

No. 125.

4th Session, 3d Parliament, 14 Victoria, 1851

BILL.

An Act to prevent the hunting of Deer
with hounds at improper seasons of
the year, and further to amend the
laws for the preservation of Game.

Received and read a first time, Friday, 13th June,
1851.

Second reading, Monday, 16th June, 1851.

Mr. McFARLAND.

BILL.

An Act to prevent the hunting of Deer with Hounds at improper seasons of the year, and further to amend the laws for the preservation of Game.

WHEREAS divers inhabitants of Upper Canada have petitioned Parliament to pass a law for restraining the hunting and killing of Deer with hounds, and it is but reasonable to comply with the prayer of their petition, inasmuch as Deer are yearly becoming scarcer: And whereas it is also desirable to alter the time of year for killing Woodcocks, Wild Ducks and Snipe in this Province, experience having shewn that the seasons now prescribed by law are not the proper ones for such sporting: Be it therefore enacted, &c.,

Preamble.

That it shall not be lawful for any person or persons to chase, hunt, shoot, take or kill any Deer, Fawn, Moose or Elk of any species, either with or without hounds of any breed or sort, or to allow any hound of any kind or sort belonging to him or them, or in his or their possession, or under his or their control, to be used for such purpose, or to follow such chase of its own accord and unaccompanied by any person, within this Province, except during the period between the first of August and the first of January in each following year, any law to the contrary notwithstanding.

When only Deer may be killed with hounds or otherwise.

II. And be it enacted, That the time or season for shooting, taking and killing Wild Ducks, Teal, Widgeon and other aquatic birds, shall be and is hereby declared to be between the first day of July and the first day of April in the following year, and the time or season for shooting and killing Woodcocks shall be and is hereby declared to be between the first day of July and the first day of January in the following year, and the shooting or killing of Snipe shall be lawful at all seasons of the year.

Season for killing wild Ducks.

and Woodcocks.

III. And whereas it is also desirable to prevent the extinction of Speckled Trout: be it therefore enacted, That the time or season for taking or killing Speckled Trout, shall be and is hereby declared to be between the first day of April and the first day of September, (inclusive) in each and every year, any law to the contrary notwithstanding.

Recital.

Time for killing Speckled Trout.

IV. And be it enacted, That if any person or persons shall chase, hunt, shoot, take or kill, or shall assist in or encourage any chasing, hunting, shooting, taking or killing any Deer, Fawn, Moose or Elk, with hounds of any breed or

Penalties on persons contravening this Act.

sort, within this Province, or shall allow any hound of any kind or sort, belonging to him or them, or in his or their possession, or under his or their control, to be used for such purpose, or to follow such chase of its own accord 5
 except during the period heretofore mentioned, or shall take or kill any Wild Duck, Teal, Widgeon or other aquatic birds at any other season of the year than between the first day of July and the first day of April before 10
 mentioned, or shall kill any Woodcock at any other time than between the first day of July and the first day of January before mentioned, or shall take or kill any Speckled Trout at any other time than between the first day of April and the first day of September before mentioned, such person or persons shall for every offence 15
 be liable to the pains and penalties imposed upon persons by the Act passed in the seventh year of Her Majesty's Reign, intituled, "*An Act to prohibit the hunting and killing of Deer and other game within this Province at certain seasons of the year,*" and the person or persons who are guilty of offending against the provisions of the said Act, and the person or persons offending against this Act, shall be prosecuted, and the penalties and pains shall be enforced in the same form, and by the same means and in the same manner as are prescribed with 25
 regard to offenders under the said Act: Provided always, that one moiety of all fines to be imposed by virtue of the provisions of this Act or of the said Act imposing fines and penalties, shall be awarded to the party charging the offence in writing, and the other moiety shall be paid to 30
 the Treasurer of the Municipality where the offence is alleged to have been committed, to be applied by such Treasurer to the general funds of such Municipality.

Act of U. C.
 2 Vict. c. 12,
 to apply to
 offences
 against this
 Act.

V. And be it enacted, That so much of any Act, or of any part of an Act as shall be repugnant or contrary to 35
 the provisions of this Act shall, in so far as the same may apply to Upper Canada, be and the same is hereby repealed.

VI. And be it enacted, That the second section of the Act passed in the twelfth year of Her Majesty's Reign, 40
 and intituled, "*An Act to prohibit the use of Strychnine and other poisons for the destruction of certain kinds of wild animals,*" shall hereafter be read, construed and have effect as if the words "Justice of the Peace" in the said section had not been inserted therein; and the 45
 fourth section of the said Act shall be and is hereby repealed; and the said Act, as hereby amended, shall, from and after the passing of this Act, extend to Upper Canada as well as Lower Canada.

VII. And be it enacted, That this Act shall be in force 50
 in Upper Canada only, and shall not apply to Indians who are permanent inhabitants of this province.