

## CHAPTER 160

## Game Act

Title. 1. This Act may be cited as the *Game Act*. R.S. 1948, c. 135, s. 1.

*Interpretation*

Expressions interpreted.

2. In this Act, unless the context otherwise requires,
- “carry” includes carry, store, or have in possession in a boat, aircraft, automobile or automobile trailer (other than a public conveyance), whether the boat, aircraft, or automobile is or is not used as temporary or permanent living-quarters; and other parts of the verb shall have a corresponding meaning;
  - “constable” includes special constables and all officers and members of every Provincial and municipal police force in the Province;
  - “deer” means animals of the species known as Coast or Columbian, mule, red, white-tailed, and fallow deer;
  - “deer family” means any member of the deer family, whether known as moose, caribou, deer, or wapiti (commonly called elk), or otherwise;
  - “farmer” means a person who is the lessee or owner of not less than five acres of farm land in the Province on which he and his family actually reside, and whose sole or chief occupation is that of farming, fruit-growing, or improving such land;
  - “firearms” includes air-guns and spring-guns;
  - “fur-trader” means a person who carries on or is engaged or concerned in the business of buying, selling, or trading in pelts or skins of fur-bearing animals, coyotes, or wolves, whether as principal, agent, or employee, and whether the animals from which such pelts or skins have been obtained were taken or trapped by the fur-trader or by persons in his employ, or by other persons;
  - “game” includes all big game, game birds, and fur-bearing animals as defined in this Act;
  - “game reserve” means any area set apart for the purpose of a game reserve under this Act;
  - “Game Warden” means a Game Warden appointed under this Act, and includes the members of the Game Commission constituted under this Act and also any person upon whom the Lieutenant-Governor in Council confers the powers of a Game Warden;
  - “guide” means a person who takes any other person out hunting for, or assists him to hunt, take, kill, catch, or attempt to catch,

- any game or trout, and who receives or is promised remuneration for so doing;
- “hunt” and “hunting” include any chasing, pursuing, worrying, following after or on the trail of, and searching for, shooting at, stalking, or lying in wait for any game, whether or not such game is then or subsequently captured, killed, or injured;
- “militiamen” includes all officers and men of Her Majesty’s Army and Navy for the time being on duty in the Province, and all officers and men of the Canadian Militia and members of any rifle association or cadet corps organized under the authority of the *Militia Act* of Canada, or of any naval or military volunteer corps, but only when carrying or using rifles while on duty or for the purpose of military exercises or target shooting;
- “Minister” means the Minister of Recreation and Conservation;
- “open season,” with reference to any species of game, means the period during which, under this Act, the Lieutenant-Governor in Council has removed the prohibition declared herein as to hunting, trapping, taking, wounding, or killing such game; and “close season,” with reference to any species of game, means the period pending the establishment of an open season or between two successive open seasons for such game;
- “outfitter” means any person who carries on or is engaged or concerned in the business of renting or letting for hire any saddle-horse, pack-horse, vehicle, boat, or other equipment for the purpose of being used in hunting, taking, or killing big game or trout;
- “permit” means a permit in writing issued by the Game Commission under the provisions of this Act;
- “predatory animal” means a cougar, coyote, or wolf;
- “prospector” means a person who is the holder of a free miner’s certificate under the *Mineral Act* or the *Placer-mining Act*, and only while he is actually engaged personally in placer-mining or prospecting;
- “resident” means a person who is actually domiciled in the Province, and in addition has been in actual residence therein for six months immediately prior to any application by him for any licence under this Act;
- “tanner” means any person who carries on the business of unhairing, fleshing, tanning, plucking, dressing, or dyeing the pelts or skins of fur-bearing animals, big game, or game birds;
- “taxidermist” means any person who carries on the business of preparing, preserving, stuffing, or mounting the pelts or skins of fur-bearing animals, big game, or game birds;
- “trap” includes any snare or net or other device capable of being used for the taking of game;

“trap-line” means the area or location defined and registered under this Act for the taking of fur-bearing animals thereon by a licensed trapper, and includes any line of traps laid out or set by the licensed trapper on the area or location so defined and registered;

“trout” includes steelhead, rainbow, Kamloops, brown (Loch Leven), cut-throat, char, Dolly Varden, eastern brook, and so-called lake trout;

“unorganized district” means any portion of the Province defined by the Lieutenant-Governor in Council as such with respect to this Act. R.S. 1948, c. 135, s. 2; 1949, c. 25, ss. 2, 3; 1950, c. 23, ss. 2-4; 1957, c. 24, s. 2.

Act subject to  
*Migratory  
Birds Conven-  
tion Act.*

**3.** This Act shall be construed as subject to the provisions of the *Migratory Birds Convention Act* of Canada. R.S. 1948, c. 135, s. 3.

#### *Application of Act*

Exceptions.

- 4.** This Act does not apply
- (a) to any imported cage-bird or to any domestic animal or bird;
  - (b) to any fish, animal, bird, or eggs secured or had by any person duly authorized in that behalf under the provisions of the *Provincial Museum Act*;
  - (c) to the trapping or shooting by any person upon premises owned or occupied by him of any animals of the family mice or rats, or ground-squirrels (commonly called gophers), or any animal or bird that is a menace to the domestic animals or birds of such person;
  - (d) to any Game Warden or constable in respect of the carrying of firearms while on duty;

but nothing in this section shall in any way affect or prevent the application of subsection (2) of section 19 or of clause (a) of subsection (1) of section 20 to any person. R.S. 1948, c. 135, s. 4; 1955, c. 28, s. 2; 1957, c. 24, ss. 3, 4.

Protection of  
farm crops  
and stock  
from destruc-  
tive animals  
and birds.

**5.** (1) Notwithstanding the provisions of this Act, other than the provisions of subsection (2) of section 19, a farmer or his employee who actually resides on the land of the farmer may shoot any deer that is found actually depasturing upon any land of the farmer then in a state of actual cultivation, and may shoot or trap any bear that is a menace to the property, orchard, or crops of the farmer.

(2) In addition to the exceptions applicable to the farmer under clause (c) of section 4, his employee may shoot or trap any bear that is a menace to the property or domestic animals of the farmer, and may shoot any fur-bearing animal which he finds actually destroying any of the domestic animals or birds of the farmer.

(3) The provisions of this section do not apply in respect of any deer or bear or fur-bearing animal which is wounded, killed, or taken, unless

the farmer or his employee forthwith reports in writing signed by him to a Game Warden the facts relating to the wounding, killing, or taking of the deer or bear or fur-bearing animal. R.S. 1948, c. 135, s. 5.

Protection of  
crops from  
pheasants.

**6.** (1) Notwithstanding the provisions of this Act, any farmer or his employee actually residing upon the land of the farmer may, if the farmer or his employee has first obtained a permit therefor, shoot any pheasant which is found to be actually doing damage by feeding upon any land of the farmer then actually seeded to crop, or actually doing damage to the crop growing on any land of the farmer; but a permit is not required by a farmer in respect of the shooting of pheasants doing damage to crops on land farmed by that farmer and actually seeded to crop, or on which there is a crop of any kind, in an area where by regulations passed under this Act farmers are authorized to shoot pheasants doing damage as aforesaid.

(2) In circumstances where by virtue of subsection (1) a farmer may shoot pheasants without a permit, that farmer, if he does not himself shoot pheasants, may, in writing, authorize a bona fide farm servant in his employment and residing on the farm to shoot pheasants, and, in that case, the farm servant so authorized may shoot pheasants without a permit under the conditions set forth in the proviso to subsection (1) but not otherwise.

(3) Where any farmer or farm servant without a permit shoots a pheasant purportedly under the authority of subsection (1) or subsection (2) he shall forthwith, and in any event not later than thirty days after the shooting, report the shooting and the circumstances to a Game Warden or to a Provincial constable; and if he fails to do so he is guilty of an offence against this Act. R.S. 1948, c. 135, s. 6.

Farmers may  
kill deer  
for food.

**7.** (1) Notwithstanding the provisions of this Act, a farmer who is the holder of the required licence to carry firearms under section 34 may, if residing in an unorganized district, hunt and kill and retain in his possession therein male animals of the deer family, other than wapiti, over one year of age for use when in actual need of the same for food for himself and his family; and if residing elsewhere than in an unorganized district may for the like use, after having obtained a permit therefor, hunt and kill and retain in his possession any such animals of the deer family, other than wapiti.

(2) Section 19 applies to every farmer, and the right conferred by this section is restricted accordingly. R.S. 1948, c. 135, s. 7.

Indians may  
kill deer  
for food.

**8.** Notwithstanding the provisions of this Act, an Indian who is a resident may at any time hunt and kill and retain in his possession male animals of the deer family, other than wapiti, over one year of age for use when in actual need of the same for food for himself and his family; but if he is residing elsewhere than in an unorganized district, he shall first obtain a permit for the hunting and killing of such animals. R.S. 1948, c. 135, s. 8.

Prospectors  
may kill  
game for  
food.

**9.** Subject to section 17, but notwithstanding the other provisions of this Act, a prospector who is the holder of any licence to carry firearms under section 34 may at any time in any unorganized district hunt and kill and retain in his possession any game for his own use when in actual need of the same for food; and may for the like use during any open season hunt and kill game and retain the same in his possession elsewhere than in an unorganized district; and may for the like use, at any time after having obtained a permit therefor, hunt and kill and retain in his possession elsewhere than in an unorganized district any animals of the deer family, other than wapiti, of the male sex over one year of age. R.S. 1948, c. 135, s. 9.

Surveyors  
may kill  
game for  
food.

**10.** (1) Subject to section 17, but notwithstanding the other provisions of this Act, a member of a surveying or engineering party who is the holder of any licence to carry firearms under section 34 may at any time in any unorganized district, while actually engaged in field work, hunt and kill and retain in his possession any game for his or their own use when in actual need of the same for food, and for the like use may, at any time after having obtained a permit therefor, hunt and kill and retain in his possession elsewhere than in an unorganized district any animal of the male sex over one year of age of the deer family, other than wapiti.

(2) The head of any such surveying or engineering party shall forthwith, on his return from field work, file with the Game Commission a statutory declaration setting out the days the party was in the field, the names of the persons comprising the party, and the number of each species of animal or bird killed pursuant to this section by the members of the party. R.S. 1948, c. 135, s. 10.

*Prohibition of Shooting within Certain Areas and Places*

No shooting  
within  
Victoria or  
Vancouver  
Harbours.

**11.** (1) No person shall at any time hunt, trap, take, wound, or kill any game, or discharge a firearm of any description, within the following described areas:—

- (a) Commencing at the most southerly point at high-water mark on Cadboro Point (commonly called Ten Mile Point) near the City of Victoria; thence in a south-westerly direction to the most southerly point of Trial Island; thence westerly to Brotchie Ledge beacon; thence to the most southerly point at high-water mark on Macaulay Point; thence along high-water mark on the shores of Vancouver Island to point of commencement; including all areas below high-water mark in Victoria Harbour, Selkirk Water, Victoria Arm, and Portage Inlet:
- (b) Commencing at high-water mark on the mainland at the most southerly point of Point Atkinson at the entrance to Burrard Inlet; thence along high-water mark surrounding Burrard

Inlet, False Creek, and English Bay and all the tidal waters connected therewith and continuing to the most westerly point at high-water mark of Point Grey; thence in a straight line to the point of commencement.

Carrying of firearms within game reserve.

(2) No person shall at any time hunt, trap, take, wound, or kill any game, or carry or have in possession a firearm of any description, or place or have in possession any trap or other device which can be used for trapping or killing any game, within the area of any game reserve, except by virtue of a permit authorizing the carrying of firearms or traps over or across a game reserve, or the capture therein of animals or birds for the purpose of propagation, or authorizing the destruction therein of predatory animals or birds, but no person shall be convicted under this section by reason only of his having in his possession an unloaded firearm in a motor-vehicle on a road within a Provincial park or in a roadside camp-site developed by the British Columbia Forest Service or the Department of Recreation and Conservation or a highway leading directly into or out of such camp-site.

Shooting on municipal highways.

(3) No person shall discharge a firearm of any description either on or across any travelled road or highway within the boundaries of any municipality, or within any other area to which this subsection is applied by the regulations. R.S. 1948, c. 135, s. 11; 1955, c. 28, s. 3.

Hunting over cleared or enclosed land prohibited.

**12.** (1) No person shall at any time enter, with any firearm or trap in his possession, or permit his dog to enter into any growing or standing grain or upon any cleared land or land under cultivation, not his own, without the permission of the owner.

(2) No person shall at any time hunt, shoot, or trap any game, or with any firearm or trap in his possession go upon any enclosed land of another without permission of the owner, lessee, or occupant thereof.

(3) "Enclosed land" in this section means any land enclosed by a fence, water, or other natural boundary, or by a dyke or ditch upon which notices that such is a boundary are posted along the dyke or ditch at intervals not more than three hundred feet apart, or partly by fence and partly by water or other natural boundary, or dyke or ditch as aforesaid, or land upon which in respect of any portion not enclosed by a fence, water, or other natural boundary there are posted at intervals not more than three hundred feet apart notices forbidding trespassing, hunting, or shooting, and in use for agricultural, pastoral, or horticultural purposes or for breeding any animal or bird protected by this Act.

(4) The word "fence" in this section does not necessarily mean a lawful fence as defined by Statute, but includes any fence whatsoever.

(5) Nothing in this section shall limit or in any way affect any prosecution under the *Trespass Act*, or any remedy at common law of any such owner, lessee, or occupant.

(6) Every person who posts any notice to the effect or for the purpose of the notices referred to in subsection (1) upon any land of which

he is not the owner or lessee, except with the written consent of the owner or lessee, is guilty of an offence against this Act. R.S. 1948, c. 135, s. 12.

Carrying of firearms prohibited in certain cases.

**13.** (1) No person, whether holding a firearms licence under this Act or otherwise, shall carry or have in his possession while in a motor-vehicle or trailer (as defined in the *Motor-vehicle Act*), or in a railway speeder or hand-car, or in a sailboat, or any yacht or boat propelled by steam, gasoline, electrical or other similar motive power, or in any aircraft, any firearm, or have, drive, operate, or use upon or along any highway a motor-vehicle which contains any firearm, in any part of the Province, except during the open season declared for game in respect of that part of the Province, or except on a permit of the Game Commission.

(2) No person shall at any time discharge, or carry, or have in his possession in or on a railway car, hand-car, speeder, velocipede, or other vehicle on any railway, or in or on a motor-vehicle, wagon, sleigh, aircraft, bicycle, or other vehicle, a shotgun or rifle containing live ammunition either in its breach or in its magazine.

Responsibility of owner of motor-vehicle or aircraft for offences of others.

(3) Where any person commits an offence against or violates any provision of this section while in a motor-vehicle or aircraft, and the actual offender has not been ascertained and prosecuted therefor, the person holding the licence for the use and operation of that motor-vehicle under the *Motor-vehicle Act* or holding a licence for the aircraft, or, if the motor-vehicle or aircraft has been leased to another person, that other person shall be held responsible for the offence or violation and may be prosecuted therefor as an original offender; but nothing in this section shall relieve the actual offender from liability for the offence or violation. R.S. 1948, c. 135, s. 13; 1949, c. 25, ss. 4, 5; 1955, c. 28, s. 4.

#### *Game Protection*

Eggs protected.

**14.** No person shall take, injure, destroy, or have in his possession any nest or eggs of any bird whatsoever, save and except ravens, crows, magpies, blue jays, Japanese or European starlings, and English sparrows. R.S. 1948, c. 135, s. 14; 1959, c. 35, s. 2.

Hunting by non-resident Indian prohibited.

**15.** An Indian, unless he is a resident, shall not hunt or kill game or act as a guide in the Province at any time. R.S. 1948, c. 135, s. 15.

Deer not to be killed for hides alone.

**16.** (1) No person shall at any time kill any member of the deer family or any mountain-sheep or mountain-goat for its hide alone.

Removal of evidence of sex of deer.

(2) No person shall have in his possession the carcass of any member of the deer family or mountain-sheep from which all evidences sufficient to indicate conclusively the sex of the animal have been removed,

unless the carcass has been transported to the place where it is proposed to consume the carcass.

Possession of embryo of deer prohibited.

(3) No person shall at any time have in his possession an embryo taken from any member of the deer family, except in accordance with the regulations passed under this Act. R.S. 1948, c. 135, s. 16; 1957, c. 24, s. 5.

Hunting of certain animals and birds prohibited.

**17.** No person shall at any time hunt, trap, take, wound, or kill, or have in his possession the whole or any part of,

- (a) any wapiti (commonly called elk), moose, caribou, or mountain-sheep of the female sex, except in accordance with regulations passed pursuant to this Act;
- (b) any wapiti (commonly called elk), moose, caribou, mountain-sheep, mountain-goat, or deer under one year of age, except in accordance with the regulations; or
- (c) any bird whatsoever, save and except game birds, as defined in this Act, and ravens, crows, magpies, blue jays, Japanese or European starlings, and English sparrows. R.S. 1948, c. 135, s. 17; 1955, c. 28, s. 5; 1957, c. 24, s. 6; 1959, c. 35, s. 3.

Game protected.

**18.** Except during the open season, no person shall at any time hunt, trap, take, wound, or kill

"Big game."

- (a) any "big game," which expression when used in this Act means
  - (i) any mountain-sheep or mountain-goat;
  - (ii) any of the deer family; or
  - (iii) any bear;

"Fur-bearing animals."

- (b) any "fur-bearing animals," which expression when used in this Act means any fox, badger, beaver, marten, fisher, Canada lynx, mink, muskrat, land-otter, sea-otter, racoon, skunk, red squirrel, weasel or ermine, or wolverine;

"Game birds."

- (c) any "game birds," which expression when used in this Act means
  - (i) any bird of the family Anseriformes, including those commonly known as ducks, geese, and swans;
  - (ii) any bird of the order Charadriiformes, or shore-birds, including those commonly known as snipe, sandpiper, plover, and curlew;
  - (iii) any bird of the family Gruidæ, including those commonly known as cranes;
  - (iv) any bird of the family Rallidæ, including those commonly known as rails and coots; and

(v) any bird of the order Galliformes, including those commonly known as grouse, partridge, quail, pheasants, turkeys, ptarmigan, and prairie-chickens, and black game and capercaillie;

(vi) any bird of the order Columbiformes, or pigeon, including doves and wild pigeons. R.S. 1948, c. 135, s. 18; 1949, c. 25, s. 6.

Hunting at night prohibited.

19. (1) No person shall hunt, kill, or take any game by the use of firearms or other weapon between one hour after sunset and one hour before sunrise.

Hunting with pit-lamps:

(2) A person found between one hour after sunset and one hour before sunrise in the vicinity of any forest or woodland, or in a locality where game is usually found, with a head-light of any description and a firearm or other similar weapon in his possession, or found between one hour after sunset and one hour before sunrise hunting any game with a pit-lamp, spot-light, or other light in his possession, is guilty of an offence against this Act, and is liable to immediate arrest without warrant by a Game Warden or constable.

Advertising of pit-lamps.

(3) No person shall within the Province publish any advertisement offering for sale head-lights or pit-lamps for use in contravention of this section.

(4) Notwithstanding subsection (1), the Game Commission may give to the owner or occupant of land a permit in writing authorizing the permittee or his employees to hunt game at night, using firearms or other weapons, on the permittee's land solely for the purpose of protecting such land against game. R.S. 1948, c. 135, s. 19; 1950, c. 23, s. 5; 1957, c. 24, s. 7.

Certain modes of capture prohibited.

20. (1) No person shall at any time

- (a) use or set for the taking or killing of big game or game birds any trap;
- (b) use or set for the taking or killing of any game any of the contrivances known as batteries, machine-guns, swivel-guns, set-guns, or sunken punts;
- (c) hunt or kill any game from any sailboat or aeroplane or from any yacht or boat propelled by steam, gasoline, electrical or other similar motive power, whether the boat or aeroplane is in motion or otherwise;
- (d) disturb, molest, or destroy any muskrat house or den, other than on dyked lands or by virtue of a permit therefor, or any beaver-house, den, or beaver-dam, except where it is necessary to cut a beaver-dam in order to drain agricultural lands or to provide irrigation for same;
- (e) frighten or disturb any game birds on the waters of any game reserve by the discharge of any rifle or other firearm, or by the firing of shots from a rifle or other firearm upon, over, or across the game reserve;

(f) use or place or have in possession for the taking or killing of game, noxious birds, or predatory animals any drugged or poisoned bait, baited lines, or any poisonous substance; but this clause does not apply to an official appointed under or in accordance with this Act or to the placing of poisoned bait for the killing of game, noxious birds, or predatory animals by a licensed trapper or by a farmer on his own property solely for the protection of his own stock, if the licensed trapper or farmer has first obtained a permit in writing so to do from the Game Commission;

(g) publish, distribute, or display any advertisement for the sale of poison for the taking or killing of fur-bearing animals.

**Destruction of unlawful traps.** (2) A person finding a trap, bait, baited lines, or contrivances set or in use in violation of subsection (1) may destroy the same without incurring any liability therefor.

**Finding of poisoned bait.** (3) Every person who finds any poisoned bait or poisonous substance used or placed in the haunts of any game or noxious animals, or on or near any ground where trapping is carried on, shall, except in cases provided for in the exception in clause (f) of subsection (1), at the first opportunity notify a Game Warden or constable of that fact.

**Prima facie evidence.** (4) The finding of any poisoned bait or poisonous substance used or placed in or near any line of traps laid out or set by any trapper is prima facie evidence that the poisoned bait or poisonous substance was used or placed by that trapper for the taking or killing of fur-bearing animals in violation of this section. R.S. 1948, c. 135, s. 20; 1950, c. 23, s. 6.

**Automatic guns prohibited.** **21.** It is unlawful for a person to use or have in his possession a pump, repeating, or automatic shotgun of any kind unless the magazine thereof contains a wooden or other plug riveted or soldered therein which cannot be removed while hunting and which renders the magazine incapable of holding more than two cartridges. Any such pump, repeating, or automatic shotgun unlawfully found in the possession of any person may be seized by any Game Warden or constable, and the same may be disposed of as in this Act provided. R.S. 1948, c. 135, s. 21; 1949, c. 25, s. 7; 1957, c. 24, s. 8.

**Prevention of dogs from running game.** **22.** (1) No person shall at any time use or allow any dog to hunt or run any animal of the deer, mountain-sheep, or mountain-goat family, or, being the owner of a dog accustomed to pursue any big game, allow such dog to run at large within the boundaries of a game reserve or in any locality where animals of the deer, mountain-sheep, or mountain-goat family are usually found.

(2) No person shall, between the first day of April and the thirty-first day of July, both inclusive, or at any other time when there is snow on the ground in sufficient quantity to interfere with the feeding or

protection of game birds, use or allow any dog to hunt or run after any game bird.

(3) Any person harbouring or claiming to be the owner of any dog to which subsection (1) or (2) applies shall be deemed to be the owner thereof, and any dog found running any animal of the deer, mountain-sheep, or mountain-goat family at any time or hunting birds during the period named in subsection (2) shall be deemed to be at large and so hunting by the allowance of the owner, and may be seized and retained by any Game Warden or constable until such time as the owner is found and prosecuted or the dog is disposed of as in this section provided.

(4) The owner, if found and convicted, may regain possession of any dog so seized upon payment to the Game Warden or constable by whom the dog was seized of the sum of two dollars for each week during which the dog is in his possession. If the owner of any such dog is unknown to the person so seizing the same, he shall advertise the fact of such seizing, together with a description of the dog, by notice inserted once each week for four consecutive weeks in the newspaper published in the Province nearest to the place where the dog was taken; and if the owner does not sooner claim the dog and regain possession thereof under the provisions of this section, the dog may at the expiration of four weeks from the date of the first publication of the notice be destroyed by any Game Warden or constable without incurring any liability therefor.

(5) Any dog found running at large within the boundaries of a game reserve, or found hunting or running any animal of the deer, mountain-sheep, or mountain-goat family, may be destroyed by any Game Warden or constable. R.S. 1948, c. 135, s. 22; 1957, c. 24, ss. 9-11.

Abandoning  
of cats pro-  
hibited.

**23.** No person shall, at any place in the vicinity of any forest or woodland or in any locality where game is usually found, release or turn at large any cat for the purpose of abandoning the same. R.S. 1948, c. 135, s. 23.

Destruction  
of cats  
running  
at large.

**24.** Where any Game Warden or constable finds a cat running at large in any unfenced woods or lands where game birds are usually found, or in actual pursuit of game, he may shoot or otherwise destroy the cat. R.S. 1948, c. 135, s. 24.

*Possession, Sale, and Transportation of Game*

Possession  
of game  
during close  
season pro-  
hibited.

**25.** (1) No person shall have in his possession any game, whether alive or dead, or any part thereof, during the close season.

(2) Subsection (1) does not apply to

(a) trophies of game legally killed or dressed furs;

(b) undressed pelts of fur-bearing animals in prime condition had in possession north of the fifty-second degree of north latitude during the one month and south of the fifty-second degree of north latitude during the fourteen days immediately following the end of the open season in any district;

- (c) game lawfully killed or obtained for personal use and had in possession during the fourteen days immediately following the end of any open season, or during such further time in the case of any pelts or game as the Game Commission may by permit, in its discretion, allow such possession to be had;
- (d) game birds lawfully bred or kept in captivity pursuant to permit or licence under this Act;
- (e) game lawfully killed and kept in cold-storage lockers or plants licensed under this Act.

Burden of proof.

(3) In all prosecutions for offences under this section, the burden of proof as to the time and place of killing or taking any game, or as to any game birds having been bred or kept in captivity pursuant to permit or licence under this Act, is upon the person in possession of the game or game birds. 1955, c. 28, s. 6.

Sale of game prohibited except as provided in Act or regulations.

**26.** (1) Except as provided by this Act or the regulations, or by virtue of a permit therefor, no person shall buy, sell, or barter, or offer or attempt to buy, sell, or barter, or expose for sale, or have upon the premises of any shop, public market, market-stall, market-place, storehouse, warehouse, restaurant, hotel, eating-house, logging or construction camp, or camp established in connection with developing the oil resources of the Province, or social club, or upon any delivery cart, wagon, or motor-vehicle in use for or belonging thereto, or upon any dining-car belonging to any railway company, or in any galley or dining-room of any vessel, or among the ship's stores of any vessel, the whole or any part of any big game or game bird.

Offence to have game on certain premises.

(2) If the whole or any part of any big game or game bird is found upon the premises of any shop, public market, market-stall, market-place, storehouse, warehouse, restaurant, hotel, eating-house, logging or construction camp, or camp established in connection with developing the oil resources of the Province, or social club, or upon any delivery cart, wagon, or motor-vehicle in use for or belonging thereto, or any railway dining-car, or in any galley or dining-room of any vessel, or among the ship's stores of any vessel, in violation of any of the provisions of subsection (1), the proprietor, stall-holder, manager, foreman, cook, or other person in charge or apparently in charge of any such shop, public market, market-stall, market-place, storehouse, warehouse, restaurant, hotel, eating-house, logging camp, construction camp, social club, dining-car, galley, dining-room, or vessel is guilty of an offence against this Act.

(3) Subsections (1) and (2) do not apply in respect of any game bird bred or kept in captivity which is exposed for sale or sold pursuant to permit or licence under this Act and in compliance with the regulations in respect of the sale of game birds so bred or kept.

(4) In all prosecutions for offences under this section the burden of proof as to the time of buying any big game or game birds, or as to

any game birds exposed for sale or sold having been bred or kept in captivity pursuant to permit or licence under this Act, is upon the person in possession of the big game or game birds. R.S. 1948, c. 135, s. 26; 1955, c. 28, s. 7.

Big game or birds not to be sold without head or plumage.

**27.** (1) No person shall sell, or offer or attempt to sell, or expose or have for sale, any big game without its head attached thereto, or any game bird without its plumage.

No person to have game bird without plumage.

(2) No person shall have in his possession any game bird without its plumage, unless such game bird is in possession at or in the place where it is to be consumed. R.S. 1948, c. 135, s. 27.

Keeping of game in cold storage.

**28.** No person who carries on the business of operating a cold-storage plant or warehouse shall have or keep in cold storage therein any game, except by virtue of a permit first obtained and in accordance with the regulations passed under this Act. R.S. 1948, c. 135, s. 28.

Sale of heads prohibited.

**29.** (1) Except as provided in this section or by a permit, no person shall buy or sell, or offer or attempt to buy or sell, the head of any mountain-sheep, moose, deer, or caribou, or the head or teeth of any wapiti.

Section not to apply to imported heads.

(2) This section does not apply to the heads of animals killed without and imported into the Province; but before any person sells any such imported head he shall first make application, accompanied by the necessary fees and satisfactory proof as to the place of purchase, to the Game Commission, which shall cause the head to be branded, and any head so branded may be bought or sold by any person at any time.

Fees for branding heads.

(3) The fees to be collected for branding shall be as follows: The head of a moose, five dollars; the head of a wapiti, five dollars; the head of a mountain-sheep, four dollars; the head of a deer or caribou, three dollars. R.S. 1948, c. 135, s. 29.

Exportation of game.

**30.** (1) No person, or railway, steamship, or express company, or other common carrier, except as herein provided, shall at any time export or cause to be exported or carried, or have in possession for the purpose of exporting or carrying, out of the Province the whole or any portion of any animal or bird protected under sections 17 and 18, or any eggs of any bird so protected, except in pursuance and by virtue of a permit first obtained.

Preparation of shipments of game.

(2) No person shall make any shipment of any game, or any part thereof, or the eggs of any game bird, whether for export or to a destination within the Province, by any railway, steamship, or express company, or other common carrier, without first preparing the shipment so that the package or receptacle used for purposes of the shipment may be easily opened for examination of the contents, or else by preparing the shipment by plainly marking on the outside of the package or receptacle,

or on a label securely attached thereto, a full description in detail of the contents.

Labels showing consignor and consignee.

(3) No person shall make any shipment of any game, or any part thereof, or the eggs of any game bird, whether for export or to a destination within the Province, without first plainly marking on the package or receptacle used for purposes of the shipment, or on a label securely attached thereto, the names and addresses of the consignor and consignee of the shipment respectively, and also the number of any licence issued under this Act to the consignor.

Duty of common carrier.

(4) No agent or employee of any railway, steamship, or express company, or other common carrier, shall receive for carriage any shipment of game, or any part thereof, or the eggs of any game bird, unless the shipment has been first prepared in accordance with this section. R.S. 1948, c. 135, s. 30.

Importation of live game.

**31.** (1) No person shall at any time import or bring into the Province any live game, or the eggs of any game bird, without first obtaining a permit therefor.

Seizure.

(2) Any game or eggs imported or brought into the Province in violation of this section may be seized by any Game Warden or constable, and the same may be disposed of as in this Act provided. R.S. 1948, c. 135, s. 31.

*Game and Angling Licences*

Resident hunters to take out licences.

**32.** (1) No person who is a resident shall at any time hunt, trap, take, wound, or kill any game, or carry, except while travelling in a public conveyance either by land or water or while bona fide proceeding directly to or from a public conveyance, any firearms of any description or any trap or other device which can be used for trapping or killing any game, without first taking out a licence in that behalf.

Requirements as to numbering and signature.

(2) Every licence shall be numbered and shall bear on its face the signature of the holder, and no such licence is valid unless it bears on its face the signature of the holder.

Duty of holder to carry and exhibit licence and badge.

(3) Every holder of a licence, at all times when carrying firearms, shall carry the licence and any accompanying badge prescribed by the regulations, and shall exhibit the licence whenever requested to do so by any Game Warden or constable, and shall wear the badge affixed to the outside of his clothing so as to be plainly visible.

Exceptions.

(4) The provisions of this section as to carrying firearms do not apply to militiamen, or to any person bona fide engaged in target shooting or shooting at clay pigeons or other similar gun competitions, or in going to or from the same; and none of the provisions of this section applies to Indians.

Duplicate licences.

(5) Where any licence issued under the provisions of this Act has been lost or destroyed, the Game Commission, upon proof to its satisfaction of such loss or destruction, and upon payment of a fee of fifty

cents, may issue or cause to be issued a duplicate or substitute licence therefor, such duplicate or substitute to bear the number of the lost or destroyed licence or a reference thereto, and to be marked so as to indicate clearly that it is a duplicate or substitute licence. R.S. 1948, c. 135, s. 32; 1949, c. 25, s. 8.

Non-residents to take out licences for hunting.

**33.** (1) No person who is not a resident shall at any time hunt, trap, take, wound, or kill any game, or carry, except while travelling in a public conveyance either by land or water or while bona fide proceeding directly to or from any such public conveyance, any firearm of any description or trap or other device which can be used for trapping, hunting, killing, or taking any animal or bird, without first taking out a licence in that behalf, or, in the case of a firearm, while such firearm is sealed pursuant to subsection (4).

Exceptions.

(2) The provisions of this section as to carrying firearms do not apply to militiamen who are on active service, or to any person while bona fide engaged in target shooting or shooting at clay pigeons or other similar gun competitions, or in going to or from the same.

Non-residents to have guide.

(3) No person who is not a resident shall at any time hunt any big game, unless he is accompanied by a guide or a resident, and every resident who takes out a person who is not a resident for the purpose of hunting big game shall, before so doing, obtain a permit therefor in a form prescribed by the Game Commission.

Sealing of firearms and tackle.

(4) The Game Commission may authorize and provide for the sealing of a firearm or fishing-tackle being carried by a person when the Commission is satisfied that such firearm or fishing-tackle is not to be used in British Columbia, and such person may carry a firearm or fishing-tackle so sealed without taking out a licence. R.S. 1948, c. 135, s. 33; 1950, c. 23, s. 7; 1955, c. 28, s. 8.

Duration of licences and fees therefor.

**34.** (1) Licences are valid only for the purposes therein specified from date of issue until the thirtieth day of June next following, or any other date of expiration expressly named therein. They shall be in such forms as are approved by the Game Commission, and may be issued by it, or by such persons as it may authorize,

- (a) to a resident, other than one to whom clause (d) applies, and to any officer or man of Her Majesty's Army or Navy or Air Forces or of the Canadian Militia on duty in the Province, to carry firearms and to hunt game birds and deer and black bears, but not entitling him to hunt or trap any other game, and the fee for such licence shall be three dollars; but such licence may be issued to a farmer or to any member of his family actually working and residing on the land of the farmer, without the payment of any fee, in respect only of hunting on the land on which he or they actually reside, and may be issued to any person acting as a shepherd or cowhand, without the

- payment of any fee, in respect only of the performance of his duties in guarding sheep or cattle in his charge when in actual attendance on such sheep or cattle;
- (b) to a resident, other than one to whom clause (d) applies, and to any officer or man of Her Majesty's Army or Navy or Air Forces or of the Canadian Militia on duty in the Province, to carry firearms and to hunt big game and game birds, but not to trap, and the fee for such licence shall be six dollars;
  - (c) to a resident, other than one to whom clause (d) applies, to carry firearms and traps and to hunt big game and game birds and to trap fur-bearing animals, and the fee for such licence shall be ten dollars;
  - (d) to a resident who is not a British subject, and is not a farmer, to carry firearms and to hunt big game and game birds, but not to trap, and the fee for such licence shall be twelve dollars;
  - (e) to a prospector who is a resident, to carry firearms, but entitling him to hunt game only in accordance with the provisions of section 9, to be issued upon production of a provisional free miner's certificate held by him, accompanied by the payment of a licence fee of one dollar, or upon production of a free miner's certificate held by him, without the payment of any licence fee;
  - (f) to a person not a resident, to carry firearms and to hunt big game and game birds, and the fee for such licence shall be fifty dollars; or to a person not a resident, to carry firearms and to hunt big game and game birds, except pheasants, and the fee for such licence shall be twenty-five dollars; and every person holding a licence under this clause shall, in addition to the licence fee, pay such fee in respect of each head of big game shot by him as is set by regulation for and applicable to any part of the Province;
  - (g) to a person not a resident sixteen years of age or over, to carry fishing-rods and to angle for fish, and the fee for such licence shall be seven dollars for the calendar year in which the licence is issued, and to such person under sixteen years of age the fee for such licence shall be one dollar, except that to a non-resident permanently residing in another Province of Canada the licence fee shall be three dollars and fifty cents;
  - (h) to a person not a resident, but who resides in Canada, to carry firearms and to hunt big game and game birds, and the fee for such licence shall be fifteen dollars; and every person holding a licence under this clause shall, in addition to the licence fee, pay in respect of each head of big game shot by him a like fee as set out in clause (f);

- (i) to a person over the age of eighteen years who is a resident, to carry fishing-rods and other fishing devices and to angle for fish, and the fee for such licence shall be one dollar for the calendar year in which the licence is issued;
- (j) to a person not a resident, but who resides in Canada and produces a current firearms licence which he holds for the Province in which he resides, a licence to carry firearms and to hunt game birds only, and the fee for such licence shall be three dollars.

Reduction of fees on exchange of licences.

(2) Where the applicant for a licence under this section is the holder of a subsisting licence under this section the fee for which is smaller than the fee for the licence applied for, if he surrenders the subsisting licence, the amount of the licence fee paid for that licence shall be credited to him in reduction of the licence fee payable for the licence for which he has made application.

Complimentary licences.

(3) Upon the direction of the Minister in the case of visiting officials from other Provinces, or other special cases, the Game Commission may issue without fee to any person a complimentary licence, for a term not exceeding two weeks, to carry firearms and fishing-rods, and to hunt big game and game birds, and to angle for fish.

Indian trapper's licence.

(4) For the purpose of enabling a resident who is an Indian to comply with the requirements of the regulations under section 41 as to special registration of trap-lines, a licence to trap fur-bearing animals may be issued to him under subsection (1) of this section, and the fee for such licence shall be two dollars and fifty cents.

Production of Canada firearms licence.

(5) No person who is required by the provisions of the Criminal Code of Canada to have a licence or permit for the carrying of firearms shall be granted a licence under this section to carry firearms, unless on his application therefor he produces for inspection the licence or permit required under the Criminal Code.

Licence regulations

(6) Notwithstanding anything contained in this Act, the Lieutenant-Governor in Council may from time to time by regulation prescribe or alter conditions precedent to the issuance of a licence under this Act, prescribe or alter provisions to be contained in any licence issued pursuant to the provisions of this Act, or change any licence fee or rate prescribed by this Act. R.S. 1948, c. 135, s. 34; 1949, c. 25, ss. 9-11; 1957, c. 24, s. 12.

Duty of licensees to report big game shot.

**35.** Every holder of a licence issued under clause (f) of subsection (1) of section 34 who shoots any big game shall, before leaving or attempting to leave the Province, report the kind and number of big game so shot to the nearest Government Agent or Game Warden, and shall pay to him the fees payable in respect of the same, and further shall record or report the killing or taking of any game in such manner and on such form as may be provided for under regulations passed under this Act. R.S. 1948, c. 135, s. 35.

Returns to be made of big game and fur-bearing animals killed or trapped.

**36.** Each resident to whom a licence is issued in any year under clause (c) of subsection (1) of section 34 shall, within two months after the date of expiration of the licence, return the same to the Game Commission, with a statement showing the number of each species of big game and of fur-bearing animals killed or trapped by him during the period mentioned in the licence. Every such resident who, after the expiration of his licence, takes out any licence under this Act without having first made the return required by this section is guilty of an offence against this Act. R.S. 1948, c. 135, s. 36.

Licences to persons under eighteen years of age.

**37.** (1) No licence to carry firearms shall be issued to any person under eighteen years of age, except at the written request of his parent or guardian, who shall also undertake that such person shall always, when carrying firearms, be under the supervision of some adult. Any such person who carries firearms without being accompanied by and under the supervision of an adult is guilty of an offence against this Act. Every licence issued under this section to a person under eighteen years of age shall have a statement of that fact endorsed thereon.

(2) For the purposes of subsection (1), "adult" means a person who has reached the age of eighteen years. R.S. 1948, c. 135, s. 37; 1955, c. 28, s. 9.

Angling licences required.

**38.** (1) No person who is not a resident shall at any time angle (as the term is generally understood) for fish in any non-tidal waters of the Province, or carry, for the purpose of so fishing, except while travelling in a public conveyance either by land or water or while bona fide proceeding directly to or from any such public conveyance, any fishing-rod or any other device which can be used for catching any fish by angling, without first taking out a licence in that behalf.

(2) No person over the age of eighteen years who is a resident shall at any time angle (as the term is generally understood) for fish in any non-tidal waters of the Province, or carry for the purpose of so fishing any fishing-rod or any other device which can be used for catching any fish by angling, without first taking out a licence in that behalf; but nothing in this subsection shall prevent any prospector from angling for fish for food, or apply to any resident to whom a permit for angling is issued on an application to the Game Commission supported by evidence that the permit is necessary for his or his family's welfare.

(3) Every person carrying a fishing-rod or any other device which can be used for catching any fish by angling who refuses or fails to produce any angling licence or permit issued to him under this Act when requested by any Game Warden or constable to produce the same, or refuses or fails to permit it to be taken in hand for the purpose of inspection by the Game Warden or constable, is guilty of an offence against this Act.

(4) The provisions of this section do not apply to an Indian who is a resident. R.S. 1948, c. 135, s. 38; 1949, c. 25, s. 12; 1957, c. 24, s. 13.

### *Trappers*

Interference with licensed trappers prohibited.

**39.** (1) No person shall in any way touch or interfere with any trap lawfully set by a licensed trapper on any lands, other than cleared or cultivated lands and enclosed land as defined in section 12. Where any cabin has been built or line of traps laid out or set or other provision made for trapping by any licensed trapper, no other person shall, except under a permit issued to him therefor by the Game Commission, and when duly authorized so to do by the licensed trapper, set any trap or take, wound, kill, or in any way molest any fur-bearing animal within the confines or limits of any trap-line. The provisions of this subsection shall be construed as subject to all regulations governing the registration of trap-lines.

Disputes as to priority of rights.

(2) If any dispute arises as to priority of rights respecting any trapping-grounds, the matter shall, at the request of any party to the dispute, be determined by the Game Commission, or by any Game Warden, Government Agent, or Inspector of Provincial police designated by it, who may decide as to the priority of rights; and any person who wilfully disregards or fails to observe any such decision is guilty of an offence against this Act.

Duty of licensed trappers to give information as to location.

(3) Every licensed trapper who neglects or refuses to give information when required so to do by any Game Warden or constable as to the location he intended to trap, or who gives false information in respect thereto, is guilty of an offence against this Act.

Offence.

(4) Every licensed trapper who neglects or refuses to give information when required so to do by any Game Warden or constable as to the location of his trap-line and the cabins on his trap-line, or any other information in respect thereof, or who gives false information in respect thereof, is guilty of a offence against this Act. R.S. 1948, c. 135, s. 39.

Right of appeal.

**40.** (1) A person who thinks himself aggrieved by any decision made under subsection (2) of section 39 may appeal to the County Court of the county within which the trapping-grounds or any part thereof are situate, at the sittings of such County Court that are held nearest to the trapping-grounds, but the Judge of the said County Court, on the application of any party to the appeal, may direct that the appeal shall be heard at some other place in that or any other county.

(2) If the decision is made more than fourteen days before a sittings of the Court to which an appeal is given, the appeal shall be made to that sittings; but if the decision is made within fourteen days of a sittings, the appeal shall be made to the second sittings next after the decision.

(3) The appelland shall give notice of his intention to appeal by filing in the office of the Registrar of the Court appealed to a notice in writing setting forth with reasonable certainty the decision appealed against, and

the notice shall be served upon the other parties to the dispute and upon the person by whom the decision was made, or, in the alternative, upon such person or persons as a Judge of the Court appealed to shall direct, and the service and filing shall be within ten days of the making of the decision complained of or within such further time not exceeding an additional twenty days as a Judge of the Court appealed to may see fit to fix either before or after the expiration of the said ten days.

(4) The Court may make an order varying, confirming, or reversing, either in whole or in part, the decision appealed from. Costs of the appeal shall be in the discretion of the presiding Judge.

(5) The Court appealed to shall try and is the absolute judge as well of the facts as of the law in respect of the decision appealed from.

(6) Any of the parties to the appeal may call witnesses and adduce evidence, whether such witnesses were called or evidence adduced at the hearing before the person who made the decision or not, either as to the credibility of any witness or as to any other fact material to the inquiry. R.S. 1948, c. 135, s. 40.

Traps to be taken up.

**41.** No person shall leave or allow any traps set by him to remain set after the end of the open season for fur-bearing animals. R.S. 1948, c. 135, s. 41.

Regulations respecting the term and renewal of trap-line registration.

**42.** (1) Without thereby limiting the generality of the provisions contained in section 69, it is declared that the power of the Lieutenant-Governor in Council to make regulations under clauses (g), (h), and (i) of that section extends to providing for the granting of registration, with or without a special annual registration fee.

Lay-over of trap-lines.

(2) In the case of a trap-line which is registered for a period of years, if the Game Commission in the interests of game conservation or for any reason considers it expedient, it may by permit from time to time grant a lay-over for one year in respect of that trap-line, authorizing the licensed trapper to allow game to remain untrapped on that trap-line during the period of the lay-over.

Provisions governing registration of trap-lines and the rights thereunder.

(3) Registration of trap-lines and the rights of licensed trappers thereunder are subject to and shall be governed by the regulations in force from time to time and the following further provisions:—

(a) No person shall by reason of the registration of a trap-line acquire any estate or title in any land or property within the area comprised in the trap-line; but where a trap-line has been conducted with due observance of the provisions of this Act and the regulations, and where the fur-bearing animals thereon have been conserved to the satisfaction of the Game Commission, the registered holder of the trap-line who has become incapacitated by illness or is otherwise unable to carry on trapping operations, or the personal representatives of a deceased registered holder, may, subject to such conditions as are prescribed by the regulations, and subject to the approval of

the Game Commission, nominate by writing filed with the Game Commission a licensed trapper, who shall within the period fixed by the regulations have a prior and exclusive right to become the registered holder of the trap-line under this Act:

- (b) Registration of a trap-line shall cease and become void if the registered holder ceases to be the holder of a trapper's licence under this Act:
- (c) The granting of a lay-over under subsection (2) in respect of any trap-line shall not relieve the registered holder of the trap-line from the payment of any fee otherwise payable under this Act or the regulations:
- (d) Registration of a trap-line may be cancelled by the Game Commission at any time upon proof to its satisfaction that trapping is not being engaged in thereon in accordance with the provisions of this Act and the regulations, or that the registered holder is guilty of an offence against or a violation of any provision of this Act or the regulations. R.S. 1948, c. 135, s. 42; 1949, c. 25, s. 13.

#### *Guides*

Qualifications.

#### 43. (1) No person shall

- (a) act as a guide unless he is a resident British subject, but no person is disqualified by this clause if he is a resident farmer;
- (b) act as a guide without first taking out a licence in that behalf;
- (c) act as a guide for any person without first satisfying himself that such person has the proper licence for the kind of game or fish to be hunted, taken, killed, or caught; or
- (d) go out with a person who has undertaken to act as a guide without first satisfying himself that such person has the required guide's licence.

Application and grounds for refusal.

(2) Every applicant for a guide's licence of any grade shall produce such evidence of his qualifications, ability, character, age, nationality, residence, equipment, the districts in the Province in which he has hunted, trapped, or fished as is prescribed by the regulations; and the Game Commission or any authorized agent thereof may refuse to grant a guide's licence to any person

- (a) who in the opinion of the Game Commission, or of the authorized agent of the Game Commission to whom application for the licence is made, is incompetent to act as a guide; or
- (b) who has at any time failed to comply with the provisions of this Act; or
- (c) who has, in the opinion of the Game Commission, been guilty of misconduct towards any person for whom he has acted as a guide or of a breach of contract with any person to whom he has been or is being engaged to act as a guide.

- Limited licence. (3) The Game Commission may prescribe that a person to whom a licence is given under this section shall not act as a guide except in a defined part of the Province, and in that case the limitation shall be expressed in the licence, and the Game Commission may limit the number of licences that shall be issued in respect of any defined part of the Province.
- Grading and fees. (4) The grading or other classification of guides or licence fees for guides may be defined or fixed by the Lieutenant-Governor in Council.
- Appeal. (5) Any person who thinks himself aggrieved by a refusal to grant him a guide's licence may appeal to the County Court of the county within which he made application pursuant to subsection (11) at any sittings thereof, but the Judge of the said County Court on the application of any party to the appeal may direct that the appeal shall be heard at some other place in that or any other county.
- Commission respondent. (6) In any appeal made pursuant to subsection (5) the respondent shall be the Game Commission, notwithstanding that the refusal may have been made by an authorized agent of the Game Commission.
- Time for appeal. (7) If the refusal in respect of which the appeal is brought is made more than fourteen days before a sittings of the Court to which an appeal is given, the appeal shall be made to that sittings; but if the refusal is made within fourteen days of a sittings, the appeal shall be made to the second sittings next after the refusal.
- Notice of appeal. (8) The appellant shall give notice of his intention to appeal by filing in the office of the Registrar of the Court appealed to a notice in writing giving particulars of the appellant's application for a licence and of the refusal, and naming the person by whom the refusal was made.
- Service of notice. (9) A copy of any notice filed under subsection (8) shall be served upon the Game Commission by delivery thereof to any adult person in the office of the Game Commission at Vancouver, and where the refusal was made by an authorized agent of the Game Commission a copy of the notice shall also be served upon that person.
- Time for filing. (10) Filing pursuant to subsection (8) and service pursuant to subsection (9) shall be made within ten days of the date of the making of the refusal in respect of which the appeal is taken.
- Court absolute judge. (11) The Court appealed to shall hear such evidence as is produced and shall try and is the absolute judge of the law as well as of the facts, including those facts that are declared by subsection (2) to depend upon the opinion of the Game Commission or of the person by whom the licence was refused.
- Decision. (12) The Court appealed to may sustain the refusal to grant a licence or may order that a licence be granted. R.S. 1948, c. 135, s. 43; 1949, c. 25, ss. 14, 15.
- Duties of guides. **44.** Every licensed guide shall observe and comply with the following duties and requirements:—

- (a) He shall, before starting on a big-game hunting trip with a party for which he has been engaged as a guide, give notice in writing, on a form prescribed by the Game Commission, to the Game Warden for the district in which the trip is to be undertaken, giving full particulars of the names, addresses, and licence numbers of each member of the party and the place of departure and naming the district in which the trip is to be undertaken, as well as supplying particulars of the method of transportation to be used or employed:
- (b) He shall also report to the Game Warden for the district in which the trip was undertaken forthwith on his return from every trip, on a form prescribed by the Game Commission, giving full particulars of the trip and naming each species of game killed or taken by each member of the party, and stating whether or not there was any violation of this Act by any member of the party:
- (c) He shall, if he can do so without using force, prevent any person for whom he is acting as a guide from hunting or killing any game or trout in excess of the bag-limit set out by this Act or regulations thereunder:
- (d) He shall inform each member of the big-game hunting party of any trophy fees required to be paid by him under this Act, and request him to make payment thereof:
- (e) He shall not, while he is guiding a person or party engaged in big-game hunting, kill, take, or catch any game:
- (f) He shall personally be liable for a violation of this Act or the regulations committed by a member of a hunting or fishing party he is guiding, acting upon his advice or instructions:
- (g) Every first- or second-class guide shall see that an assistant guide employed by him is fully qualified and carries out his duties towards the hunting or fishing party for whom he is acting as guide, and any returns required to be made by the assistant guide shall be signed by him as well as by his employer. R.S. 1948, c. 135, s. 44; 1955, c. 28, s. 10.

#### *Outfitters*

Outfitters'  
licences.

**45.** (1) Except in the case of an outfitter who is a resident or is a corporation that has maintained a permanent office and place of business as outfitter in the Province for at least one year, no outfitter shall within the Province, for hire, gain, or reward, rent or let out any saddle-horse, pack-horse, vehicle, boat, or other equipment to any person for the purpose of being used in hunting, trapping, taking, or killing any big game or angling for fish without first taking out an outfitter's licence under this section.

(2) The outfitter's licence shall be in a form approved by the Game Commission, and be issued by it or by some person authorized by it,

and shall be valid only from the date of issue until the thirtieth day of June next following, and the fee for such licence shall be fifty dollars.

(3) No outfitter shall hire, engage, or employ a guide who is not licensed as a guide under the provisions of this Act, and any outfitter contravening the provisions of this section is guilty of an offence against this Act. R.S. 1948, c. 135, s. 45.

*Breeding of Game*

Permits for breeding fur-bearing animals and other game.

**46.** (1) Except as provided by section 48, no person shall keep in captivity or engage in or carry on the business of breeding muskrats or beaver or any big game or game birds or predatory animals without first obtaining from the Game Commission a permit therefor.

Records and returns of game bred.

(2) Every person engaged in or carrying on the business of breeding any such animals or birds shall keep a record-book, which shall be submitted to the inspection of any Game Warden or constable at any time upon request, in which shall be entered such particulars in respect of all animals or birds bred or purchased or acquired as are prescribed by the Game Commission; and shall make and deposit in the office of the Game Commission such returns respecting the business engaged in or carried on under the permit as are prescribed by the Game Commission. R.S. 1948, c. 135, s. 46; 1950, c. 23, s. 8.

Feeding of game to fur-bearing animals prohibited.

**47.** No person shall feed any game or any part of any game or offer any game or any part of any game for food to any fur-bearing animals that are kept by any person for any purpose. R.S. 1948, c. 135, s. 47.

Game-farmers' licences.

**48.** (1) Upon application pursuant to this section, the Game Commission may issue to the applicant a licence, to be known as a "game-farmer's licence," which shall entitle the holder to carry on the business of breeding game birds in captivity for sale for breeding purposes and for sale for food.

(2) The application shall be in such form and be accompanied by such information as the Game Commission may require; and the Game Commission may, in its discretion, grant or refuse the application.

(3) Every game-farmer's licence and the keeping and sale of game birds thereunder shall be subject to all conditions and restrictions and to the payment of all fees imposed by the regulations in force from time to time. R.S. 1948, c. 135, s. 48.

Trespassing on breeding premises prohibited.

**49.** Where game birds are kept on any premises for any purpose pursuant to permit or licence obtained under this Act, and within an enclosure surrounded by an outer fence or wall on the outside of which notices forbidding trespassing on the premises are kept posted so as to be plainly discernible at a distance of twenty-five yards therefrom, no person other than a Game Warden shall, except with the consent of

the owner or caretaker of the game birds, enter the enclosure or approach upon the premises within a distance twenty-five yards from the outer fence or wall of the enclosure. R.S. 1948, c. 135, s. 49.

Right to kill trespassing dogs.

**50.** Any owner or caretaker of game birds kept on any premises for any purpose pursuant to permit or licence obtained under this Act may kill any dog found on the premises near the enclosure in which game birds are kept, and there giving tongue or otherwise terrifying the game birds. R.S. 1948, c. 135, s. 50.

Inspection of breeding premises.

**51.** For the purpose of seeing that the provisions of this Act are complied with, any Game Warden may enter and inspect any premises or enclosure in which fur-bearing animals, big game, or game birds are kept for any purpose, pursuant to permit or licence obtained under this Act. R.S. 1948, c. 135, s. 51.

*Fur-traders*

Fur-traders' licences.

**52.** (1) Subject to the provisions of subsections (5) and (6), every fur-trader shall obtain from the Game Commission a licence, which shall be known as a "fur-trader's licence," and shall be issued pursuant to the provisions of this section.

Application and licence fees.

(2) The fur-trader shall make application in a form prescribed by the Game Commission, which shall be completed and delivered to the Game Commission or to any Game Warden for transmission to the Game Commission, and when delivered shall be accompanied by the payment of the licence fee, as follows:—

- (a) Where the fur-trader is a resident, or is a partnership, association, or corporation having its principal place of business within the Province, a fee of twenty-five dollars, but where the fur-trader is a resident and either has no permanent established place of business within the Province or is engaged in buying or trading in fur outside the city, town, or place in which his permanent place of business is established, the fee shall be one hundred dollars:
- (b) Where the fur-trader is not a resident, and is not a partnership, association, or corporation having its principal place of business within the Province, a fee of two hundred dollars:
- (c) Where the fur-trader, being one to whom clause (a) would otherwise apply, acts as agent for any fur-trader who is not a resident, and is not a partnership, association, or corporation having its principal place of business within the Province, a fee of two hundred dollars, in lieu of the fee provided by clause (a).

Licence required for each place of business.

(3) Where a fur-trader has more than one established place of business within the Province for the purpose of buying, selling, or trading in pelts or skins, he shall obtain a separate fur-trader's licence for each place of business.

Form and duration of licences.

(4) The Game Commission shall issue or cause to be issued fur-traders' licences in such forms as it may approve, and every licence shall expire on the thirtieth day of June next following the date of issue.

Permits for wholesale fur-traders.

(5) Where the business carried on by the fur-trader within the Province consists only of the buying of furs at wholesale from licensed fur-traders or at sales of furs at public auction, the Game Commission may by permit in its discretion authorize the fur-trader to carry on his business without obtaining a fur-trader's licence; but where furs are bought, sold, or traded in by any person at a public auction or at wholesale, the person conducting the auction or selling at wholesale shall keep a record-book set out in chronological order in which shall be entered particulars of all furs sold, purchased, or otherwise acquired, on a form prescribed by the Game Commission.

Permits for buying pelts of animals raised in captivity.

(6) Where the business carried on by the fur-trader within the Province consists only of the buying from persons lawfully engaged in or carrying on the business of breeding fur-bearing animals of the pelts of animals raised in captivity, the Game Commission may by permit, to be issued upon the payment of the fee therefor fixed by the regulations, authorize the fur-trader to carry on his business without obtaining a fur-trader's licence. R.S. 1948, c. 135, s. 52.

Records and returns.

**53.** Every licensed fur-trader shall keep a book in a form prescribed by the Game Commission, which shall be open to inspection by any Game Warden or constable upon request at any time, in which shall be entered a chronological record in the English language of all pelts and skins purchased or acquired by the licensee, whether directly or through any agent, stating

- (a) the number and variety of the pelts or skins; and
  - (b) the names and addresses of the respective persons from whom they were purchased or acquired; and
  - (c) the number of the licence of the person by whom the pelts or skins were trapped and from whom they are purchased.
- R.S. 1948, c. 135, s. 53.

Royalty or tax on pelts.

**54.** (1) The pelt or skin of every fur-bearing animal or bear trapped, taken, or killed within the Province, including the pelts or skins taken from beaver and muskrats which have been bred or kept in captivity by any person holding a permit under clause (b) of subsection (1) of section 68, is subject to payment of the royalty or tax imposed by this subsection, and every fur-trader in possession of any pelts or skins of fur-bearing animals or bear so trapped, taken, or killed, upon which the royalty or tax has not been paid, shall pay to Her Majesty for the public uses of the Province a royalty or tax on each pelt or skin in accordance with the regulations, which regulations may fix a tax in respect of pelts or skins taken from fur-bearing animals bred or kept

in captivity differing from the royalty or tax in respect of other pelts or skins. Every pelt or skin which is subject to royalty or tax, and upon which the royalty or tax has not been paid, may be seized by any Game Warden, and sold by order of the Game Commission for the recovery of the royalty or tax.

Forfeiture of pelts hidden to avoid payment of royalty.

(2) Where pelts or skins upon which the royalty or tax has not been paid are found hidden in any place for the purpose of avoiding the payment of the royalty or tax payable thereon, or are found among pelts or skins upon which the royalty or tax has been paid, all the pelts or skins may be seized by any Game Warden and brought before a Justice, who, upon the complaint of the Game Warden and on proof of the facts of such hiding or finding, may declare all the pelts or skins forfeited to Her Majesty. R.S. 1948, c. 135, s. 54.

Exceptions in case of licensed trappers and fur-farmers.

**55.** (1) Subsection (1) of section 54 does not apply to a licensed trapper with respect to the pelts or skins of fur-bearing animals, skunks, or bears actually trapped or taken by him, which pelts or skins are sold by him to a licensed fur-trader to whom clause (a) of subsection (2) of section 52 applies.

(2) A licensed trapper who is a resident is not required to make application for or obtain a fur-trader's licence in respect of pelts or skins of fur-bearing animals, skunks, or bears trapped or taken by him.

(3) Subsection (1) of section 54 does not apply with respect to the pelts or skins of blue and silver foxes and mink bred or kept in captivity, if the pelts or skins are accompanied by a certificate approved and issued by the Game Commission, or issued under the seal of an association of breeders of fur-bearing animals incorporated in the Province and signed by a representative of the association authorized by the association and by the Game Commission to issue certificates for the purposes of this section. R.S. 1948, c. 135, s. 55.

Trading in skins of animals taken in close season prohibited.

**56.** No person shall buy, sell, or trade in, or have in possession the pelt or skin of any fur-bearing animal taken or killed during the close season, and the onus of proof as to the date of the taking or killing shall in every case be upon the person in whose possession a pelt or skin is found. R.S. 1948, c. 135, s. 56.

Possession of deer-skins and unprime pelts prohibited.

**57.** (1) No fur-trader shall have in his possession the skin or hide of any animal of the deer family.

(2) No fur-trader or trapper shall retain in his possession the unprime pelt or skin of any fur-bearing animal, and if any fur-trader or trapper finds any unprime pelt or skin in his possession, he shall forthwith forward the pelt or skin to the Game Commission with a full report in writing of the circumstances of his coming into possession or taking of the same. R.S. 1948, c. 135, s. 57.

*Taxidermists and Tanners*

Taxidermists' and tanners' licences.

**58.** (1) Every person who carries on business as a taxidermist or tanner shall apply to and obtain from the Game Commission a licence under this section, the annual fee for which shall be two dollars.

Information and records kept by licensee.

(2) No licensed taxidermist or tanner shall have in his possession at any time any big game, game bird, or fur-bearing animal, or any part thereof, without having also a signed statement from the owner or person from whom the same was received to the effect that the same had been lawfully taken or obtained; and every taxidermist and every tanner shall keep a book in which shall be recorded in the English language all receipts of big game, game birds, or fur-bearing animals, or parts thereof, showing the date of receipt and the name and address of the person from whom the same is received, and shall submit the book to the inspection of any Game Warden or constable upon request.

Offences.

(3) Every person who in violation of this section carries on business without having first obtained a licence under this section, or who otherwise violates any provision of this section, is guilty of an offence against this Act. R.S. 1948, c. 135, s. 58.

*Administration*

Game Commission.

**59.** (1) For the purpose of the administration of this Act, there shall be a Commission to be known as the "Game Commission," which shall consist of not more than three members to be appointed by the Lieutenant-Governor in Council.

(2) The members shall hold office during pleasure, and shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council.

(3) The office of the Game Commission shall be maintained at such place as the Minister may decide. R.S. 1948, c. 135, s. 59.

Game districts.

**60.** The Lieutenant-Governor in Council may constitute any portion of the Province a game district and declare by what local name it shall be known, and may from time to time extend, reduce, subdivide, or annul any existing game district or merge it in whole or in part in the consolidation of two or more game districts. R.S. 1948, c. 135, s. 60.

Power of Game Commission to appoint staff.

**61.** (1) The Game Commission may appoint for each game district a Game Inspector or Supervisor who, subject to the directions of the Game Commission, shall have charge of the administration of this Act and the control of the Game Wardens in that game district.

(2) The Game Commission may appoint and employ such number of Game Wardens and such other officers, clerks, and servants as are required from time to time for the purposes of this Act, but no person shall be appointed or employed as a Game Warden unless he is a British subject, and the Game Commission may appoint such scientifically trained advisers as may be required from time to time.

(3) No person shall be appointed a Game Inspector, Game Supervisor, or Game Warden unless he has passed any examination that may be prescribed by regulation made pursuant to section 69; but the Lieutenant-Governor in Council may without examination confer upon any person who holds any appointment under the Provincial or Federal Government the powers of a Game Warden. R.S. 1948, c. 135, s. 61.

Salary and  
tenure of  
office of  
staff.

**62.** The Game Inspectors or Supervisors, Game Wardens, officers, clerks, and servants so appointed or employed shall be paid salary or wages at the rates fixed by the regulations, and they may be dismissed or removed at pleasure by the Lieutenant-Governor in Council or by the Game Commission. R.S. 1948, c. 135, s. 62.

Status as  
constables.

**63.** Every Game Inspector, Supervisor, and every Game Warden so appointed or employed is ex officio a constable of the Provincial police force within the meaning of the *Police and Prisons Regulation Act*. R.S. 1948, c. 135, s. 63.

Constables to  
enforce Act.

**64.** It is the duty of every constable within the Province to enforce the provisions of this Act. R.S. 1948, c. 135, s. 64.

Power to  
enter lands  
in discharge  
of duty.

**65.** Any Game Warden or constable, while in the discharge of his duties under this Act, may enter upon and pass over any lands, whether enclosed by a fence or otherwise; but any such Game Warden or constable is liable for any damage which he may cause in so doing. R.S. 1948, c. 135, s. 65.

Report of  
Game Com-  
mission.

**66.** The Game Commission shall, annually, on the thirtieth day of June in each year, make a written report to the Minister of its operations during the preceding year. R.S. 1948, c. 135, s. 66.

Suspension  
and cancel-  
lation of  
licences and  
permits.

**67.** (1) Where the person holding any licence or permit issued under this Act violates any provision of this Act, or of the regulations, or where for any other reason the licensee or permittee is, in the opinion of the Game Commission, unfit to be entrusted with the licence or permit, the Game Commission, upon proof to its satisfaction of the fact of such violation or unfitness, and without the necessity of holding any formal or public or other hearing, may suspend the licence or permit and all rights of the licensee or permittee thereunder for such period as the Game Commission may see fit, or may cancel the licence or permit.

Delivery up  
of licence  
or permit.

(2) Upon notice of the suspension or cancellation of his licence or permit, the licensee or permittee shall forthwith deliver up the licence or permit to the Game Commission.

Return of  
licence or  
permit.

(3) Where the licence or permit has been suspended only, the Game Commission shall return the licence or permit to the licensee or permittee at the expiration of the period of the suspension.

Refusal of  
new licence  
or permit.

(4) Where the licence or permit has been cancelled, the Game Commission may refuse to issue to the licensee or permittee any new licence or permit under this Act.

Appeal.

(5) Every decision of the Game Commission under this section suspending or cancelling a licence or permit, and every refusal under this section to issue a new licence or permit, is subject to appeal to the Lieutenant-Governor in Council.

Application for new licence or permit an offence.

(6) Where the licence or permit held by any person has been refused or cancelled under this section, if that person, without first obtaining the approval of the Game Commission, applies for or in any way obtains a new licence or permit under this Act, he is guilty of an offence against this Act.

Disqualification for licence under s. 34.

(7) Where the applicant for any licence to carry firearms under section 34 is a person who has shot or wounded any other person by the discharge of a firearm, or who has violated any provision of this Act or the regulations, or who is, in the opinion of the Game Commission, incompetent or careless in the handling of firearms, the Game Commission may refuse to issue the licence applied for, and may prohibit the issuing to the applicant of any licence to carry firearms under section 34. R.S. 1948, c. 135, s. 67; 1949, c. 25, s. 16.

#### *Permits*

Provision for issuing permits.

**68.** (1) Notwithstanding anything in this Act, the Game Commission may, upon such conditions and within such periods and limits as it may think fit, and upon payment of the fees therefor fixed by the regulations, issue permits in writing signed by it, or by any person authorized by it to sign permits,

- (a) to authorize any person to export from the Province any animal or bird or any part thereof, or any eggs, or to import into the Province any live animal or bird or eggs;
- (b) to authorize any person to engage in the breeding of muskrats or beaver or game animals or birds, to trap or capture any animal or bird and take the eggs of any bird for breeding purposes, to keep in captivity any animal or bird, or to sell any animal or bird which has been bred or kept in captivity;
- (c) to authorize any person to take or kill any animal or bird or to take any eggs for any public park or zoological gardens, or for scientific or Government purposes, or in the interests of fostering or protecting other animals, birds, or eggs, or for the protection of farmers or the public;
- (d) to authorize any person to take or kill beaver, upon satisfactory proof that beaver are causing damage to a highway or to private or other property;
- (e) to authorize any farmer who is the holder of the required licence to carry firearms under section 34, and who resides elsewhere than in an unorganized district, to hunt and kill and retain in his possession therein animals of the deer family, except wapiti, of the male sex over one year of age for use

- for food for himself and his family; and such permit shall be issued without the payment of any fee;
- (f) to authorize any Indian who is a resident and who resides elsewhere than in an unorganized district to hunt and kill and retain in his possession male animals of the deer family, other than wapiti, over one year of age for use for food for himself and his family; and such permit shall be issued without the payment of any fee;
  - (g) to authorize any prospector or any member of a surveying or engineering party who is the holder of any licence to carry firearms under section 34 to hunt and kill and retain in his possession elsewhere than in an unorganized district any animals of the deer family, except wapiti, of the male sex over one year of age for his own use when in actual need of the same for food;
  - (h) to authorize any person to have in his possession and to sell any game or any part thereof which has been seized and disposed of under the provisions of this Act;
  - (i) to extend the period for the possession of undressed pelts of fur-bearing animals provided under section 25;
  - (j) to authorize any person who is a resident, or any member of his family, to trap muskrats, or to destroy muskrat houses or dens, on any lands or within any area designated in the permit;
  - (k) to authorize any designated person to purchase and trade in the skins or pelts of any animals upon which bounty has been paid under this Act, but confined to areas within which there has been no open season as to fur-bearing animals within the preceding period of twelve months, without payment of licence fee, or upon payment of such less fee than that prescribed for fur-traders as the Game Commission may fix;
  - (l) to authorize the doing of any act for the doing of which a permit is expressly required under the provisions of this Act;
  - (m) to authorize any person to have in his possession and to sell any imported game;
  - (n) to authorize any person to have in possession and to keep during the close season game lawfully killed;
  - (o) to authorize any person to buy or sell the head of any big game for the buying or selling of which a permit is required under this Act;
  - (p) in case fur-bearing animals, the trapping of which has been prohibited under this Act for a period of years, have been duly protected by the registered holder of a trap-line, to authorize the registered holder to take, trap, or kill such number of those animals on his trap-line as the Game Commission in its discretion considers advisable in the interests of the registered holder or of the public;

- (q) to authorize any person breeding fur-bearing animals pursuant to a permit obtained under this Act, and who is also the holder of a registered trap-line, to feed the carcasses of any fur-bearing animals trapped or taken by him on his registered trap-line to the fur-bearing animals kept by him in captivity;
- (r) to authorize any resident to go out with a person not residing in the Province for the purpose of hunting big game.

Permit to be exhibited.

(2) Every person who holds a permit issued under this section shall produce and exhibit the same at any time upon the request of any Game Warden or constable.

Effect of permit.

(3) Every person who holds a permit, issued under this section and unexpired, may, notwithstanding anything contained in this Act, have in his possession and carry at all necessary times any firearms and traps suitable and intended for use in effecting and carrying out any matter or thing authorized in the permit, but in any proceedings taken under this Act the burden of proving that the possession or carrying of any such firearms or traps was necessary and that the same were intended for such use is at all times upon such person.

Violation of conditions of permit.

(4) Any violation of the conditions under which any permit is issued pursuant to this section shall be deemed to be an offence against this Act. R.S. 1948, c. 135, s. 68.

### *Regulations*

Power of Lieut.-Governor in Council to make regulations.

**69.** The Lieutenant-Governor in Council may from time to time make such regulations not inconsistent with this Act as may be deemed necessary or advisable, and which shall have the same force and effect as if incorporated herein,

- (a) for the purpose of carrying into effect the provisions of this Act according to their true intent and supplying any deficiency therein;
- (b) to remove the prohibitions declared by this Act as to the hunting, trapping, taking, wounding, killing, or sale of any game, and to declare within what period and limits and under what regulations the same may be hunted, trapped, taken, shot, killed, or sold; and to prescribe the maximum number of any family or species of game which a person may kill or sell in any one year or season;
- (c) to exempt Indians resident in the northern and north-easterly portions of the Province from any of the provisions of this Act;
- (d) to set apart for the purpose of a game reserve under this Act any area of lands in the Province, whether or not the lands are covered, or from time to time covered, by tidal water or other water;
- (e) to provide for the destruction of predatory animals and noxious birds by any method which may include the payment of boun-

- ties, and to fix the amount of each bounty and the conditions upon which the same is to be paid;
- (f) to regulate or prohibit the placing of poison on any land in any specified part of the Province;
  - (g) to prescribe a maximum length for trap-lines, and the conditions under which trap-lines may be laid out;
  - (h) to define the areas within which trapping may be carried on by any licensed trapper;
  - (i) to provide for the compulsory registration of trap-lines, to prescribe the number of trap-lines which may be registered by a licensed trapper, and to prescribe conditions governing the issuance of licences to trap fur-bearing animals;
  - (j) to fix the amount of royalty or tax payable on pelts or skins under this Act, and the manner in which the same shall be paid, and to prescribe the method of certification of payments;
  - (k) to provide for the making of full returns by the holder of any licence of all game taken under the licence;
  - (l) to provide a system of registration under which any licensed trapper will be permitted to register a brand or mark for his exclusive use in the branding or marking of the pelts or skins of fur-bearing animals trapped or taken by him;
  - (m) to provide for the tagging or other form of recording of any game killed by a licensed hunter, and to prescribe in what manner such game is to be tagged or recorded and the fees payable therefor;
  - (n) to provide for the payment of fees for certificates issued under section 55, and fixing the amount of the fees;
  - (o) to define areas of lands for the purpose of prohibiting, and to prohibit, all persons from discharging a firearm of any description either on or across any travelled road or highway within the boundaries of any area so defined;
  - (p) to provide for the compulsory registration of guides and to prescribe rules governing licensed guides in the carrying-on of their business;
  - (q) to provide for the licensing of any game club, that is to say, any association of persons, incorporated or unincorporated, organized or carried on for the purpose of hunting game on property owned or controlled by the association; and regulating the hunting of game on the property of the game club; and prohibiting the carrying-on of any unlicensed game club;
  - (r) to prescribe the conditions under which any wild animal or bird may be kept in captivity, and to prohibit captivity under any other conditions;
  - (s) to prohibit or regulate the sale or possession within the Province or in any specified part of the Province of any trout, whether fresh, cured, smoked, or processed, caught by angling

in any waters of the Province, or any game trapped, shot, or taken within the Province;

- (t) to provide for the regulation, including the prohibition where deemed desirable, of field trials of hunting and gun dogs;
- (u) to provide for examinations to be passed by any person as a condition precedent to his appointment to any position under section 61;
- (v) to provide for the sealing, tagging, or marking of the pelts of beaver;
- (w) to control the transportation within the Province of game and trout, and of hunting, trapping, or fishing equipment;
- (x) to prescribe the conditions under which aircraft or motor-vehicles may be used for the purpose of hunting, trapping, or fishing, and to prohibit their use for that purpose except under the conditions prescribed;
- (y) to fix licence fees for and provide for the control of boats being used commercially for the taking of game or trout in the non-tidal waters of the Province. R.S. 1948, c. 135, s. 69; 1949, c. 25, s. 17; 1950, c. 23, ss. 9-11; 1955, c. 28, s. 11.

Power of exemption.

**70.** Where any regulation is made under clause (v) of section 69 the Lieutenant-Governor in Council may exempt any defined area of the Province from any requirement in respect of the sealing, tagging, or marking of the pelts of beaver. R.S. 1948, c. 135, s. 70.

*Offences and Penalties*

Licences not transferable.

**71.** No licence or permit issued under this Act is transferable, and every person who knowingly allows his licence or permit to be used or carried by any other person, or who uses or carries any other person's licence or permit, is guilty of an offence against this Act. R.S. 1948, c. 135, s. 71.

Keeping of false records or furnishing false information an offence.

**72.** Every person who makes in any application for a licence, permit, or bounty, or in any book, record, certificate, report, or return made, kept, or furnished by him under this Act, any false statement or entry, or who obstructs, hinders, or in any way interferes with or wilfully furnishes false information to any Game Warden or constable while in the discharge of his duties under this Act, is guilty of an offence against this Act. R.S. 1948, c. 135, s. 72.

Destruction of notices an offence.

**73.** (1) Every person who removes, destroys, or defaces any notice posted up by the authority of the Game Commission is guilty of an offence against this Act.

Repairing game-tags.

(2) Every person who repairs, remodels, or in any way tampers with any game-tag issued in accordance with the provisions of this Act, so that the game-tag may be used after it has been cancelled, is guilty of an offence against this Act. R.S. 1948, c. 135, s. 73.

Arrest without warrant.

**74.** Any Game Warden or constable may, without any warrant, arrest any person whom he finds in the act of committing any offence against or of violating any of the provisions of this Act or of the regulations. R.S. 1948, c. 135, s. 74.

Firearms or traps unlawfully carried may be seized.

**75.** Any Game Warden or constable may at any time seize any firearm, trap, fishing-rod, or other device which he finds being carried, used, or had in possession by any person contrary to the provisions of this Act, or by any person who neglects or fails upon request to exhibit a proper licence or permit, and any firearm, trap, fishing-rod, or device so seized may be disposed of as in this Act provided. R.S. 1948, c. 135, s. 75.

Warrant to search certain premises.

**76.** (1) It is lawful for any Justice, upon information on oath that there is reasonable cause to suspect that any or any portion of any animal, bird, or eggs, killed, taken, or had in possession in violation of the provisions of this Act, or about to be illegally exported, are concealed or likely to be found in or upon any building or premises, by warrant under his hand and seal, to empower and direct any Game Warden or constable to enter and search such building or premises, and to seize and remove any such animal, bird, or eggs, or any portion thereof, found therein, and the same may be disposed of as in this Act provided.

(2) The information and search warrant may be in Forms A and B, or to the like effect. R.S. 1948, c. 135, s. 76.

Search of certain premises without warrant.

**77.** It is lawful for any Game Warden or constable, without a warrant,

- (a) to search any person whom he suspects of having in possession any firearm, trap, or fishing-tackle, in violation of the provisions of this Act, or any animal, bird, or eggs, killed, taken, or had in possession in violation of the provisions of this Act, or about to be illegally exported;
- (b) to stop and search any cart, automobile, or other conveyance in or upon which he suspects that any such firearm, trap, fishing-tackle, animal, bird, or eggs are being carried by any person;
- (c) to enter and search any shop, public market, market-stall, market-place, storehouse, garage, warehouse, restaurant, hotel, eating-house, logging camp, construction camp, or social club, or the premises thereof, or any dining-car or other car belonging to any railway company, or any steamship, vessel, or boat, in or upon which he suspects that any such firearm, trap, fishing-tackle, animal, bird, or eggs are being had; and
- (d) to seize any such firearm, trap, fishing-tackle, animal, bird, or eggs, or any portion thereof, there found, and the same may be disposed of as in this Act provided. R.S. 1948, c. 135, s. 77; 1949, c. 25, ss. 18, 19.

Refusal to permit search of person or premises an offence.

**78.** Any person who, when requested by any Game Warden or constable to allow himself or his premises or any premises, cart, automobile, aircraft, or other conveyance or dining-car, vessel, or boat under his charge to be searched, or to stop any cart, automobile, or other conveyance driven by him, neglects or refuses so to do is guilty of an offence against this Act. R.S. 1948, c. 135, s. 78; 1949, c. 25, s. 20.

Disposal of things seized.

**79.** Where any firearm, trap, fishing-rod, or other device, or any animal, bird, or egg, or any part of any animal or bird, is seized under the provisions of this Act, the same may be taken before a Justice, who, upon proof to his satisfaction that such firearm, trap, fishing-rod, or other device, animal, bird, or egg, or part of animal or bird, was at the time of seizure being carried, used, or had in possession, or had been shot, killed, caught, or taken in violation of this Act, may by writing under his hand declare the firearm, trap, fishing-rod, or other device, animal, bird, or egg, or part of animal or bird, confiscated, and to order the sale, destruction, or other disposition thereof. R.S. 1948, c. 135, s. 79.

Offenders liable to summary conviction and penalty.

**80.** (1) Subject to subsection (2), a person guilty of an offence against this Act, or who violates or commits any breach of any provision of this Act or of the regulations, or refuses, omits, or neglects to fulfil, observe, carry out, or perform any duty or obligation thereby created, prescribed, or imposed, is liable, on summary conviction, to a penalty,

- (a) for shooting, killing, or taking any big game, except deer, mountain-goats, and bears, during the close season, in violation of any provision of this Act, of not less than one hundred dollars and not more than five hundred dollars for each animal;
- (b) for shooting, killing, or taking any deer, mountain-goat, bear, game bird, or fur-bearing animal in violation of any provision of this Act, of not less than twenty-five dollars and not more than one hundred dollars for each animal or bird;
- (c) for an offence against subsection (1) or (3) of section 33 or against section 43, 52, 53, 54, 55, or 56, of not less than fifty dollars and not more than three hundred dollars, or to a term of imprisonment not exceeding thirty days, or to both fine and imprisonment;
- (d) for using another person's licence or permit, or allowing the same to be used, in violation of any provision of this Act, of not less than fifty dollars and not more than two hundred dollars;
- (e) for any other offence against or violation of any provision of this Act or any regulations made thereunder, of not less than ten dollars and not more than three hundred dollars, or to a term of imprisonment not exceeding three months, or to both fine and imprisonment;

- (f) for the killing or taking of any fur-bearing animals or trapping on the registered trap-line of another person without authority of the holder thereof, of not less than one hundred dollars and not more than three hundred dollars.

(2) Every person who is guilty of an offence against this Act under the provisions of subsection (2) of section 19 is liable, on summary conviction, to a fine of not less than five hundred dollars and not more than one thousand dollars, or to imprisonment for a term of not less than sixty days and not more than ninety days, or to both fine and imprisonment. R.S. 1948, c. 135, s. 80; 1949, c. 25, s. 21; 1957, c. 24, s. 14.

Imprisonment  
in default of  
payment.

**81.** Any fine imposed pursuant to this Act shall be paid forthwith, and, in default of payment, the offender is liable to imprisonment, with or without hard labour, for a period not exceeding six months. R.S. 1948, c. 135, s. 81.

Money collected to form  
part of Consolidated  
Revenue  
Fund.

**82.** Notwithstanding any law to the contrary, all fines and other moneys paid or received under this Act shall be paid to the Minister of Finance, and form part of the Consolidated Revenue Fund. R.S. 1948, c. 135, s. 82; 1951, c. 30, s. 2; 1957, c. 24, s. 15.

Convictions  
not removable  
on certiorari.

**83.** A conviction or order made in any matter arising 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 is authorized to appeal, shall not be removed by certiorari or otherwise, either at the instance of the Crown or any private person, into the Supreme Court. R.S. 1948, c. 135, s. 83.

Limitation.

**84.** Any information for or in respect of any offence against the provisions of this Act shall be laid before the expiration of one year from the time of the happening of such offence. R.S. 1948, c. 135, s. 84.

Burden of  
proof on  
accused in  
certain cases.

**85.** In any prosecution for an offence under this Act the onus is upon the person charged of proving that he was a British subject, farmer, member of a surveying or engineering party, prospector, or resident. R.S. 1948, c. 135, s. 85.

Power to prohibit  
hunting  
or trapping.

**86.** (1) Notwithstanding anything contained in this Act, the Minister may from time to time either prohibit or allow hunting or trapping in any defined part of the Province for such time as he may deem necessary for the proper protection of the game therein.

Notice of  
prohibition.

(2) If notice of a prohibition made pursuant to subsection (1) is posted in a public place in the part of the Province to which the prohibition refers, every person shall thereupon be deemed to have had notice of the prohibition. R.S. 1948, c. 135, s. 86; 1957, c. 24, s. 16.

SCHEDULE

FORM A  
(Section 76)

INFORMATION

CANADA: }  
 PROVINCE OF BRITISH COLUMBIA: }  
 COUNTY OF . }

The information of \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the Province of British Columbia, [occupation], who says that there is reasonable cause to suspect that [describe the object, whether an animal, bird, or eggs, or portion thereof] was [describe the offence] in the County of \_\_\_\_\_ by some person unknown [or name the person], and is concealed or likely to be found in or upon the premises of [or place where the object is supposed to be], in the County of \_\_\_\_\_.

Whereof he prays that a search warrant may be granted to search such premises for the same.

Sworn before me this \_\_\_\_\_ day }  
 of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, }  
 in the County of \_\_\_\_\_ . }

-----  
 A Justice of the Peace in and for \_\_\_\_\_ .

FORM B  
(Section 76)

SEARCH WARRANT

CANADA: }  
 PROVINCE OF BRITISH COLUMBIA: }  
 COUNTY OF . }

To all or any of the Game Wardens and Constables in the said County of \_\_\_\_\_ :

Whereas \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the Province of British Columbia, has this day made oath before me, the undersigned, that there is reasonable cause to suspect that [describe the object, whether an animal, bird, or eggs, or portion thereof] was [describe the offence] in the County of \_\_\_\_\_ by some person unknown [or name the person], and is concealed or likely to be found in or upon the premises of \_\_\_\_\_ [or place where the object is supposed to be], in the County of \_\_\_\_\_ :

These are therefore to require you, in Her Majesty's name, with proper assistance, diligently to search such premises in the daytime for the said [describe the object], and if you find the same, or any part thereof, to bring the same before me, or some other Justice of the Peace, to be dealt with according to law.

Given under my hand and seal at \_\_\_\_\_, in the County of \_\_\_\_\_, this day of \_\_\_\_\_, 19\_\_\_\_.

-----  
 A Justice of the Peace for \_\_\_\_\_ .  
 R.S. 1948, c. 135, Sch.