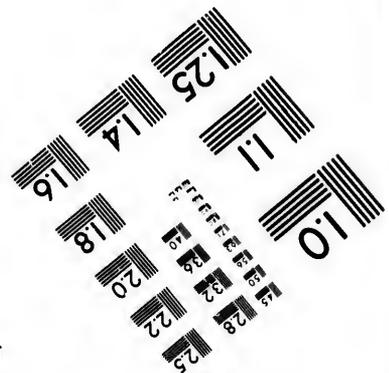
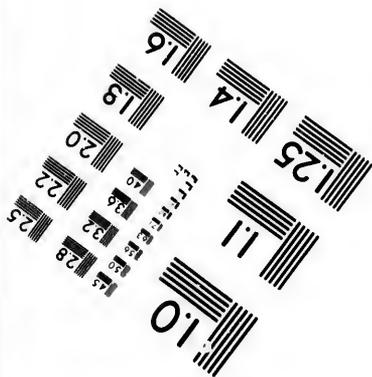
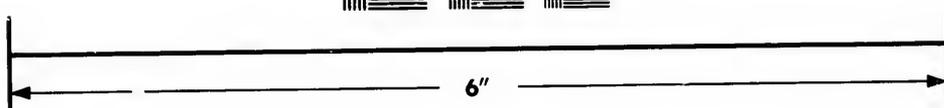
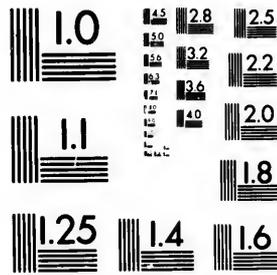


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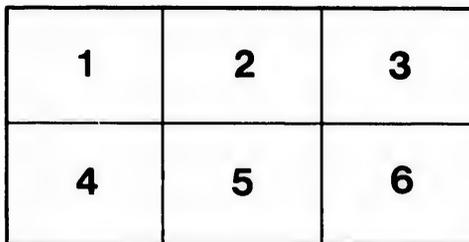
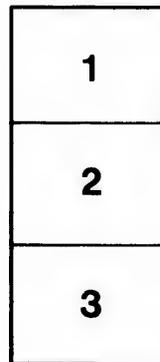
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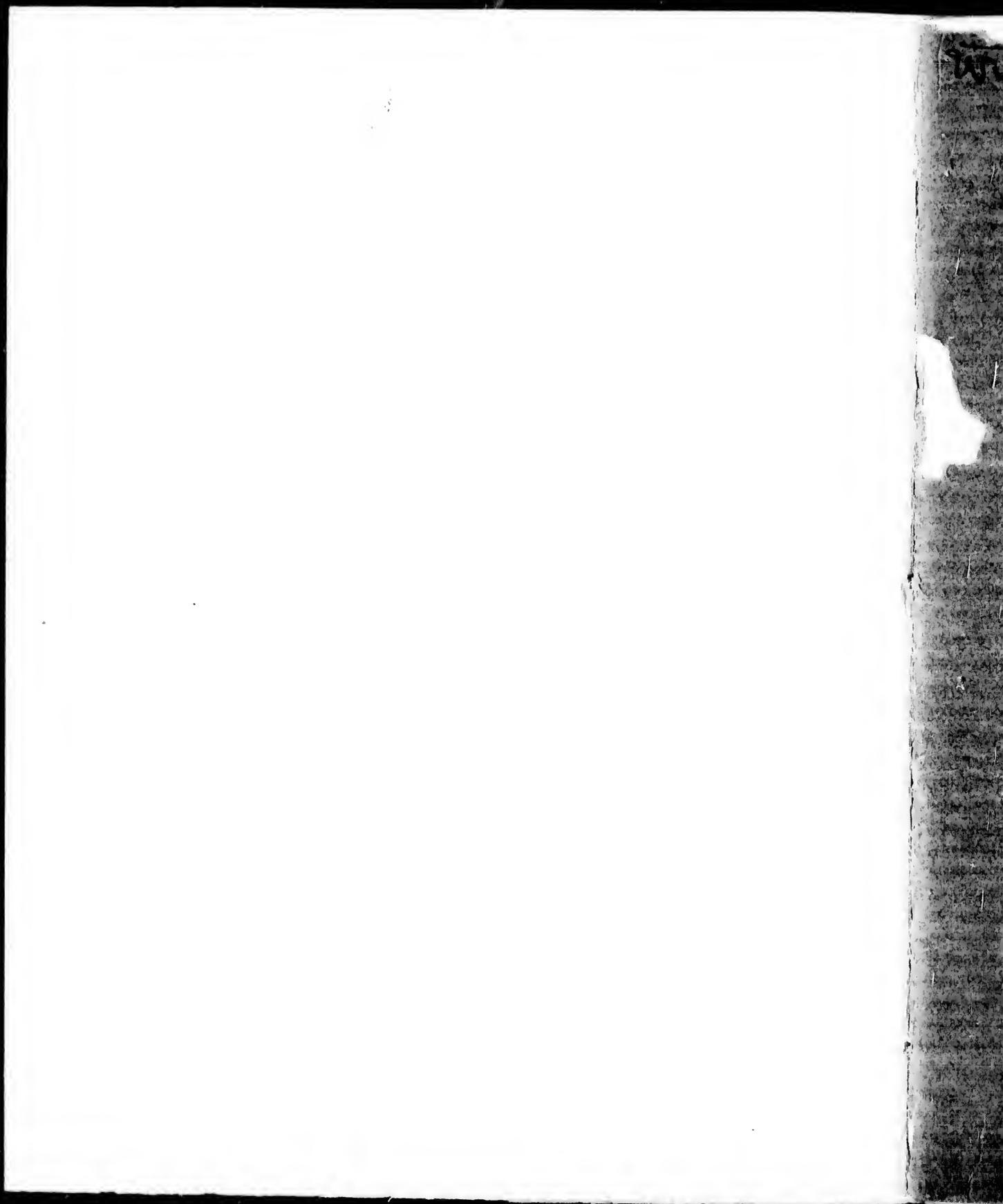
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ONTARIO *Oct. 1897*

Game and Fishing LAWS

A Digest of the whole law, Provincial and Dominion,
with references to the various Statutes and Orders in
Council in force on October 8th, 1897.

BY

A. H. O'BRIEN, M.A.
Barrister at Law

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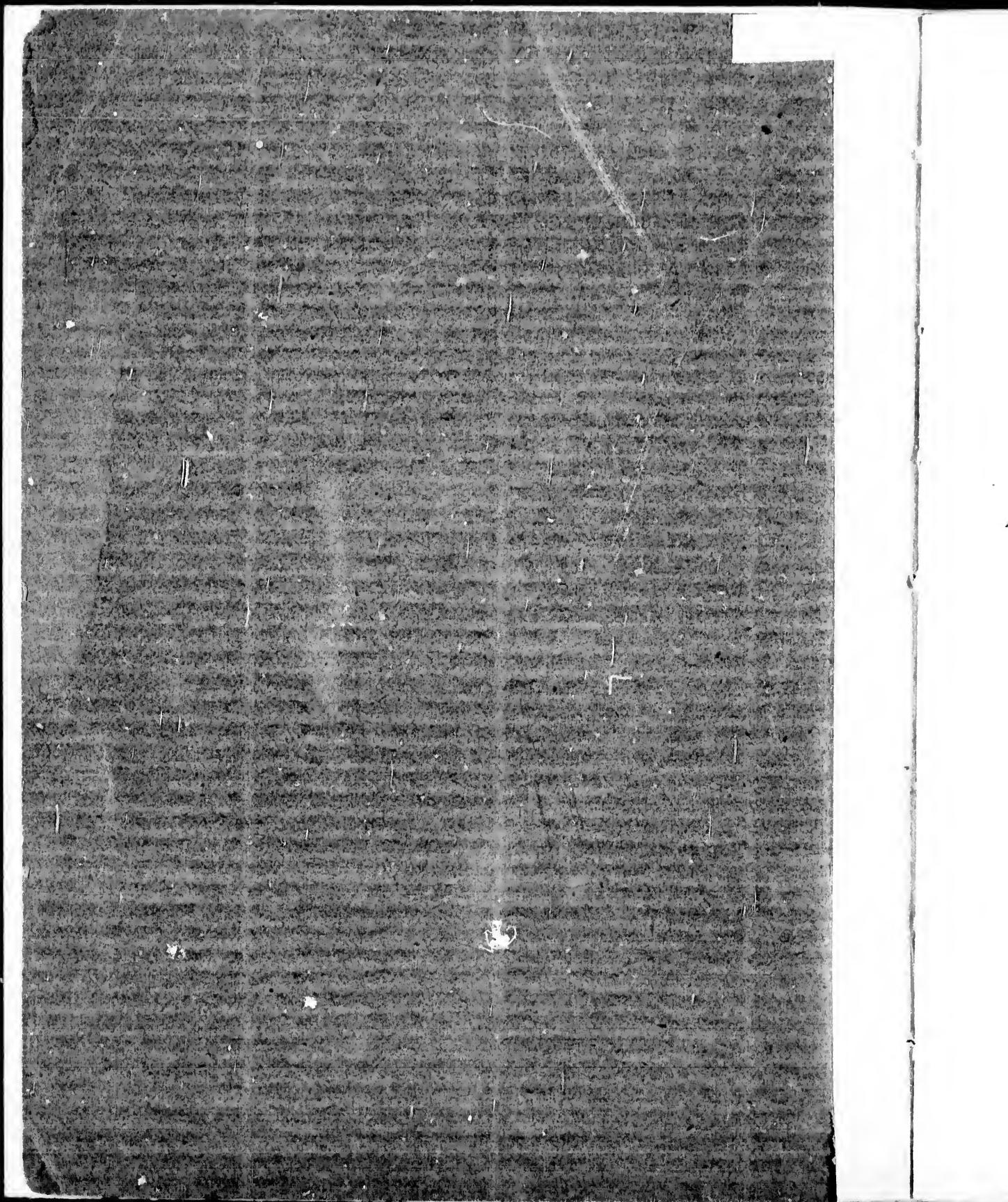
THIRD EDITION

Issued under the authority of The Ontario Fish and Game Commissioners

CANADA LAW JOURNAL COMPANY
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1897



ONTARIO
Game and Fishing
LAWS

A Digest of the whole law, Provincial and Dominion, affecting Birds, Animals and Fish in Ontario, alphabetically arranged, with references to the various Statutes and Orders-in-Council in force October 8th, 1897.

BY

A. H. O'BRIEN, M. A.,

Barrister-at-Law.

Assistant Law Clerk of the House of Commons.

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Issued under the authority of The Ontario Fish and Game Commissioners.

Entered according to Act of the Parliament of Canada, in the year 1897, by
A. H. O'Brien, at the Department of Agriculture.

CANADA LAW JOURNAL COMPANY,

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PREFACE TO THE FIRST EDITION.

The difficulty of ascertaining the law from the network of original and amended statutes, both of the Dominion and the Ontario Legislatures, and from the various Orders-in-Council suspended and re-enacted, is the reason for the issue of this Digest.

With regard to game, the Dominion Parliament has not, nor does it claim, jurisdiction, but with regard to fish both governments now lay claim over all waters within this Province; at the time, however, of the passing of many of the Acts referred to herein, the Legislature of Ontario claimed jurisdiction over non-navigable and inland waters only, and the Dominion Parliament similarly over navigable streams and the greater lakes.

This Digest is a synopsis of the whole law, so far as it relates to the various animals, birds and fish protected by it, and is intended both as a handbook for the guidance and protection of sportsmen, and also as a book of reference for those whose duty or privilege it is to enforce the laws for the protection of the stock of game in this Province already so much depleted.

TORONTO, Nov. 1st., 1892.

A. H. O'B.

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PREFACE TO THE THIRD EDITION.

In the three years that have elapsed since the last edition, the statute law has greatly changed, and many new Orders-in-Council been passed. The present Digest contains an increased number of headings as well as many additional cross-references, and it is believed that the existing law is complete within these pages.

The case which was submitted to the Supreme Court of Canada, for decision upon the respective rights of the Dominion and Provincial authorities to make laws regulating fishing, was decided by that court mainly in favor of the Province. An appeal, however, was taken to the Judicial Committee of the Imperial Privy Council, where the case was argued, and is now standing for judgment. The decision of the Judicial Committee will define the rights to be exercised by the Dominion Parliament and the Provincial Legislature respectively, in the navigable and non-navigable waters of this Province.

At the last session of the Ontario Legislature an Act (60 Vict. c. 9) was passed, to come into force by proclamation. This Act regulates fishing in Ontario, and will be proclaimed law should the decision of the Judicial Committee be in favor of the Province. Until the Act above mentioned is proclaimed to be in force the law must be gathered from various Statutes and Orders-in-Council, both of the Dominion and the Province, and is as comprised within the pages of this Digest.

OTTAWA, Oct. 8th, 1897.

A. H. O'B.

EXPLANATIONS AND ABBREVIATIONS.

- "C.O.C."=Consolidated Orders-in-Council (Dominion) 1889.
- "D.O.C." followed by the month, day and year, refers to a Dominion Order-in-Council of that date.
- "D.O.C." followed by a year date and page, refers to a Dominion Order-in-Council bound with the Statutes of Canada of that year.
- "G.P.A."="The Ontario Game Protection Act, 1893," being S.O. 1893, c. 49.
- "O.O.C." followed by the month, day and year, refers to an Ontario Order-in-Council of that date.
- "O.O.C." without any date refers to an Ontario Order-in-Council in *Canada Gazette* of May 28th, 1887.
- "R.S.C."=Revised Statutes of Canada (1886.)
- "R.S.O."=Revised Statutes of Ontario (1887.)
- "S.C."=Statutes of Canada of the year which follows.
- "S.O."=Statutes of Ontario of the year which follows.
- "ib."=Same reference as the one preceding.
- "Commissioner"=Commissioner of Crown Lands (Toronto.)
- "Lieut.-Governor"=Lieutenant-Governor of Ontario.
- "Minister"=Minister of Marine and Fisheries (Ottawa).
- The words "hunt," "take," and "kill," with regard to game, and "fish for," "catch," and "kill" with regard to fish, are usually interchangeable.
- Under "The Fisheries Act," Dominion (R.S.C., c. 95), each day during which an infraction of the Act continues constitutes a separate offence. (S.C. 1894, c. 51, s. 9.)
- If there is no reference in this Digest to any particular fish, there is no law relating to it, but see title "Fish"; as to animals, see title "Animal," and as to birds, see title "Bird."

DIGEST.

ANIMAL—No person not a resident and domiciled in Ontario may hunt or kill any animal without a license. (G.P.A. s. 14, s-s. 1; S.O. 1896, c. 68, s. 6.)

See **GAME ANIMAL—LICENSE.**

BAIT—Small trout may be used by fishermen for baiting traps. (R.S.C. c. 95, s. 9, s-s. 4.)

BAITED LINES—*See* **TRAPS.**

BARFISH—May not be taken with spears, grapnel hooks, negog or nishagans. (R.S.C. c. 95, s. 14, s-s. 8.)

Meshes of seines must be three inches wide. (ib. s-s. 10.)

BASS—Open season June 16th to April 14th in following year, both days inclusive. (D.O.C. 1895, p. lxxxvi.)

May not be taken with spears, grapnel hooks, negog or nishagans. (R.S.C. c. 95, s. 14, s-s. 8.)

Hook and line only may be used to catch. (S.O. 1892, c. 10, s. 9.)

Not more than 12 may be caught in one day by one tourist. (ib. s. 5.)

When under 10 inches long must be returned to the water. (ib. s. 6.)

See **LICENSE.**

BEAVERS—Open season Nov. 1st to April 1st in following year, both days inclusive. (S.O. 1897, c. 54, s. 1.) *But see below.*

May not be killed before Nov. 1st, 1900. (ib. s-s. 2.)

See **EXPORTATION—TRAPS.**

BIRD—No native wild bird may be killed, wounded, caught, sold, or had in possession, except hawks, crows, black-birds and English sparrows, and game birds in their open season (S.O. 1889, c. 50, ss. 2, 3), but robins attacking fruit may be killed. (ib. s. 2, s-s. 2.)

No nest, young or egg of any bird except hawks, crows, black-birds and English sparrows, may be taken or destroyed at any time. (ib. s. 4.)

Ornithologists and biologists may obtain from the Chief Game Warden a permit to take for the purpose of study, birds and eggs other than those above mentioned. (ib. s. 6; S.O. 1894, c. 57, s. 5.)

No person not a resident and domiciled in Ontario may hunt or kill any kind of bird without a license. (G.P.A. s. 14, s-s. 1; S.O. 1896, c. 68, s. 6.)

See **GAME ANIMAL—LICENSE—TIME—WILD FOWL.**

BLACKBIRDS may be killed any time. (S.O. 1889, c. 50, s. 2, s-s. 1.)

BOARD—*See* **FISH AND GAME COMMISSIONERS.**

BOATS—*See* **ILLEGAL CONTRIVANCES.**

BREEDING—Game put or bred on lands for breeding purposes may not be hunted without consent of owner of land. (G.P.A. s. 10; S.O. 1894, c. 57, s. 3; S.O. 1895, c. 56, s. 7)

BROOK TROUT—Open season Jan. 1st to Sept. 15th, both days inclusive. (R.S.C. c. 95, s. 9, s-s. (a).)

Hook and line only may be used to catch. (S.O. 1892, c. 10, s. 9; R.S.C. c. 95, s. 9, s-s. 2.)

May not be taken with spears, grapnel hooks, negog or nishagans. (R.S.C. c. 95, s. 14, s-s. 8.)

50 only may be caught in one day by one person. (S.O. 1892, c. 10, s. 7.)

15 lbs. weight only may be taken in one day by one person. (ib.)

Under 5 inches must be returned to the water. (ib. s. 8.)
See **LICENSE—TROUT.**

CARIBOU—See **DEER.**

CHIEF FISH AND GAME WARDEN—Edwin Tinsley, Parliament Buildings, Toronto. (O.O.C., May 2nd, 1895.)

Appointed by Lieut.-Governor in Council. (G.P.A., s. 12.)

May appoint Deputy Wardens on authorization of Board. (ib.)

Is a Justice of the Peace for the purposes of "The Ontario Game Protection Act, 1893." (ib. s-s. 2.)

See **WARDENS.**

CISCOES—See **HERRING.**

COMMISSIONER of Crown Lands (Ontario)—Hon. J. M. Gibson, Q.C., Toronto.

Commissioner and General Inspector of Fisheries for Canada—Edward E. Prince, Ottawa (*Canada Gazette*, Nov. 16th, 1895.)

See **FISH AND GAME COMMISSIONERS.**

CONSTABLES—See **DEPUTY WARDENS.**

CROWN LANDS are ungranted lands belonging to the Province, and include land covered by water. (R.S.O., c. 32, s. 3, s-s. 1.)

CROWN LANDS' AGENTS — *See* **DEPUTY WARDENS.**

CROWS may be killed any time. (S.O. 1889, c. 50, s. 2, s-s. 1)

CRUSTING—*See* **DEER.**

DEER—Open season Nov. 1st to Nov. 15th, both days inclusive, but no moose, elk, reindeer, or caribou may be hunted before Oct. 25th, 1900. (S.O. 1895, c. 56, s. 1.)

Only 2 deer, moose, elk, reindeer or caribou may be taken in one season by one person. But this does not apply to deer which are private property. (G.P.A. s. 2, s-s. 3.)

Non-residents may not hunt deer of any kind without a license. (*See* **LICENSE.**) (ib. s. 14, s-s. 1.)

Hunting by crusting or when deer are yarding is prohibited. (ib. s s. 4.)

No person may transport or have in possession, except from November 1st to 22nd, any wild deer, or its head or raw skin or venison, unless accompanied by affidavit that same was taken during the open season, and unless a shipping coupon (*See* under **LICENSE**) is attached. (S.O. 1896, c. 68, s. 2, s-s. 4; 1897, c. 54, s. 1.)

May not be taken in the water, or immediately after leaving same. (S.O. 1896, c. 68, s. 1.)

Any person with a gun, and being in a boat near any place where deer are likely to enter the water, is prima facie hunting deer illegally. (S.O. 1896, c. 68, s. 1.)

May not be taken or killed for exportation, or be exported from Canada. (S.C. 1894, c. 33, s. 16.)

May not be taken or killed for exportation or be exported from Ontario, but a non-resident who holds a license may export the two deer allowed to be killed by him. (G.P.A. s. 6; S.O. 1895, c. 56, s. 2.)

Deer which are private property and killed by the owner, or with his consent, and upon his own lands, may be exported. (G.P.A. s. 6.)

See **DOGS—ESSEX—INDIANS—SETTLERS—TRAPS.**

DEPUTY WARDENS, appointed by Board or Chief Game Warden. (G.P.A. s. 12, s-s. 1.)

Are constables for purposes of Game Protection Act. (S.O. 1895, c. 56, s. 5.)

To seize all birds and animals in possession of any person contrary to Game Protection Act, and to bring such person before a J.P. (G.P.A. s. 15, s-s. 1.)

To search any receptacle in which they believe game taken out of season is hidden. (ib. s-s. 2.)

May arrest any person violating the game laws in their presence. (ib., s. 16, s-s. 1.)

Persons with power of Deputy Wardens:—Sheriffs, deputy-sheriffs, constables, police, wood rangers, Crown Lands' agents, timber agents, fire wardens, and fishery inspectors or overseers are vested with all the powers of Deputy Wardens. (ib. s-s. 2.)

DISGUISE—Persons masked or disguised may not have fire arms in their possession when near any shooting ground. (G.P.A. s. 25.)

DOGS—No hound or dog accustomed to pursue deer is allowed at large where deer are found, during close season for deer. (G.P.A., s. 2, s-s. 2.)

Hounds or dogs running deer during the close season may be killed on sight by any person, who shall not be liable to damages for so doing. (ib.)

DORE—*See* **PICKEREL**.

DUCKS—Open season Sept. 1st to Dec. 15th, both days inclusive. (G.P.A. s. 3, s-s. 1 [d].)

Killing from sail boats or steam yachts prohibited. (ib. s. 4, s-s 1.)

Killing by batteries, swivel guns and sunken punts prohibited. (ib.)

See **EXPORTATION—LICENSE—TIME—TRAPS.**

DYNAMITE—*See* **EXPLOSIVES.**

EELS—May be caught by weirs and mill-dams, but not so as to deprive other weirs of a share in the run of eels. (R.S.C., c. 95, s. 14, s-s. 4.)

May not be taken by spear or torch during October and November in any waters frequented by salmon or trout, (D.O.C., 1895, p. lix.)

EGGS—of game birds may not be taken, destroyed or had in possession at any time. (G.P.A., s. 4, s-s. 3.) *But see below.*

Ornithologists and biologists may obtain from Chief Game Warden a permit to collect eggs at any time for the bona fide purpose of study. (S.O. 1889, c. 50, s. 6; 1894, c. 57, s. 5.)

ELK—*See* **DEER.**

ESSEX, COUNTY OF—Deer may not be taken at any time. (O.O.C., Oct 23rd, 1896.)

EVIDENCE—An accused person and the person laying the information are competent and compellable to

give evidence at any hearing or trial under the Game Protection Act, or the Act for the Protection of the Provincial Fisheries. (G.P.A., s. 18; S.O. 1892, c. 10, s. 24.)

EXPLOSIVES—Use of any explosive material to kill fish is prohibited. (C.C.C., p. 655; S.O. 1892, c. 10, s. 12; S.C. 1894, c. 51, s. 1.)

EXPORTATION—No game bird or animal may be hunted or killed for exportation or be exported from Ontario (G.P.A., s. 6), but a non-resident who holds a license may export the two deer allowed to be killed by him (S.O. 1895, c. 56, s. 2), *but see below*. As to Ducks see **LICENSE**.

No deer, wild turkey, quail, partridge, prairie fowl or woodcock may be exported from Canada. (S.C. 1894, c. 33 s. 16.)

See **DEER**.

FINES—See **PENALTIES**.

FIRE ARMS—Killing of fish by, prohibited. (D.O.C., 1892, p. xxvi.)

FIRE WARDENS—See **DEPUTY WARDENS**.

FISH—May not be taken by nets, traps, etc., in Provincial waters, without a license. (S.O. 1892, c. 10, s. 10.)

May not be killed by explosive materials. (S.C. 1894, c. 51, s. 1.)

May not be caught to use as manure. (ib. s. 5.)

Young of fish may not be caught, sold or had in possession. (R.S.C. c. 95, s. 14, s-s. 9.)

See **POLLUTION OF FISHING GROUNDS**.

FISH AND GAME COMMISSIONERS — Board composed of 5 members appointed for three years by Lieutenant-Governor in Council, who may fill vacancies. Commissioners may be re-appointed on expiration of their term of office. (G.P.A., s. 11.)

Are Justices of the Peace for purposes of Game Protection Act. (S.O. 1895. c. 56, s. 3.)

To make rules for Wardens. (G.P.A., s. 11, s-s. 3.)

To enforce game laws, propagate fish, collect information and statistics, etc. (ib. s. 13.)

May appoint Deputy Wardens, and dismiss them in their discretion. (ib. s. 12.)

Members of Board : G. A. McCallum, M.D. (Chairman), Dunnville; H. P. Dwight, Toronto; W. B. Wells, Chatham; W. G. Parish, Athens; James Dickson, P.L.S., Fenelon Falls; Edwin Tinsley (Secretary), Parliament Buildings, Toronto. (*Ontario Gazette*, July 6th, 1895, and May 30th, 1896.)

FISH PONDS--Destroying flood gates or sluices on any private water, or putting in lime to destroy fish is an indictable offence. (S.C. 1892, c. 29, s. 499, s-s. C. (e), (f).)

See **POISON**.

FISH POUNDS—See **ILLEGAL CONTRIVANCES**.

FISHERY INSPECTORS AND OVERSEERS—See **DEPUTY WARDENS**.

FISHERY OFFICERS — Governor in Council may appoint, who have powers of J. P.'s. (R.S.C. c. 95, s. 2; s. 17, s-s. 7.)

May require fish-ways to be made in dams, where directed by Minister. (ib. s. 13, s-s. 1.)

May prescribe distance between fishery limits. (ib. s. 14, s-s. 11.)

May convict on view, detain any fishing materials unlawfully in use, and **search any vessel or place** for this purpose. (ib. s. 17.)

Local officers to settle disputes about fishing limits, etc., and the position or use of nets. (ib. s. 17, s-s. 5.)

FISH WAYS—Every dam, slide or obstruction across any stream must, when the Minister considers it necessary, be provided with a fish way by the owner or occupier; the place and form whereof may be prescribed by the Fishery Officer. (R.S.C. c. 95, s. 13, s-s. 1.)

Must be kept open and supplied with water. (ib. s-s. 3.)

Fish may not be caught in fish ways. (R.S.C. c. 95, s. 14, s-s. 6; S.O. 1892. c. 10, s. 11.)

See **NETS.**

FOREIGNER—When the word “foreigner” is used in this Digest it means a person not a British subject.

See **LICENSE.**

GAME ANIMAL, or GAME BIRD means an animal or bird protected by the provisions of “The Ontario Game Protection Act, 1893.” (G.P.A., s. 28.)

Open season Sept. 15th to Dec. 15th, both days inclusive, for game animals and birds, not otherwise provided for. (ib. s. 3, s-s. 1 (a).)

Traps, nets, snares, gins, baited lines, etc., may not be set for any game animal or bird, and any traps, etc., so set **may be destroyed** by any person without incurring any liability therefor. (ib. s. 7.)

GAME BIRD—*See* **GAME ANIMAL—TIME.**

GEESE—Open season Sept. 15th to May 1st in following year, both days inclusive. (G.P.A., s. 3, s-s. 1 (c).)

May not be killed by batteries, swivel guns or sunken punts. (ib. s. 4, s-s. 1.)

See **EXPORTATION—TRAPS.**

GILL NETS—*See* **RAINY RIVER DISTRICT—SALMON TROUT—WHITE FISH.**

GINs—*See* **NETS—TRAPS.**

GRAPNEL HOOKS—*See* **SPEARING.**

GRAYLING—Hook and line only may be used to catch, unless net license obtained. (O.O.C.)

GROUSE—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A. s. 3, s-s. 1 (a).)

See **EXPORTATION—TRAPS.**

HARES—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A., s. 3, s-s. 1 (a).)

Cotton-tail rabbit may be destroyed. (ib. s-s. 4.)

See **EXPORTATION—RABBITS—TRAPS.**

HAWKS—May be killed any time. (S.O. 1889, c. 50, s. 2, s-s. 1.)

HERRING—May not be taken with spears, grapnel hooks, negog or nishagans. (R.S.C. c. 95, s. 14, s-s. 8.)

Hook and line only may be used to catch, unless net license obtained. (O.O.C.)

HOUND—*See* **DOGS.**

ICE—Fishing for speckled trout through the ice prohibited. (D.O.C. 1896, p. lix.)

ILLEGAL CONTRIVANCES — Bag-nets, trap-nets and fish pounds prohibited. (R.S.C. c. 95, s. 14, s-s. 7.)

Spears, grapnel hooks, negog and nishagans prohibited for catching salmon, trout or lunge, maskinonge, winaniche, bass, barfish, pickerel, white-fish, herring or shad. (ib. s-s. 8.)

Vessels, vehicles, implements, etc., used in violating the Fisheries Act are liable to be confiscated. (S.C. 1894, c. 51, s. 8.)

Batteries, swivel guns and sunken punts for killing swans, geese or ducks, prohibited. (G.P.A. s. 4, s-s. 1.)

May be destroyed by any person without being liable for damages. (ib. s. 7.)

Torchlight fishing prohibited. (O.O.C.)

See **TRAPS**.

INDIANS—Game laws do not apply to, in an unorganized township, or territory divided into townships, or any territory where deer are found, when the game is killed for their own food, and not to sell. (G.P.A. s. 27; S.O. 1894, c. 57, s. 6; S.O. 1896, c. 68, s. 2, s-s. 8.)

Do not require a license to hunt deer. (O.O.C. Oct. 23, 1896.)

May fish with night lines and set lines in certain cases. (S.O. 1892, c. 10, s. 14.)

INSECTIVOROUS BIRDS—See **BIRD**.

LAKE TROUT—Open season Dec. 1st to Oct. 15th in following year, both days inclusive. (R.S.C. c. 95, s. 9, (a).)

May not be taken with spears, grapnel hooks, negog or nishagans. (ib. s. 14, s-s. 8.)

May not be taken by nets, etc., without a license. (S.O. 1892, c. 10, s. 10.)

See **LICENSE—TROUT.**

LEASE—See LICENSE.

LICENSE—Fishing with nets prohibited without a lease or license. (C.O.C. p. 656; S.O. 1892, c. 10, s. 10.)

Minister may issue lease or license for fishing, but if for a term exceeding nine years it must be under authority of the Governor-in-Council. (R.S.C. c. 95, s. 4.)

Foreigners may not fish for bass, maskinonge, pike, perch (pickerel) or trout, without an angler's permit issued by the local fishery officer under authority of Minister. The fee is \$5 for 3 months, or \$10 for 6 months. One permit only can be issued to each applicant and must have holder's name on it; is not transferable, and must be produced whenever demanded by a fishery officer. Only one fishing line with not more than three hooks may be used. Only twelve bass, pike or perch (pickerel), twenty trout and four maskinonge may be taken in a day. No bass, pike or perch (pickerel) taken shall be under ten inches in length, or any trout under six inches, or if such be caught must be returned to the water, alive if possible. Under such permit no fish may be exported or sold. (D.O.C. 1895, p. lix.) *But see below.*

Persons holding leases of fishing rights are not affected by the above regulations. (ib.)

Foreigners temporarily domiciled in Canada and employing Canadian boats and boatmen do not require the above permit, (ib.); but this privilege is not extended to Rice Lake. ("Temporarily domiciled"—stopping at Canadian hotels or boarding houses.) (Interpretation of Department of Marine and Fisheries.)

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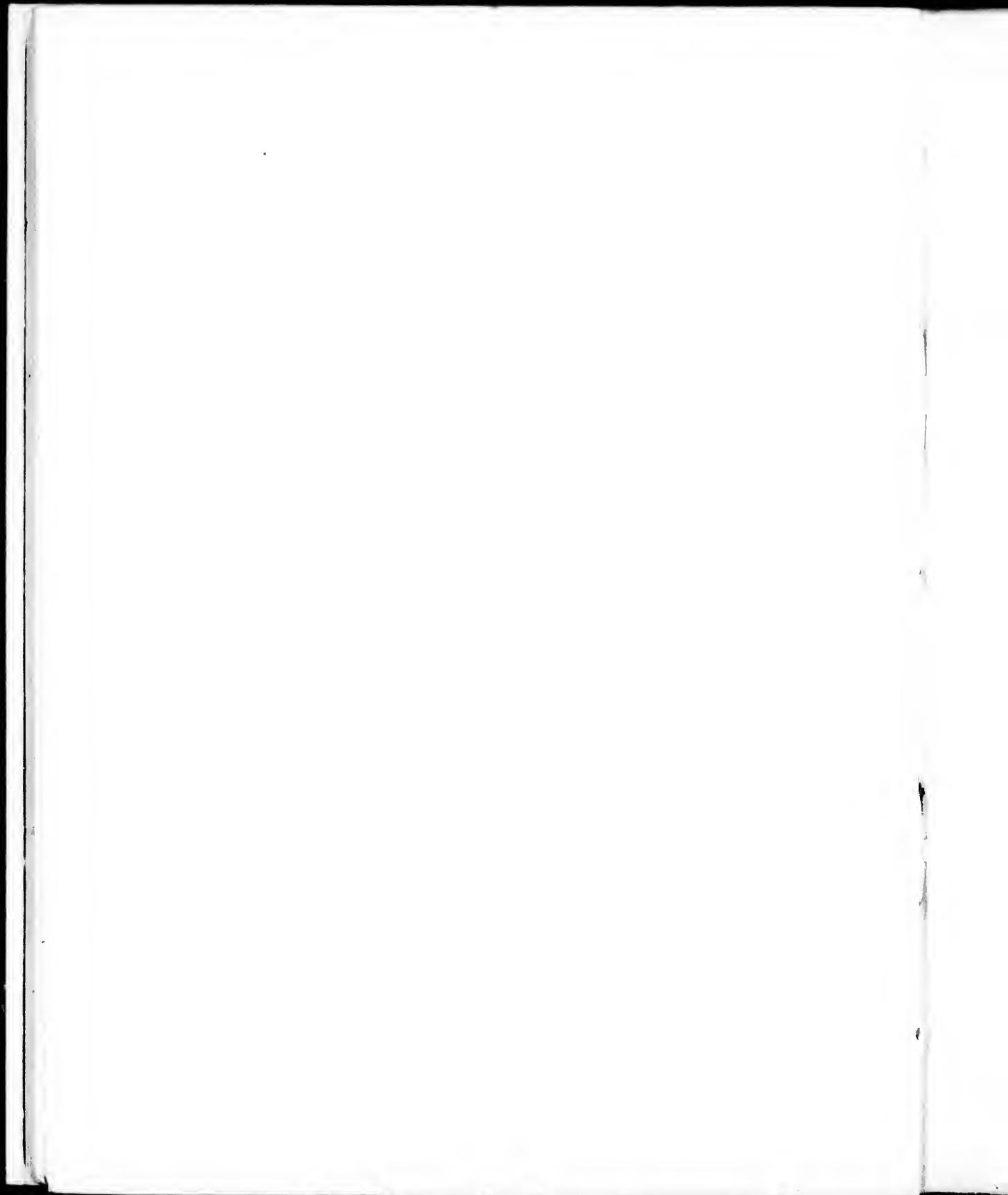
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Non-resident must obtain a fishing permit from Commissioner. (O.O.C.)

Commissioner may issue fishery leases and fishing licenses, subject to Orders-in-Council, to fish in any waters belonging to the Province. (R.S.O., c. 32, s. 3, s-s. 5.) Such leases shall be **for not more than 5 years** and shall be made to the highest bidder, who shall pay an annual rental therefor in advance. (ib. s-ss. 5, 6.)

Leases may not be transferred without consent of Commissioner. (ib. s. 7.)

Fishing lease extends 66 feet inland from water. (O O.C)

Non-residents may not hunt any bird or animal without a license signed by the Chief Fish and Game Warden, and counter-signed by the Provincial Secretary or his deputy, and such license must have endorsed on it the signature of the person to whom it is granted. **The license fee is \$25** and such license is for one season only. (G.P.A., s. 14, s-s. 1.) Licenses may be required to be produced at the request of any person at any time on pain of forfeiture, and refusal may also render the holder liable to a penalty of \$20 to \$50. (G.P.A., s. 14, s-s. 2 ; S.O. 1896, c. 68, s. 2, s-s. 6.)

A non-resident may take 50 ducks out of the Province if killed by him, provided he has the above license, and also obtain a permit from a Warden. (G.P.A., s. 14, s-s. 3)

Residents of Ontario may not hunt deer without a license signed by the Chief Fish and Game Warden, and countersigned by the Provincial Secretary. Such license is for one season only, and the **fee is \$2**. Licenses are issued by the Chief Game Warden or any Warden. Two shipping coupons are attached to each license, one of which shall be signed and detached by the person to whom the license is issued, in the presence of the shipping agent at the point of shipment, and be

attached to each deer or part of a deer to be shipped, and such coupon shall be cancelled by the carrier on arrival at destination by writing "cancelled" across the face. (S.O. 1896, c. 68, s. 2.)

Permit to hunt may be granted free to a guest of a resident for a term not exceeding one week, by the Provincial Secretary. (ib. s-s. 4.)

LORD'S DAY—*See* **SUNDAY**.

LUNGE—*See* **MASKINONGE**.

MAGISTRATE may convict on view for an offence under Game Protection Act. (G.P.A., s. 17)

MASKS—*See* **DISGUISE**.

MASKINONGE—Open season June 16th to April 14th in following year, both days inclusive. (C.O.C., p. 655.)

In Rice Lake, open season June 2nd to April 14th in following year, both days inclusive. (D O.C. 1896, p. lx.)

Hook and line only may be used to catch. (S.O. 1892, c. 10, s. 9.)

May not be taken with spears, grapnel hooks, negog or nishagans. (R.S.C., c. 95. s. 14, s-s. 8.)

See **LICENSE**.

MILL-DAMS—*See* **EELS**.

MOOSE—*See* **DEER**.

MUSCALLONGE—*See* **MASKINONGE**.

MUSKRAT—Open season Jan. 1st to May 1st, both days inclusive, but no muskrat may be shot during April. (G.P.A. s. 8, s-s. 1; S.O. 1894, c. 57, s. 2.)

Muskrat houses may not be destroyed or injured at any time (G. P.A., s. 8, s-s. 1.), *but see below.*

Musk rats destroying property may be killed at any time by owner of property, and also when there is a probability of their injuring dams or drainage embankments. (G.P.A., s. 8, s-s. 1)

See **EXPORTATION—TRAPS.**

NETS—Fishing with nets or other apparatus prohibited without license from Minister. (C.O.C. p. 656.)

Snares for catching fish prohibited. (ib. p. 655.)

Pound nets prohibited except under license. (D.O.C. 1892, p. xxx.)

Purse nets prohibited. (S.C. 1891, c. 43, s. 1.)

Boats must not destroy or injure. (R.S.C. c. 95, s. 14, s-s. 2.)

Must not obstruct navigation. (ib.)

Main channel of stream must not be obstructed by. (ib. s-s. 4.)

Bag-nets, trap-nets and fish pounds prohibited. (ib. s s. 7.)

Seines, nets, etc., must be raised to admit free passage of fish, from 6 P.M. **Saturday, to Monday** at 6 A.M. (S.C. 1894, c. 51, s. 4.)

Traps, nets, snares, gins, baited lines, etc., may not be set for game birds or animals at any time, and **may be destroyed** by any person without incurring any liability therefor. (G.P.A., s. 7.)

Passage of fish must not be obstructed unduly by nets, weirs, etc. (O.O.C.; S.C. 1894, c. 51, s 5.)

See **ILLEGAL CONTRIVANCES—SALMON—SALMON TROUT—WHITE FISH.**

NIGHT LINES — Prohibited without a license. (S.O. 1892. c. 10, s. 10.)

May be used by Indians and settlers in certain cases.
(ib. s. 14.)

See **TRAPS**.

NIGHT TIME—See **TIME**.

NON-RESIDENT—A person not residing in Ontario.

See **ANIMAL—BIRD—LICENSE—TOURIST**.

OTTER—Open season Nov. 1st to April 1st in following year, both days inclusive. (G.P.A., 8, s. 8, s-s. 1.) *But see below.*

May not be killed before Nov. 1st, 1900. (S.O. 1897, c. 54, s-s 2.)

See **EXPORTATION—TRAPS**.

PARTRIDGE—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A., s. 3, s-s. 1. (a)) *But see below.*

May not be sold till Sept. 15th, 1900, no matter where killed or procured. (S.O. 1897, c. 54, s. 2.)

See **EXPORTATION—TIME—TRAPS**.

PENALTIES AND FINES—One-half of every fine will be paid to prosecutor or person on whose evidence the conviction is made. (G.P.A., s. 22; S.O. 1892, c. 10, s. 28; and for penalties generally, see R.S.C. c. 95, s. 21; S.C. 1892, c. 29, s. 499, s-s. c.; S.C. 1894, c. 51, ss. 1, 6, 7, 10; R.S.O. c. 32, ss. 9, 24, 26, 27, 30; S.O. 1892, c. 10, ss. 10, 12, 13, 21; S.O. 1896, c. 68, s. 2, s-s. 7.)

PERCH—Hook and line only may be used to catch, unless net license is obtained. (O.O.C.)

See **LICENSE**.

PERMIT—Commissioner may grant, to fish in water adjoining Crown Lands, for one month. (R.S.O. c. 32, s. 18.)

Provincial Secretary may grant to a guest of a resident, free of charge, for one week. (G.P.A., s. 14, s-s. 4; S.O. 1894, c. 57, s. 4.)

See **LICENSE**.

PHEASANTS—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A., s. 3, s-s. 1. (a).) *But see below.*

English and Mongolian pheasants may not be killed before Sept. 15th, 1900. (S.O. 1897, c. 54, s. 2.)

See **EXPORTATION—TIME—TRAPS**.

PICKEREL (Doré)—Open season May 16th to April 14th in following year, both days inclusive. (C.O.C. p. 655.)

May not be taken with spears, grapnel hooks, negog or nishagans. (R.S.C. c. 95, s. 14, s-s. 8)

Hook and line only may be used to catch. (S.O. 1892, c. 10, s. 9).

See **LICENSE**.

PIKE—Hook and line only may be used to catch, unless net license obtained. (O.O.C.)

See **LICENSE**.

PLOVER—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A., s. 3, s-s. 1 (a).)

See **EXPORTATION—TIME—TRAPS**.

POISON—Killing any game animal by poison prohibited.

Poison, poisoned bait, etc., must not be exposed in any locality to which dogs or cattle might have access. (G.P.A., s. 5.)

Poisonous matter must not be thrown into any water frequented by fish. (1895, c. 27, s. 1.)

Poisons or lime may not be used to kill fish. (S.O. 1892, c. 10, s. 12.)

Putting lime or other noxious material into a private fishery or salmon river, is an indictable offence. (S.C. 1892, c. 29, s. 499, s-s. C. (f))

See **POLLUTION OF FISHING GROUNDS.**

POLICE *See* **DEPUTY WARDENS.**

POLLUTION OF FISHING GROUNDS—Sawdust, coal ashes, ballast, stones, lime, chemicals, poisonous matter, dead fish, etc., must not be thrown into any water frequented by fish; and no offal, decayed leaves or fish must be left upon any beach. (R.S.C. c. 95, s. 15, s-s. 1; S.C. 1894, c. 51, s. 6.)

POSSESSION—No person may transport or have in possession any deer, skin or venison, except from Oct. 20th to Nov. 22nd, unless accompanied by an affidavit that same taken during open season. (G.P.A., s. 2, s-s. 5.)

During close season no person shall have in possession any game bird or animal, but such may be exposed for sale for 5 days only after open season has expired, and may be had in possession for the private use of the owner and his family at any time. (ib. s. 4, s-s. 4.)

During close season no person shall have in possession any fish, except for the first five days thereof only. (S.O. 1892, c. 10, s. 13.)

Snipe, woodcock or partridge may not be kept for sale or sold till Sept. 15th, 1900, or quail or wild turkey till Oct. 15th, 1900. (S.O. 1894, c. 57, s. 1.)

Persons masked or disguised may not have fire arms in their possession when near any shooting ground. (G.P.A., s. 25.)

PRAIRIE FOWL—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A., s. 3, s s. 1 (a).) *But see next page.*

May not be killed till Sept. 15th, 1900. (S.O. 1897, c. 54, s. 2.)

See **EXPORTATION—TIME—TRAPS.**

PRIVATE LANDS - *See* **TRESPASS.**

QUAIL—Open season Oct. 15th to Dec. 15th, both days inclusive. (G.P.A., s. 3, s-s. 1 (b).) *But see below.*

May not be sold till Oct. 15th, 1900, no matter where killed or procured. (S.O. 1897, c. 54, s. 2.)

See **EXPORTATION—TIME—TRAPS.**

QUEBEC—If, and when, residents of Ontario are placed on the same footing under the Quebec Game Laws as residents of Quebec, the Lieut.-Governor may, by Order in Council, exempt residents of Quebec from the license required for hunting birds and animals in Ontario. (S.O. 1897, c. 54, s. 4)

See **ANIMAL—BIRD.**

RABBITS—May be destroyed any time. (G.P.A., s. 3, s-s. 4.)

See **HARES.**

RACK—*See* **TRAPS.**

RAIL—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A., s. 3, s-s. 1 (a).)

See **EXPORTATION—TIME—TRAPS.**

RAINY RIVER DISTRICT—Gill nets may be used by settlers in certain lakes under certain conditions. (D.O.C. 1896, p. lvii.)

REINDEER—*See* **DEER.**

RESIDENT—Where the word "Resident" is used in this Digest it means a person residing in Ontario, unless otherwise stated.

See **LICENSE**

RICE LAKE - *See* **LICENSE—MASKINONGE.**

RIVER TROUT—Open season Jan. 1st to Sept. 15th, both days inclusive. (R.S.C., c. 95, s. 9, s-s (a))

Hook and line only may be used to catch. (ib. s-s 2.)

May not be taken with spears, grapnel, hooks, negog or nishagans. (ib. s. 14, s-s. 8.)

See **LICENSE—TROUT.**

SABLE—There is no close season for sable.

See **EXPORTATION—LICENSE—TRAPS.**

SALE OF GAME—*See* **POSSESSION.**

SALMON—Open season May 1st to July 31st, both days inclusive, but may be caught by fly fishing with rod and line to August 31st in addition. (R.S.C. c. 95, s. 8, s-s. 1.)

Foul or unclean salmon, fry, parr and smolt may not be caught at any time. (ib. s-ss. 2, 3.)

Weight must be 3 pounds at least. (ib. s-s. 3.)

Meshes of nets must be 5 inches wide. (ib. s-s. 4)

Swing nets prohibited. (ib. s-s. 5.)

May not be taken with spears, grapnel hooks, negog or nishagans. (ib. s. 14, s-s. 8.)

See **EELS—NETS.**

SALMON TROUT - Open season Dec. 1st to Oct. 31st in following year, both days inclusive. (D.O.C. 1892, p. xxxvi.)

Hook and line only may be used to catch, unless net license obtained. (R.S.C., c. 95, s. 9, s-s. 2 : O.O.C.)

Gill nets must have 5-inch meshes, and shall not be set within two miles of any seining ground. (R.S.C. c. 95, s. 10, s-s. 3.)

May not be taken with spears, grapnel hooks, negog or nishagans. (ib. s. 14, s-s 8.)

May not be taken by nets, etc., without a license. (S.O. 1892, c. 10, s. 10.)

See **LICENSE—TROUT.**

SAWDUST—*See* **POLLUTION OF FISHING GROUNDS.**

SEINES—*See* **NETS—TRAPS.**

SET LINE—*See* **TRAPS.**

SETTLERS—Game laws do not apply to, in unorganized townships, or territory not divided into townships, or any territory where deer are found, **if game killed for food, and not to sell.** (G.P.A. s. 27; S.O. 1894, c. 57, s. 6; S.O. 1896, c. 68, s. 2, s-s. 8). *But see below.*

May not hunt, before Nov. 1st 1900, any moose, elk, reindeer or caribou, or have the same in possession. (S O. 1896, c. 68, s. 7.)

Do not require a license to hunt deer. (O.O.C. Oct. 23rd, 1896.)

May use night lines and set lines in certain cases. (S.O. 1892, c. 10, s. 14).

SHAD—May not be taken with spears, grapnel hooks, negog or nishagans. (R.S.C. c. 95, s. 14, s-s. 8.)

SHERIFF—*See* **DEPUTY WARDENS.**

SHOOTING OF FISH—*See* **FIRE ARMS.**

SNARES—*See* **NETS—TRAPS.**

SNIPE—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A., s. 3, s-s. 1 (a.)). *But see next page.*

May not be sold till Sept. 15th, 1900, no matter where killed or procured. (S.O. 1897, c. 54, s. 2.)

See **EXPORTATION—TIME—TRAPS.**

SPARROWS (English)—May be killed any time. (S.O. 1889, c. 50, s. 2, s-s. 1.)

SPAWNING—Catching fish during spawning time, or disturbing spawning beds prohibited. (O.O.C.)

SPEARING—Salmon, trout, lunge, maskinonge, winaniche, bass, barfish, pickerel, whitefish, herring or shad may not be taken by means of spears, grapnel hooks, negog or nishagans. (R.S.C. c. 95, s. 14, s-s. 8.)

Minister may permit spearing in certain localities. (ib.)

See **EELS.**

SPECKLED TROUT—Open season May 2nd to Sept. 14th, both days inclusive. (D.O.C. 1892, p. xxxvi.)

Fishing through the ice prohibited. (D.O.C. 1896, p. lix.)

Hook and line only may be used to catch. (R.S.C. c. 95, s. 9, s-s. 2; S.O. 1892, c. 10, s. 9.)

May not be taken with spears, grapnel hooks, negog or nishagans. (R.S.C. c. 95, s. 14, s-s. 8.)

50 only may be caught in one day by one person. (S.O. 1892, c. 10, s. 7)

15 lbs. weight only may be taken in one day by one person. (ib.)

5 inches in length, or less, must be returned to the water. (ib. s. 8.)

See **LICENSE—TROUT.**

SQUIRRELS—(Black and Grey)—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A. s. 3, s-s. 1 (a).)

See **EXPORTATION—TRAPS.**

STURGEON — Taking with nets prohibited without a license. (S.O. 1892. c. 10, s. 10.)

SUNDAY—Hunting prohibited. (R.S.O. c. 203, s. 4 ; G.P.A. s. 24.)

Fishing prohibited. (R.S.O. c. 203, s. 5.)

Nets, seines, weirs etc., must be raised between Saturday 6 p.m. and Monday 6 a.m. (S.C. 1894, c. 51, s. 4.)

SUNRISE AND SUNSET—*See* **TIME.**

SWANS—Open season Sept. 15th to May 1st ^{1st} following year, both days inclusive. (G.P.A. s. 3, s-s 1 (c).)

Killing by batteries, swivel guns and sunken punts prohibited. (ib. s. 4, s-s. 1.)

See **EXPORTATION—TIME—TRAPS.**

SWING NETS—*See* **SALMON.**

TIMBER AGENTS—*See* **DEPUTY WARDENS.**

TIME—Between half an hour after sunset and half an hour before sunrise no game bird may be killed. (G.P.A., s. 4, s-s. 2.)

Hunting on Sunday prohibited. (ib. s. 24 ; R S.O. c. 203, s. 4)

Fishing on Sunday prohibited. (R.S.O. c. 203, s. 5.)

Nets, seines, weirs, etc., must be raised from 6 p.m. Saturday to 6 a.m. Monday. (S.C. 1894, c. 51, s. 4.)

Information must be laid within 3 months of the commission of offences under the Ontario Acts respecting game and fish. (G.P.A. , s. 20, s-s. 1 ; S.O. 1892, c. 10, s. 27.)

TORCHLIGHT—Fishing by, prohibited. (O.O.C.)

TOURIST is one who temporarily visits a locality 5 miles distant from his residence. (S.O. 1892, c. 10, s. 4.)

May not take more than 12 bass in one day, and any bass less than 10 inches long must be returned to the water. (S.O. 1892, c. 10, ss. 5, 6.)

TRANSPORTATION—*See* POSSESSION.

TRAPS—Nets, snares, gins, baited lines, etc., may not be set at any time to take any kind of deer, black and grey squirrels, hares, grouse, pheasants, prairie fowl, partridge, woodcock, snipe, rail, plover, quail, wild turkeys, swans, geese or ducks ; and such traps, etc., if found set, may be destroyed by any person without his incurring any liability therefor. (G.P.A., s. 7.)

Traps, snares, gins, etc., must not be set in close season for beavers, otters, or muskrats. (ib. s. 8, s-s. 1.)

No fish shall be taken with a net, seine, snare, rack, trap, weir, night or set line without a license. (S.O. 1892, c. 10, s. 10.)

See ILLEGAL CONTRIVANCES.

TRESPASS—No person may enter growing grain, or permit his dogs to, without owner's permission, or hunt or shoot upon another's land after being notified by owner not to do so. (G.P.A. s. 9.)

Owner or occupant may give notice to trespassers verbally or in writing, or by maintaining in at least two conspicuous places in every 40 acres, upon or near the borders of premises to be protected, two sign boards, each at least 1 ft. square, containing the notice, "Hunting or shooting on these lands forbidden under Ontario Game Laws." (ib)

Fishing in leased premises prohibited. (R S.O. c. 32, s. 26.)

TROUT—Small trout for baiting traps may be used by fishermen. (R.S.C. c. 95, s. 9, s-s. 4.)

See **BROOK TROUT—EELS—LAKE TROUT—LICENSE—RIVER TROUT—SALMON TROUT—SPECKLED TROUT.**

TULIBEE—Hook and line only may be used to catch, unless net license obtained. (O.O.C.)

TURKEYS (Wild)—Open season Oct. 15th to Dec 15th, both days inclusive (G.P.A. s 3.) *But see below.*

May not be killed before Oct. 15th, 1900. (S.O. 1897, c. 54, s. 2.)

May not be sold before Oct. 15th, 1900, no matter where killed or procured. (ib.)

See **EXPORTATION—TIME TRAPS.**

VESSELS—See **ILLEGAL CONTRIVANCES.**

WARDENS—Appointed by Lieut.-Governor in Council, and not to exceed 4 in number. (G.P.A. s. 12.)

Are Justices of the Peace for the purposes of "The Ontario Game Protection Act, 1893." (ib. s. 12, s-s. 2.)

May convict on view for an offence under above Act. (ib. s. 17.)

Chief Fish and Game Warden: Edwin Tinsley, Parliament Buildings, Toronto

Wardens: J. H. Wilmott (Beaumaris, Muskoka); H. K. Smith (Belleville); John A. Gill (Dunnville); F. C. Quallins, Leamington).

See **CHIEF FISH AND GAME WARDEN—WARDENS.**

WATER FOWL—Open season Sept. 15th to Dec. 15th, both days inclusive. (G.P.A. s. 3, s-s. 1 (a).)

Hunting from sail boats or steam yachts prohibited.

(ib. s. 4, s-s. 1.)

See **TIME—WILD FOWL.**

WEIRS—*See* **EELS—SUNDAY—TRAPS.**

WHITEFISH—Open season Dec. 1st to Oct. 31st in following year, both days inclusive. (D.O.C. 1892, p. xxxvi.)

Fry may not be destroyed. (R.S.C. c. 95, s. 10, s-s. 2.)

Gill nets must have 5-inch meshes, and must not be set within 2 miles of any seining ground. (ib. s-s. 3.)

Seines must have 4-inch meshes. (ib. s-s 4.)

May not be taken with spears, grapnel hooks, negog or nishagans. (ib. s. 14, s-s. 8.)

Hook and line only may be used to catch, unless net license obtained. (O.O.C.)

May not be taken by nets, etc., without a license. (S.O. 1892, c. 10, s. 10.)

WILD FOWL—No game bird or wild fowl may be killed between half an hour after sunset and half an hour before sunrise. (G.P.A., s. 4, s-s. 2)

Killing by batteries, swivel guns, or sunken punts prohibited. (ib. s. 4, s-s. 1.)

See **WATER FOWL.**

WINANICHE—May not be taken with spears, grapnel hooks, negog or nishagans. (R.S.C. c. 95, s. 14, s-s. 8.)

WOLVES—\$10 will be paid by any County Treasurer to any one producing the head of a wolf before a J.P., and proving that the wolf was killed within the county. (R.S.O. c. 223, s. 2; S.O. 1892, c. 59, s. 1.)

In Algoma, Muskoka, Nipissing, Parry Sound, and Thunder Bay Districts, the wolf's head may be produced to a Judge, Magistrate, Sheriff, Crown Lands or Free Grant Agent, or Division Court Clerk (ib.)

WOODCOCK—Open season Sept 15th to Dec. 15th, both days inclusive. (G.P.A., s. 3, s-s. 1 (a)); *but see below.*

May not be sold till Sept. 15th, 1900, no matter where killed or procured. (S.O. 1897, c. 54, s. 2.)

See **EXPORTATION—TIME—TRAPS.**

WOOD RANGERS—*See* **DEPUTY WARDENS.**

YARDING—*See* **DEER.**

YOUNG of any fish may not be caught, sold or had in possession. (R.S.C. c. 95, s. 14, s-s. 9.) *But see* **BAIT.**

Of any bird may not be caught, except of hawks, crows, black-birds and English sparrows (S.O. 1889, c. 50, s. 4)

