

- (g) Any moose, caribou or deer through the means of, with the assistance of, or when such person is accompanied by any dog; but no one is guilty of an offence who merely uses a dog or dogs to assist in expelling such game from any field to him belonging and then being in a state of actual cultivation. 62 V. c. 8, s. 4 (a) vii.
- (2) Traps or snares, or sets any trap or snare for,
 (a) Any moose, caribou or deer. 61 V. c. 8, s. 4 (b) i.
 (b) Any other game, except fur-bearing animals. 62 V. c. 8, s. 4 (b) ii.
- (3) Brings or carries within any park, pleasure resort, or land, or forest set apart or reserved for public park purposes, any gun or other firearm (excepting, however, wardens, constables, or park officials); or without the consent of the owner of the land, carries firearms upon or over any woodlands which are enclosed and have roads constructed therein, and are open to the use of the public as a place of recreation, and have become more or less places of public resort. 62 V. c. 8, s. 4 (c); 2 Edw. VII. c. 37, s. 4.
- (4) Obstructs or interferes with a warden or constable in the discharge of his duties. 62 V. c. 8, s. 4 (d).
- (5) Not being the actual owner of the property in section 5, sub-section (1) described, falsely and wilfully represents himself as such, for the purpose of effecting the transportation thereof. 62 V. c. 8, s. 4 (e).
- (6) Disturbs, injures, gathers, or takes at any time the eggs of any species of partridge, wild duck, wild goose, or of any other wild fowl, the hunting of which is regulated by this Chapter. 55 V. c. 19, part.

OFFENCES RESPECTING TRANSPORTATION AND EXPORT OF GAME.

5. Every corporation, railway, express company, or other common carrier, or person acting as a common carrier, shall be guilty of an offence and liable to the penalty hereinafter provided, who, at any time or season hereafter in any part of the province:—

(1) Carries or transports from place to place any live moose, caribou or deer, or the carcass or any portion thereof, or the green hide of such game, unless the same be accompanied by the owner thereof, and be open to view and tagged or labelled with the owner's name and address.

(2) Carries or transports without the Province any live game, or the carcass or any portion thereof, or the green hide or pelt of any game. Nothing herein shall apply to game transported or exported on the special permit of the Surveyor General, under the provisions of section 49, or to the transportation of heads or hides of moose, caribou or deer, shipped or delivered to any *bona fide* taxidermist within the Province. 62 V. c. 8, s. 5.

6. Every person shall be guilty of a offence, and liable to the penalty hereinafter provided, who, at any time.

(1) Hunts, takes or kills any partridge for the purpose of exporting the same, or

(2) Exports, or attempts to export out of New Brunswick, any partridge, hunted, taken or killed within the Province. 63 V. c. 39, s. 13 (1), am.

OFFENCES DURING OPEN SEASON.

7. Every one is guilty of an offence, and liable to the penalty hereinafter provided, who, during any open season for moose, caribou or deer (62 V. c. 8, s. 6):—

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

(a) Any moose or caribou without being the holder of a license so to do, as provided for in section 44. 62 V. c. 8, s. 6 (a) i; 1 Edw. VII. c. 24, s. 1.

(b) Being the holder of such license, more than the number of moose or caribou in such license stated. 62 V. c. 8, s. 6 (a) ii.

(c) More than two deer. 62 V. c. 8, s. 6 (a) iii.

(d) Any moose or caribou in the night time, that is to say, between one hour after sunset and one hour before sunrise. 1 Edw. VII. c. 24, s. 3.

(2) Being a non-resident, and not then holding a license so to do, as provided in section 44, sub-section (b), or (c), accompanies in the woods, or acts as guide or camp help for any person hunting or intending to hunt moose or caribou. 62 V. c. 8, s. 6 (b).

(3) Being a resident, and not then holding an unexpired license, so to do, as approved in section 44, sub-section (b), accompanies in the woods as a guide, any person hunting or intending to hunt moose or caribou. 62 V. c. 8, s. 6 (c).

(4) Whether licensed or unlicensed, resident or non-resident, accompanies in the woods as a guide, any unlicensed person hunting or intending to hunt moose or caribou. 62 V. c. 8, s. 6 (d).

(5) Being a non-resident of the Province, hunts, takes, hurts, injures, shoots, wounds, or destroys, within the County of Westmorland, any deer, mink, fisher, sable, muskrat or beaver, or any game birds mentioned in section 3 of this Chapter, without being the holder of a license so to do, as provided by section 44, sub-section (d), or acts as driver, hunter, guide, or companion of any person so hunting without license. 63 V. c. 39, s. 3 (1), part; s. 7, *ibid*.

(6) Being the holder of a license, as in this section referred to, fails, neglects, or refuses to produce the same, or

to suffer or permit the examination thereof, when thereto requested or required by any warden or constable. 62 V. c. 8, s. 6 (e).

EXCEPTIONS TO OFFENCES.

8. Notwithstanding anything in this Chapter contained it shall be lawful to

(a) Hunt, take, shoot or kill:—

I. Any wild goose or brant, in any locality frequented by such game, provided the same be done by a *bona fide* resident of such locality, and for the domestic use only of such resident, except in the case forbidden by clause (1) of sub-section 1 of section 3 of this Chapter. 62 V. c. 8, s. 7 (a) i, am.

II. Any game for preservation as specimens of natural history, or for scientific investigation, provided a license therefor is first obtained as provided in section 49 of this Chapter. 62 V. c. 8, s. 7 (a) ii.

(b) Buy, sell, offer or expose for sale:—

I. Any wild goose or brant between the end of the close season for killing such game, in any year, and the first day of March then next following. 64 V. c. 8, s. 7 (b) i.

PENALTIES.

9. Any person convicted of an offence against this Chapter shall be adjudged to pay a fine of an amount not more than the maximum nor less than the minimum amount prescribed for such an offence in schedule (A), and in such schedule appearing opposite the number of the section, sub-section, and bracketed letter, or section and bracketed sub-section, of this Chapter, in which such offence is stated, and in default of payment or satisfaction of such fine, to suffer imprisonment for a period not longer than the maximum, nor shorter than the minimum period for such offence, in such schedule prescribed, and therein appearing opposite the number of the said section and sub-section. 62 V. c. 8, s. 8.

DOUBLE PENALTIES.

10. Any person who commits an offence under or against the following sub-sections of section 4, namely: sub-sections 1 (b), 1 (c), 1 (e), 1 (f), 1 (g), shall be liable to a double penalty as follows:

(a) Under section 4, sub-section 1 (b), to a penalty double that provided for killing the same class of game in close season, on any day other than Sunday

(b) Under section 4, sub-section 1 (c), to a penalty double that provided for killing the same class of game in close season, in any other part of the Province than the parts in sub-section specified.

(c) Under section 4, sub-section 1 (e), to a penalty double that provided for killing the same class of game in close season without the use, means or assistance of artificial lights.

(d) Under section 4, sub-section 1 (f), to a penalty double that provided for killing the same class of game in close season without the use, means or assistance of punt guns, swivel guns, nets, or artificial lights.

(e) Under section 4, sub-section 1 (g), to a penalty double that provided for killing the same class of game in close season without the means or assistance of, or when not accompanied by any dog. 62 V. c. 8, s. 9.

11. If, at the hearing of any complaint for an offence under this Chapter, it appears that the defendant is not only guilty of the offence complained of, but other facts are shown respecting such offence, sufficient to sustain a conviction for an offence for which a double penalty is provided, the justice shall, in every such case, notwithstanding the complaint laid, enter a conviction and impose a penalty which he would have been authorized to enter and impose had such complaint been laid for the greater offence so proved. 62 V. c. 8, s. 10.

12. If, at the hearing of any complaint for an offence under this Chapter, for which a double penalty is provided, it appears that the defendant has not been guilty of the offence complained of, but sufficient facts are shown respecting such offence to sustain a conviction for an offence for which a single penalty is provided, the justice shall, in every such case, notwithstanding the complaint laid, enter a conviction and impose a penalty which he would have been authorized to enter and impose had such complaint been laid for the lesser offence so proved. 62 V. c. 8, s. 11.

PROSECUTIONS.

13. The provisions of Chapter 123 of these Consolidated Statutes, relating to summary convictions, and the forms authorized thereunder, shall apply as far as applicable, and when not inconsistent with this Chapter, to all prosecutions and proceedings under this Chapter. Every justice within the Province shall have full jurisdiction over every offence under this Chapter, whether the same was committed within or without the city, county, town, parish or district for which such justice may have been appointed, and irrespective of the amount or extent of the penalty for such offence by this Chapter imposed; and every summons, order, warrant, or other process, made or issued by any justice under the provisions of this Chapter, shall and may be served, executed and enforced by any constable according to the tenor thereof, in any and every city, county, town, parish or district within the Province, whether such constable may have been appointed to act in or for such city, county, town, parish or district, or otherwise. 62 V. c. 8, s. 12.