (2).

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 any licence, or that is situated on patented land, or that is established on Crown land by Crown authority. 1949, c. 37, s. 16.

60.—(1) No person shall hunt any animal or bird with repeating, automatic or auto-loading shot-gun which 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. 1946, c. 33, s. 57 (1), part; 1949, c. 37, s. 17 (1).

(2) No person, in those parts where pheasant may be legally taken, killed or shot, shall hunt any protected or unprotected animal or bird with a rifle or possess a rifle for that purpose during the open season for pheasants. 1946, c. 33, s. 57 (1), part.

(3) No person, being engaged in cutting timber for any purpose or in any mining operation or in the construction or maintenance of any railway or public work, shall possess, during any close season for deer or moose any gun or other
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 any dwelling place or structure used in connection therewith unless authorized by the Minister, but this subsection shall not apply to a farmer who does not afford living accommodation to persons engaged in cutting timber or in mining operations or in the construction or maintenance of a railway or public work.

(4) No person, being employed by a railway company, shall possess any gun or other fire-arm, poison, snare or trap on a railway velocipede or hand-car. 1950, c. 22, s. 18 (1).

(5) No person, on Crown lands in any Crown game preserve, shall possess any game, or possess or use any fire-arm, trap or snare or any other instrument for hunting, trapping, catching or killing any bird or animal except as permitted by this Act. 1950, c. 22, s. 18 (2).

(6) The Minister may authorize any person within the meaning of subsection 3 to possess any gun or other fire-arm, poison, snare or trap. 1950, c. 22, s. 18 (3).

(7) Subsection 3 shall not apply during the open season for deer or moose to any person who is licensed to hunt deer or moose. 1950, c. 22, s. 18 (4).

61. Notwithstanding clause a of subsection 1 of section 58, hunting predatory animals may be hunted from aircraft, motor cars or other vehicles in such areas and subject to such terms and conditions as may be permitted in writing by the Minister. 1949, c. 37, s. 18, part.

62.—(1) No person with any sporting implement or fishing rod or tackle in his possession, shall enter or allow any dog to enter into any growing or standing grain or any other crop, whether of the same kind or not, without the permission of the owner. 1946, c. 33, s. 58 (1).

(2) No person shall trespass upon, or without authority enter upon the lands owned by the Crown that are designated 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.

(3) No person shall tear down, remove, injure, deface or interfere with any notice or sign put up, posted or placed by the Department. 1950, c. 22, s. 19.
63.—(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, but the holder shall have no claim for indemnity or compensation with respect to it other than the adjustment and refund of any excess fee collected. 1946, c. 33, s. 59.

64. 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 any game or fish the sale of which is prohibited under this Act. 1946, c. 33, s. 60.

65.—(1) There shall be issued with every hunting licence one or more shipping coupons or seals with which any game taken under the licence may be shipped during the open season for the game or within four days thereafter, provided that game birds may be so shipped at any time within the then current year. 1950, c. 22, s. 20.

(2) Where any deer or moose, or any part of them, 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 each 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. 1946, c. 33, s. 61 (2); 1948, c. 35, s. 16 (2).

(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. 1948, c. 35, s. 16 (3).

(5) No person shall violate 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 any
moose or deer without a coupon or seal attached thereto. 1948, c. 35, s. 16 (4).

66. 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 any camp near any fishery or near any place which 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 and fish which the officer suspects of being killed or possessed in violation 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. 1946, c. 33, s. 62.

67. Where a seizure of game is made, any officer may remove to safe keeping any books or records kept in accordance with the requirements of this Act or the regulations. 1949, c. 37, s. 18, part.

68.—(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) any deer or moose, or the head or any other part thereof, unless there is attached thereto or to the receptacle containing the same a shipping coupon or seal provided for under this Act or the regulations;

(b) the head or antlers of any 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) any deer or moose or any part of them 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 within Ontario at a time or in a manner prohibited by law. 1946, c. 33, s. 63 (1); 1948, c. 35, s. 17.
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(2) No person shall during the transporting of any deer or moose or the head or other part of them, conceal or attempt to conceal the whole or any part of the carcass.

(3) The Department may issue at any time a licence to transport deer or moose or any part of them, upon proof by affidavit or statutory declaration satisfactory to the Department that the deer, moose or part thereof has been lawfully taken. 1946, c. 33, s. 63 (2, 3).

Receptacles to be marked.

69.—(1) 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 consignor.

(2) Shipments of pelts shall be made by express or parcel post only, and no shipment of pelts shall be made by aircraft or in any other manner not provided for in this subsection, except under the authority of a licence. 1946, c. 33, s. 64.

70. The Department may issue licences, not inconsistent with any law of Canada, to export from Ontario or to transport within Ontario, at any time, any game or fish, whether dead or alive. 1946, c. 33, s. 65.

Refund of fees.

71. 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. 1946, c. 33, s. 66; 1947, c. 40, s. 14.

Revenue.

72. Save as otherwise provided by this Act all rentals, licence fees, fines, penalties, proceeds of the sales 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. 1946, c. 33, s. 67.

PROCEDURE

73.—(1) Prosecutions for offences against this Act or for the recovery of penalties imposed by it, may be brought and heard before any magistrate for the county, district, village, town or city in which the offence was committed, but where the offence was 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 before a magistrate in either of them.

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

(3) A violation of this Act or of the regulations or of the terms or conditions of a licence shall be, 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 shall be sufficient, and an information may be for more than one offence.

(5) A violation of this Act shall constitute a separate offence in respect to each animal or bird which is the subject of the prosecution.

(6) Where in any 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) The Summary Convictions Act shall apply to all prosecutions under this Act, except where it is otherwise provided.

EVIDENCE

74. In actions and prosecutions under this Act with respect to,

(a) taking, killing, procuring or possessing any game or fish, or any part of either of them, the onus shall be upon the person charged to prove that the game or
fish or any part of either of them 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 violation of this Act shall be prima facie evidence of the guilt of the person owning, possessing or operating any of them;

(c) hunting or trapping, the possession in or near any place which game inhabits or where game is usually found, of a gun, decoy or other implement for hunting or trapping, shall be prima facie evidence 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 shall be prima facie evidence of the making of such return and the contents thereof.

1946, c. 33, s. 69; 1948, c. 35, s. 18; 1949, c. 37, s. 19.

**PENALTIES**

75.—(1) Every person who commits an offence against this Act with respect to,

(a) deer, moose, caribou or wapiti shall be liable to a penalty,

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

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

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

(b) otter, fisher or marten or their pelts, other than the exporting of any of them, shall be liable to a penalty 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 shall be liable to a penalty 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, shall be liable to a penalty 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 shall be liable to a penalty 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, shall be liable to a penalty 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, shall be liable to a penalty of not less than $1 and not more than $20 for each animal or pelt the subject of the prosecution.

1946, c. 33, s. 70 (1); 1949, c. 37, s. 20; 1950, c. 22, s. 21 (1, 2).

(2) Every person who violates the terms or conditions of his licence shall be liable to a penalty of not less than $10 and not more than $300.

(3) Every person who commits an offence against section 69 with respect to the shipment of pelts by aircraft or by any other manner not provided for in that section, shall be liable to a penalty of not less than $50 and not more than $500.

1946, c. 33, s. 70 (2, 3).

(4) Every person who commits an offence against subsection 2 of section 9 or subsection 5 of section 60 shall be liable to a penalty of not less than $50 and not more than $500.

1946, c. 33, s. 70 (4); 1950, c. 22, s. 21 (3).

(5) Every person who commits an offence against this Act with respect to maskinonge shall be liable to a penalty of not less than $10 and not more than $100 for each maskinonge the subject of the prosecution.

1946, c. 33, s. 70 (5).

(6) Every person who commits an offence against subsection 2 of section 62 shall be liable to a penalty of not less than $100 and not more than $500.

1946, c. 33, s. 70 (6); 1950, c. 22, s. 21 (4).

(7) Every person who commits an offence against subsection 7 of section 6 shall be liable to a penalty of not less than $100 and not more than $500.

(8) Every person who commits an offence against subsection 7 of section 23 shall be liable to a penalty of not less than $20 and not more than $100.
(9) Except as herein otherwise provided, every person who commits an offence against this Act shall be liable to a penalty of not less than $10 and not more than $100.

(10) Every person who, after having been convicted of an offence against this Act, within two years again offends against this Act, shall be liable to 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 be liable to a penalty of not less than the maximum penalty provided for the offence.

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

(12) Where an offence against this Act is committed in a provincial park or within one mile thereof, the minimum and maximum penalties incurred shall be increased to double the amount set forth in this section for that offence. 1946, c. 33, s. 70 (7-12).

76.—(1) All motor vehicles, or vehicles of any description, aircraft, guns, ammunition, traps, trapping accessories, snares, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all fishing gear, materials, implements or appliances of every kind used for hunting and fishing, and all game and fish, together with packages, crates or containers of every description used in violation of this Act and found in the possession of any person suspected of having committed an offence against this Act shall be seized, and upon conviction, be forfeited to and become the property of the Crown in right of Ontario and sold by the Department, but where the seizure is made from a person unknown, perishable game or fish shall be forfeited to and become the property of the Crown in right of Ontario and sold forthwith by the Department, and any other property seized shall be forfeited to and become the property of the Crown in right of Ontario and sold by the Department after the expiration of thirty days. 1946, c. 33, s. 71 (1); 1948, c. 35, s. 19.

(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 forfeited to and become the property of the Crown in right of Ontario and sold by the Department.
(3) Where the Minister is satisfied that the seizure of any property other than game or fish would work undue hardship or injustice and the value of the property is more than $100, the Minister may grant relief from forfeiture and direct its return to the person from whom it was taken upon such terms as he may deem just.

(4) The Deputy Minister may after a conviction authorize any 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.

(5) A licence held by a person convicted of an offence against this Act or the Special 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 conviction for an offence against this Act during the period of two years immediately preceding the cancellation. 1946, c. 33, s. 71 (2-5).

REGULATIONS

77. The Lieutenant-Governor in Council may make regulations,

(a) governing the issue, form, renewal, transfer, refusal and cancellation of licences under this Act and the Special Fishery Regulations, prescribing their duration, territorial limitation, terms and conditions, and the fees payable in respect to them, where those fees are not prescribed by this Act; 1946, c. 33, s. 72, cl. (a).

(b) 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;

(c) respecting any licence issued under subsection 2 of section 11, and to provide limitations with respect to the area in which such licence shall be valid. 1949, c. 37, s. 21 (1).
(d) prescribing the terms and conditions governing the issue of a licence other than a trapper’s licence to a person under the age of sixteen years; 1946, c. 33, s. 72, cl. (b).

(e) prescribing the manner in which game shall be sealed or marked; 1948, c. 35, s. 20 (1).

(f) 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 may be prescribed; 1946, c. 33, s. 72, cl. (c).

(g) authorizing townships or township organizations approved by the Minister to issue and charge fees for licences to hunt, during the open season, pheasants, rabbits and foxes and with the approval of the Minister to limit the number of such licences within the township or within the lands controlled by the township organizations; 1949, c. 37, s. 21 (2).

(h) authorizing the council of any county to declare open seasons for the hunting of foxes at any time from the 1st day of March to the 31st day of October in any year; 1947, c. 40, s. 15, part; 1948, c. 35, s. 20 (2); 1950, c. 22, s. 22 (1).

(i) for granting without fee a licence to a guest of Ontario to angle and hunt; 1946, c. 33, s. 72, cl. (e).

(j) governing the issue, form, refusal, suspension or cancellation of tourist outfitters’ camp licences, prescribing specifications for such camps, the terms and conditions under which such camps may be erected, maintained and operated and providing for their inspection and classification and the registration of tourists and guides in such camps; 1949, c. 37, s. 21 (3), part.

(k) prescribing a closed season for, and restricting the taking of, frogs and setting apart suitable waters for their propagation; 1946, c. 33, s. 72, cl. (f).

(l) designating water areas in which non-resident owners, operators or persons in charge of in-board motor boats used for angling shall employ licensed guides; 1949, c. 37, s. 21 (3), part.
(m) restricting or prohibiting the possession of air-guns, guns, rifles or other fire-arms in any part of Ontario in which it may appear desirable to take special means to prevent violations of this Act; 1946, c. 33, s. 72, cl. (g).

(n) prescribing the conditions under which birds, fur-bearing animals and game may be taken or killed 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; 1947, c. 40, s. 15, part; 1950, c. 22, s. 22 (2).

(o) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed or procured according to the law of the place in which the same was killed or procured; 1946, c. 33, s. 72, cl. (h).

(p) varying the open season for any game in any part of Ontario and varying the part of Ontario in which any such open season shall apply; 1948, c. 35, s. 20 (3).

(q) designating parts of Ontario in which no person shall hunt, take, pursue, kill, wound or destroy any game at any time of the year, subject to such exceptions as may be deemed reasonable;

(r) prohibiting for a period of not more than three years at a time the hunting, purchase, sale or possession in any part of Ontario of any game bird, non-game bird or any insectivorous bird, where they are not protected by the *Migratory Birds Convention Act* R.S.C. 1927, c. 130.

(s) governing or prohibiting the purchase and sale of or traffic in quail, partridge, pheasants or other game birds not protected by the *Migratory Birds Convention Act* (Canada);

(t) exempting Indians in the northerly or north-westerly or any sparsely settled parts of Ontario whether organized or unorganized, from any provisions of this Act; 1946, c. 33, s. 72, cls. (j-m).

(u) 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; 1949, c. 37, s. 21 (3), part.
(v) 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;

(w) prescribing royalties;

(x) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 33, s. 72, cls. (n-p).