

5. Any person may seize, on view, any bird unlawfully possessed, and carry the same before any justice of the peace, to be by him confiscated, and if alive, to be liberated; and it shall be the duty of all market clerks and policemen or constables on the spot to seize and confiscate, and if alive, to liberate such birds.

Power to seize birds unlawfully possessed.

6. The chief game warden for the time being under *The Ontario Game Protection Act*, may on receiving from any ornithologist, or student of ornithology, or biologist, or student of biology, an application and recommendation according to the forms A and B in the schedule hereto, grant to such an applicant a permit in the form C in said schedule, empowering the holder to collect, and to purchase, or exchange all birds or eggs, otherwise protected by this Act, at any time or season he may require the same for the purposes of study, without the liability to penalties imposed by this Act.

Permit may be granted by chief game warden to ornithologists, etc.

7. The permits granted under the last preceding section shall continue in force until the end of the calendar year in which they are issued, and may be renewed at the option of the chief game warden for the time being under *The Ontario Game Protection Act*.

Duration of permit.

8.—(1) The violation of any provision of this Act shall subject the offender to the payment of not less than one dollar and not more than twenty dollars with costs, on summary conviction, on information or complaint before one or more justices of the peace.

Penalties.

(2) The whole of the fine shall be paid to the prosecutor unless the convicting justice has reason to believe that the prosecution is in collusion with and for the purpose of benefitting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

Application of fines.

(3) In default of payment of the fine and costs, the offender shall be imprisoned in the nearest common gaol for a period of not less than two and not more than twenty days, at the discretion of the justice.

9. No conviction under this Act shall be quashed for any defect in the form thereof, or for any omission or informality in any summons or other proceedings under this Act so long as no substantial injustice results therefrom.

Conviction not invalid for want of form.

AN ACT RESPECTING THE BARBERRY SHRUB.

63 Vic., chap. 48.

[30th April, 1900.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No person shall plant the shrub known as the Barberry Shrub upon any lands used for farming purposes in the Province of Ontario, planting of barberry shrub prohibited.