



Price, 15 Cents.

# SYNOPSIS

OF

## THE LAWS

RELATING TO

### Fish and Game and to Insectivorous Birds,

IN THE

### PROVINCES OF QUEBEC AND ONTARIO

COMPILED BY

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In the compilation of the following abridgment the chief object in view has been to select those portions only of the law relating to the subject which possess an interest for sportsmen; either as determining the seasons and regulating the means appropriate to the legitimate pursuit of Fish and Game as a sport, or providing for their protection and preservation, omitting such parts of the law as regulate the taking of Fish and Game as articles of commerce or as a means of subsistence. It is believed, however, that almost all the information generally desired will be found in the ensuing pages, and in such a form as to save much time and labor, which it would be otherwise necessary to expend in the perusal of the various Acts and Regulations on the subject. The provisions of the Act for the Protection of Insectivorous Birds will also be found here, as its enforcement hitherto has been altogether owing to the exertions of the Montreal Fish and Game Club, though in reality sportsmen are not more interested than the rest of the community in seeing it carried into effect.

### F I S H

May be taken in the following Seasons :

I. *Salmon*.—(in *Quebec and Ontario*). From 30th April to 31st August, i.e., in May, June, July and August except last day of August, by Fly-Surface-Fishing.

From 30th April to 1st August, *i.e.*, in May, June, and July, by any other manner of Fishing.

In New Brunswick from 1st March to 15th September, by Fly-Surface-Fishing.

From 1st of March to 15th August both days inclusive, by any other means.

Foul or unclean Salmon at no time to be caught.

Salmon Fry, Parr and Smolt not to be caught; and no Salmon or Grilse, to be taken of less than 3 lbs. weight—if taken by accident to be released.

II. *Trout*.—Trout (or Lunge) may be taken in the months of January, February, March, April, May, June, July, August and September, and on first day of October. This applies to Speckled Trout also in the Province of Quebec.

In Ontario Speckled Trout can only be taken in May, June, July, August and September.

In lake Memphramagog Trout or Lunge may be taken in every month except October and November.

Trout is only to be taken by angling by hand with hook and line, except in tidal waters, and in Ontario this restriction only applies to Speckled Trout.

III. *White Fish*.—May be taken all the year by angling except except from 19th November to 1st December.

Gill Nets for Salmon-trout or White Fish to have meshes of at least 5 inches extension measure, and Seines for White Fish to have meshes of not less than 4 inches.

IV. *Bass, Pickerel, Doré or Maskinongé*.—May be taken at any time in the Province of Quebec except from 15th April to 24th May; and in Ontario except from 15th April to 1st May.

There are some special Regulations applicable exclusively to Fishing in Lake Simcoe, Ontario.

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*Regulations for the Preservation of Fish and for the Punishment of Infractions of the Law.*

I. Every Fishery Officer appointed by the Governor is, *ex officio*, a Justice of the Peace, for the purposes of the Fishery Laws.

II. No person to buy, sell or have in possession any Fish caught in prohibited seasons or by unlawful means.

III. It is the duty of every Customs Officer, Excise Officer, Police Constable, or Clerk of Market to seize and forfeit any Fish which appears to have been unlawfully taken.

*Fishways and General Provisions :*

I. All Dams, Slides or Obstructions in any stream where the Minister of Marine determines that a Fish-pass should exist, to be furnished by owner or occupier with a Fishway ; and the same shall be kept open and supplied with sufficient water.

II. No Net or device to be so used as entirely to obstruct the passage of Fish.

III. Fish not to be caught when passing or attempting to pass through Fishways, or in surmounting any obstacle or leaps, this provision, however, does not apply to Salmon Fly-Surface-Fishing.

IV. Salmon, Trout (or Lunge) of any kind, Maskinongé, Winnoniche, Bass, Bar-Fish, Pickerel, White-Fish, Her-

ring or Shad not to be killed by means of Spear, Grapnel-hooks, Negog or Nishagans.

V. Nets or other Fishing apparatus not to be used so as to impede the course of Fish in small rivers.

VI. Seines, Nets, &c, to be raised from 6 o'clock every Saturday evening to 6 o'clock Monday morning following, so as to allow the free passage of Fish, and during such time the taking of Fish by such means to be unlawful; and any Fish so taken and the Nets &c., used, to be forfeited.

The above, however, in deep sea and coast fisheries in tidal waters, is only applicable to salmon and the salmon fishery, within a distance of three miles on either side of the mouth of each river or stream. *Vide* order in Council 30th June, 1869.

VII. Sawdust and Mill rubbish not to be thrown into any stream frequented by Fish, under penalty of \$100 The Minister of Marine has power to exempt any stream from the operation of this clause.

#### *Penalties and their Recovery :*

I. All offences against the foregoing provisions to subject the offender to a penalty of not more than \$20 besides all costs, and in default of payment to imprisonment for not less than 8 days and not more than 1 month, with power of mitigation by the Magistrate in case of ignorance of the law combined with poverty of offender.

II. All materials, implements or appliances and all Fish had in contravention of law may be seized and confiscated on view by any Fishery Officer, or taken by any person for delivery to a Magistrate, and the proceeds thereof may be applied towards defraying expenses of the law.

III. One moiety of fine or penalty to belong to Her Majesty, and the other to prosecutor with his costs for attendance as witness or otherwise.

IV. Penalties and forfeitures imposed to be recovered on parole complaint, before any Fishery Officer, Stipendiary or other Magistrate, in a summary manner, on the oath of one credible witness.

V Any Fishery Officer or Magistrate may convict on his own view of any of the offences He may likewise grant a Warrant to search any vessel or place where there is reason to believe that Fish illegally taken are concealed.

VI. When any offence is committed upon or near any waters forming the boundary between different counties or districts or Fishery districts, the offence may be prosecuted before a Magistrate or Fishery Officer of either.

VII. The Governor in Council may from time to time make and also vary, alter or amend Regulations respecting Fisheries and in so doing may extend, vary or alter above provisions.

The foregoing provisions are contained in the Act of the Parliament of Canada, 31 Vic., c. 60. and in the regulations of the Governor General in Council, of 9th April, 1869.

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## G A M E, & c.,

In the Province of Quebec, may be Hunted as follows

I. *Elk, Moose, Caribou, Deer, Fawn and Hare*, in the months of September, October, November, December and January and on 1st February.

II. *Grouse, Ptarmigan, Partridge, Woodcock and Snipe*, in the months of September, October, November, December, January and February and on 1st of March.

III. *Wild Swan, Wild Goose, Wild Duck, Widgeon and Teal*, in the months of September, October, November, December, January, February, March and April and on the 1st May in that part of the Province of Quebec west of Three Rivers, and from the 1st September to the 15th May, both days inclusive, to the east of Three Rivers.

IV. *Woodcock, Snipe, Wild Swan, Wild Goose, Wild Duck, Widgeon or Teal*, not to be shot or hunted between one hour after sunset and one hour before sunrise.

V. None of the fore-named Animals or Birds, except Hares to be taken by Ropes, Snares, Springs, Cage, Nets or Traps of any kind, nor shall any such engine be set for that purpose, and any person may destroy any engine so set.

VI. Any person may, and every Magistrate, Constable, Market Clerk, Peace Officer, Railroad Employée and Officer of Customs shall seize on view any of said Animals or Birds or any parts thereof found in possession or charge of any persons during prohibited seasons, or which appear to have been taken by unlawful means, and shall bring the same before a magistrate, who shall confiscate the same to the use of some charitable institution, unless the party proves that such Animals or Birds were lawfully taken.

VII. No person shall have in his possession any of the said Animals or Birds or parts thereof during prohibited seasons, or which appear to have been taken by forbidden means, but the same may be bought and sold (when law-



fully taken) during fourteen days from termination of time fixed for killing thereof.

VIII. No, eggs of any of above mentioned Birds or of any species of Wild Fowl shall be at any time disturbed or taken, all vessels or boats employed in so doing to be confiscated with the eggs taken.

IX. *Mink* may be hunted from 15th October and *Marten* from 1st November to 15th April, both days inclusive.

X. *Otter* may be taken from 1st November to 1st May.

XI. *Beaver* from 1st September to 30th April, *Muskrat* may be taken from 21st October to 1st May, in that part of the Province west of Quebec.

XII. No person shall, at any time, buy, sell, or have in possession any unseasonable skin of said Animals.

XIII. Every offence against foregoing provisions to be punished summarily by Justice of Peace with a fine of not less than \$1 nor more than \$50 and costs, the fine to go to the informer; in default of payment, imprisonment not exceeding 3 months, and any Magistrate may convict on view.

XIV. Prosecutions may be instituted without being required to be under oath, and the evidence of the informer alone or of any one witness to be sufficient.

XV. No *certiorari* from any conviction but an Appeal to lie to Circuit Court.

XVI. All prosecutions to be commenced within 12 months of the committal of offence.

XVII. No person at any time to make use of strychnine or any other poison either vegetable or mineral, or spring guns with intent to take or destroy any kind of wild Animal or Animal of any kind.

XVIII. The Commissioner of Crown Lands is empowered to appoint officers who shall be charged with the enforcement of the above provisions respecting Game, and also of the provisions of any act which may be hereafter enacted in reference thereto.

The above provisions relative to Game will be found in the Statutes of the Province of Quebec, 31 Vic., c. 26, as amended by Act passed in the last session of said Legislature. (1869.)

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### G A M E, &c.

In the Province of Ontario, may be hunted as follows

I. *Deer, Fawn, Elk, Moose or Caribou*, in the months of September, October, November and on 1st day of December.

II. *Wild Turkey, Grouse, Pheasant and Partridge*, in the months of September, October, November, December, and on 1st January.—*Hares* from 1st September to 1st March, both days inclusive.

III. *Quail* in October, November, December and on 1st January.

IV. *Woodcock* or *Snipe*, from 12th August to the 1st March, both days inclusive.

V. *Wild Swan*, *Goose* and *Wild Duck*, from 15th August to 15th April, both days inclusive.

VI. *Wild Turkey*, *Grouse*, *Pheasant*, *Partridge*, *Quail*, *Woodcock*, *Snipe*, *Hare* or *Wild Duck*, not to be trapped, or taken by means of traps, nets, snares, springs, or by any other means than by shooting, nor shall any trap, net or snare be set for such purpose.

VII. Batteries, night lights, or sunken punts not to be used in hunting *Wild Swans*, *Geese* or *Ducks*.

VIII. No *Deer* or *Fawn*, *Elk*, *Moose* or *Caribou* to be taken by means of traps or snares at any time, nor shall traps be set for that purpose

IX. No person to have in possession any of the above animals, or their hides, or any of the above birds, within the prohibited periods without lawful excuse. the proof whereof to be on the party charged —No sale of any of the above mentioned game to take place later than 14 days from the termination of the period fixed for the taking thereof, nor shall possession for the purpose of sale be lawful except within such period of 14 days.

X. No eggs of any of the fore-mentioned birds shall be at any time taken.

XI. Any offence against above provisions to be punished summarily before Justice of Peace, by a fine not exceeding \$25 nor less than \$2 for each head of game killed, with costs, or, in default of payment, by imprisonment not exceeding 30 days; one half of the fine to go to the municipality, and the other half to the informer.

XII. In all cases confiscation of game to follow conviction—the same to be given to some charitable purpose at the discretion of the Justice.

XIII. Any person may destroy traps, nets or snares set in contravention of above provisions.

XIV. *Beaver, Muskrat, Mink, Sable, Otter, or Fisher* may only be taken from the 15th October to the 1st May, both days inclusive. Any person trapping, hunting or laying traps or snares for them at any other time to be liable to the same penalties as above declared with respect to game.

XV. It shall not be lawful to hunt or destroy game imported into the Province of Ontario for the purpose of breeding and preserving the same, without the consent of the owner of the property wherever the same may have been bred.

Statutes of the Province of Ontario, 31 Vic. c 12, as amended by 32 Vic. c. 12.

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#### INSECTIVEROUS AND OTHER BIRDS BENEFICIAL TO AGRICULTURE.

I. It shall not be lawful to shoot, destroy, kill, wound or injure, or to attempt to shoot, destroy, kill, wound or injure any bird whatsoever, except Eagles, Falcons, Hawks and other Birds of the Eagle kind, Wild Pigeons, Rice Birds, Kingfishers, Crows and Ravens, between the 1st day of March and the 1st day of August.

II. Nor shall any Birds, with above exceptions be captured, bought, sold or possessed, or any net, trap, spring,

snare, cage or other engine be set in order to kill or capture them between the 1st day of March and the 1st day of August.

III. It shall not be lawful to take, injure, destroy or have in possession any nest, young or egg of any Bird except of Eagles, Falcons, Hawks and other Birds of the Eagle kind, between 1st day of March and the 1st day of August.

IV. This Act not to apply to imported Birds or to domesticated Birds or Poultry, nor shall it be unlawful to buy, sell or possess any Bird captured at a season not prohibited, but the proof that it was so taken to lie on the accused, whose oath alone shall suffice as such proof.

V. Offences against this Act to be punished with a penalty of not less than \$1 nor more than \$10 to be recovered in a summary manner, before one Justice, with all fees and costs incurred and in default of immediate payment, by imprisonment for not less than two nor more than twenty days.

VI. Any person may seize any Bird unlawfully possessed and carry same before a Justice to be confiscated. It shall be the duty of all Market Clerks and Police Officers on the spot to seize and confiscate, and if alive to liberate such Birds; and any person may destroy all nets, traps, snares, cages or engines set, whereby any Birds might be unlawfully killed or taken.

VII. License may be granted to persons desirous of obtaining Birds or eggs for *bonafide* scientific purposes, such persons to be then exempt from penalties.

VIII. No conviction to be annulled for defect of form, so long as no substantial injustice results therefrom.

**IX.** This Act not to affect the provisions of any Game Acts.

The above provisions are taken from the Statutes of the Province of Canada, 27 & 28 Vic., Cap. 52, and are applicable to the Province of Québec and Ontario.