



BY AUTHORITY.

THE THIRD YEAR OF THE REIGN OF HIS MAJESTY
KING EDWARD VII.**NOTICE.**

Certain amendments having been omitted in the Game Act as published in last week's issue of Royal Gazette, it is now published as amended.

CAP. XLIII.

An Act respecting the protection of Game.

Passed 9th May, 1903.

Be it enacted by the Lieutenant Governor and Legislative Assembly as follows:—

Notwithstanding anything contained in Chapter 189 of the Act passed during the present Session to revise and consolidate the general public statutes of New Brunswick, Chapter 33 of said Act shall come into force immediately upon the passing of this Act, and be and continue in force until the coming into force of the Consolidated Statutes, 1903.

(Consolidated Statutes, 1903)

CAP. XXXIII.

RESPECTING THE PROTECTION OF GAME.

SHORT TITLE.

1. This Chapter may be cited for all purposes as "*The Game Act.*" 62 V. c. 8, s. 1.

INTERPRETATION.

2. In this Chapter the following expressions have the meaning assigned to them in this section, unless the context otherwise requires:—

(1) The expression "close season," with reference to each class of game respectively, means the period during which, under the provisions of this Chapter, it is declared to be an offence to do any stated act with reference to such class of game; and the expression "open season," with reference to each class of game respectively, means the period elapsing between any two successive close seasons for such class of game.

(2) The expression "game" includes any animal or bird mentioned in this Chapter, or of a species or class similar thereto.

(3) The expression "hunts" means and includes any chasing, pursuing, worrying, following after or on the trail of, or any searching for, shooting at, stalking, or lying in wait for any game, whether such game be then or subsequently captured, killed, injured, or otherwise.

(4) The expression "takes" means and includes any capturing or taking into one's possession any game whether alive or dead.

(5) "Possession." If there be two or more persons, any one of whom, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them.

(6) The expression "penalty" with reference to an offence under this Chapter includes any fine to which the offender may be liable under this Chapter, and also any imprisonment which, under the provisions hereof, may be imposed in default of the payment or satisfaction of such fine.

(7) The expression "warden" includes the chief game commissioner, a deputy warden, special warden, game guardian, clerk of a market, and every other person temporarily called upon or instructed by a warden to assist in the enforcement of this Chapter.

(8) The expression "justice" includes any justice of the peace, parish court commissioner, stipendary, police or sitting magistrate, appointed or acting in or for any city, county, town, parish or district within the Province.

(9) The expression "constable" includes any sheriff, deputy sheriff, police officer, constable, bailiff, keeper of a gaol or prison, or other person employed, or deputized for the preservation of the public peace, or for the service or execution of civil process within the Province, and also any warden under this Chapter.

(10) The expression "non-resident" means a person not resident or domiciled within the Province. 62 V. c. 8, s. 2.

OFFENCES IN CLOSE SEASON AND CLOSED DISTRICTS.

3. Every one is guilty of an offence and liable to the penalty hereinafter provided, who, between the dates hereinafter in each case specified, exclusive of each date named in any part (unless otherwise provided) of this Province:—

(1) Hunts, takes, hurts, injures, traps, snares, shoots, wounds, kills or destroys.

(a) Any moose or caribou between the 30th day of November, in any year, and the 15th day of September then next following.

(b) Any deer in any part of the Province between the dates last mentioned.

(c) Any mink, fisher or sable, between the coming into force of this Chapter and the 15th day of October, 1906, and thereafter between the 31st day of March in any year, and the 15th day of October then next following.

(d) Any partridge within two years from the coming into force of this Chapter.

(e) Any wild goose, brant, teal, wood duck, dusky duck, commonly called black duck, (except as otherwise provided in section 8), between the 1st day of December, in any year, and the 1st day of September then next following. 62 V. c. 8, s. 3 (a) vii.

(f) Any snipe or woodcock, between the dates last mentioned. 62 V. c. 8, s. 3 (a) viii.

(g) Any shore or other birds, on, or along the beaches, islands, or lagoons, bordering the tidal waters of the counties along Northumberland Strait, the Gulf of Saint Lawrence, and the Bay of Chaleur, between the 31st day of December and the 1st day of September in any year. 63 V. c. 39, s. 3 (2).

(h) Any wild black duck, wood duck, teal duck, or other kind of wild duck, or any snipe, wild goose, or other wild fowl after sunset and before sunrise, any time between the 1st day of August and the 1st day of December in any year, in or upon those certain marsh lands in the Parish of Shediac, in the County of Westmorland, bounded easterly by a road leading northerly from the main road to the shore between the lands of Gregoire Boudreau and lands of Joseph Leger; southerly by the line dividing the said marshes from the up and; westerly by a road leading northerly from the main road to the sea shore, between the lands of Dominique Boudreau and lands of Zedel Boudreau; and northerly to a high ridge or bank of sand which separates the said marshes from the sea shore, known as Boudreau marshes, and the Barachois; or in or upon any of the creeks or ponds thereon. 2 Edw. VII. c. 36, s. 3.

(i) Any muskrat, in the Counties of Kings's, Queen's and Sunbury, between the 10th day of June in any year, and the 10th day of March then next following. 62 V. c. 8, s. 3 (a) ix.

(j) Any beaver, between the coming into force of this Chapter and the 1st day of July, A. D. 1907. 1 Edw. VII. c. 4, am.

(2) Has in one's possession, during the close season for hunting beaver, the undressed skin, or any part of the carcass, of any beaver killed in this Province during such close season. 62 V. c. 8, s. 3 (b), am.

(3) Buys or sells, or offers, or exposes for sale (except as otherwise provided in sections 8 and 48),

(a) Any partridge between the date of the passage of this Chapter and the 15th day of September, A. D. 1905. 63 V. c. 39, s. 1.

(b) The carcass, or any portion thereof, or the green hide or pelt, or nest or eggs of any other class of game during the close season for such game in this section provided. 62 V. c. 8, s. 3 (c) ii.

(4) Wilfully refuses to furnish information, wilfully furnishes false information to a warden or constable, respecting the existence of, or the place of concealment or storage of any game or the carcass or any portion thereof, or the green hide or pelt of such game. 62 V. c. 8, s. 3 (d).

OFFENCES AT ALL SEASONS.

4. Everyone is guilty of an offence and liable to the penalty hereinafter provided, who, at any time or season hereafter, in any part of the Province (62 V. c. 8, s. 4):—

(1) Hunts, takes, hurts, injures, traps, snares, shoots, wounds, kills or destroys.

(a) Any calf moose under the age of one year, or any cow moose, or who has in his possession the carcass of any such calf moose, or of any cow moose, or any portion thereof. 62 V. c. 8, s. 4 (a) i.; 2 Edw. VII. c. 36, s. 1.

(b) Any game on Sunday. 62 V. c. 8, s. 4 (a) ii.

(c) Any game in any park, pleasure resort, land or forest, now or hereafter set apart or reserved for public park purposes. 62 V. c. 8, s. 4 (a) iii.

(d) Any sea-gull, pheasant or any small birds which frequent the fields and woods (except such birds as to which special provisions are made in this Chapter, and excepting also blackbirds, crows and English sparrows), or removes, damages, or destroys the nest or eggs thereof. 62 V. c. 8, s. 4 (a) iv.

(e) Any moose, caribou or deer by means of, through the use of, or with the assistance of any artificial light or lights. 62 V. c. 8, s. 4 (a) v.

(f) Any wild goose, brant, teal, wood-duck, dusky-duck, commonly called black-duck, with or by means of any punt gun or swivel-gun (not including the ordinary musket or fowling-piece); or by means of, through the use of, or with the assistance of, any net or nets, or artificial light or lights. 62 V. c. 8, s. 4 (a) vi.