

14. Information or complaints under this Chapter may be laid by any warden, and after ten days from the commission of the offence any person may, in the absence of such action by a warden, lay an information or complaint in his own name. 62 V. c. 8, s. 13.

COMPLAINTS AGAINST CORPORATIONS.

15. Whenever a complaint is laid against a corporation for an offence under this Chapter, all proceedings thereon may so far as is consistent with the provisions of this Chapter, be had and taken pursuant to the provisions of Chapter 123 of these Consolidated Statutes, relating to summary convictions. 62 V. c. 8, s. 14 am.

16. The justice shall, whether such corporation appears and defends, or whether a plea of "not guilty" is entered by the justice, and in case of non-appearance, upon proof of the due service of such notice, proceed with the hearing of the complaint, and in case of conviction, may award any penalty by this Chapter authorized and provided, with costs, and may enforce and collect the same by warrant of distress against any personal property of such corporation. 62 V. c. 8, s. 16.

17. Nothing in this Chapter contained shall be construed so as to prevent any corporation guilty of an offence under this Chapter from being proceeded against under the provisions of the criminal law of Canada. 62 V. c. 8, s. 16.

CONVICTIONS.

18. On any conviction for an offence under this Chapter, the justice may, by his conviction, after adjudging the payment of the fine, as hereinbefore provided, for the offence committed, with costs, order and adjudge:—

(1) That in default of payment thereof forthwith, such fine and costs be levied by distress and sale of the goods and chattels of the defendant, and if sufficient distress cannot be found, that the defendant be imprisoned in the common gaol, or other prison of the county in which the conviction is made, for a period prescribed by this Chapter for such offence; or

(2) That in default of the payment of the said fine and costs forthwith, the defendant be imprisoned in the common gaol, or other prison of the county in which the conviction is made, for a period prescribed by this Chapter for such offence. 62 V. c. 8, s. 17.

19. When the conviction, or order of conviction, is made in the manner prescribed in section 18, sub-section (1), the justice may verbally, or by written warrant, order the defendant to be kept and detained in safe custody until the return of the warrant of distress issued thereunder, unless the defendant gives sufficient security, by recognizance, or otherwise, to the satisfaction of the justice, for his appearance at the time and place appointed for the return of the warrant of distress. 62 V. c. 8, s. 18.

APPLICATION OF PENALTIES AND COSTS.

20.—(1) Notwithstanding anything contained in any Act of Assembly, or any bye-law or regulation of any city, town or municipality, every fine imposed and collected under the authority of this Chapter shall be paid in full to the Surveyor-General, who shall, except as hereunder in this section saved, retain the same to form a fund under his control for the enforcement of the provisions of this Chapter.

(2) When complaint is laid and the information therefor furnished by a person other than a warden, the Surveyor-General may pay one half of the fine so collected to the complainant.

(3) When the complaint is laid by a warden, under information therefor furnished by any other person, the Surveyor-General may pay one-quarter of the fine so collected to such informant. 62 V. c. 8, s. 19.

21. All costs and witness fees imposed and collected under the authority of this Chapter shall be paid by the justice collecting the same to the several persons thereto entitled, and should the mileage fees of such witnesses have been paid by the Surveyor-General, or out of the fund above referred to, the witnesses' mileage fees, so collected, shall be paid in full to the Surveyor-General. 62 V. c. 8, s. 20.

APPEAL ON MERITS ONLY.

22. In any case of review, reference, or other form of appeal, by certiorari or otherwise, from any conviction or order under this Chapter, the Judge or Court to which such appeal is made may, notwithstanding any defect or error in substance, or in form, in any information, summons, warrant, conviction or other process, proceeding, act, matter, or thing, in connection with the prosecution of the offence on which such conviction is made, or any variance in any manner arising or appearing, or any failure in any complaint or hearing thereon to negative exceptions which, if proved, would make the act complained of lawful, or any imposition of a penalty greater or less than that which might lawfully be imposed, hear and determine the review or appeal upon the merits of the case only, and the Judge or Court on review or appeal may confirm, reverse or modify the decision of such justice, or may make such order or conviction in the matter as the Judge or Court thinks just; and such conviction or order shall have the same effect and may be enforced in the same manner as if it had been made by such justice. 62 V. c. 8, s. 21.

EVIDENCE AND BURDEN OF PROOF.

23. On any prosecution for offences under or against this Chapter, the following facts, when shown, shall be prima

facie evidence of the commission of the offences in this section referred to:

(1) Having in one's possession or under one's control, or selling or offering for sale during the close season, or in any closed district for any class of game, the carcass, or any portion thereof, or the green hide or pelt, or the nest or eggs of any game specified in section 3, shall be prima facie evidence of the commission of the offence specified in section 3, sub-section (1) with reference to such class of game.

(2) Having in one's possession or under one's control during the close season, the undressed skin, or any part of the carcass, of any beaver, shall be prima facie evidence of the commission of an offence under or against the provisions of sub-section (2) of section 3. 62 V. c. 8, s. 22, am.

24. On the prosecution of an offence under section 7, sub-section (4), the onus shall be on the defendant of satisfying the justice that the person for whom he was acting as guide was, at the time of the alleged offence, duly licensed under this Chapter to hunt moose or caribou, as the case may be. 62 V. c. 8, s. 23.

25. Whenever, by this Chapter, it is made an offence to do any act without holding a license therefor, the onus in any prosecution shall be upon the person charged, to prove that he was the holder of the license required by this Chapter. 63 V. c. 39, s. 6, am.

26. Any person or persons to whom this Chapter is applicable shall be deemed guilty of violation of the provisions of sub-section (5) of section 7 hereof, if he or they be found upon any of the grounds in said sub-section (5) mentioned, in pursuit of game, or if any person charged with any violation of the provisions of said sub-section (5) of section 7 be proved to have been on or about the usual haunts in said County of Westmorland of any such wild or shore birds, or game, with a dog or gun, or both, it shall be presumed that he or they are guilty of the violation of the provisions of said sub-section (5). 63 V. c. 39, s. 8, am.

27.—(1) Where any person is charged with a violation of the provisions of section 6 of this Chapter, the onus of proving that any such partridge, or partridges, found in the possession or custody of the defendant, were not hunted, taken, or killed by such defendant, for the purpose of exporting the same, and that it is not intended to export the same, shall be upon the defendant. 63 V. c. 39, s. 13 (1), am.

(2) On any prosecution for the violation of sub-section (2) of section 6, upon proof made that the defendant has exported, or attempted to export, any partridge, it shall be presumed that the same was hunted or killed within the Province, until the contrary is shown beyond any reasonable doubt. 63 V. c. 39, s. 13 (3), am.

WARDENS.

28. The Lieutenant-Governor-in-Council shall appoint a chief game commissioner to supervise all wardens and attend generally to the enforcement and observance of this Chapter; such chief game commissioner shall, on or before the first day of December in each year, make a report to the Surveyor-General of the performance of his duties under this Chapter during the preceding year. 62 V. c. 8, s. 24.

29. The Surveyor-General may appoint, suspend, or remove all deputy wardens and special wardens. Deputy wardens shall be appointed to act during pleasure. Special wardens shall be appointed to act during a limited time, which may be stated on appointment or during pleasure. 62 V. c. 8, s. 25.

30. The following oath shall be administered by any justice of the peace or notary public to the several game wardens appointed under the authority of this Chapter, and a return thereof made to the chief game commissioner:

I, _____ of _____ in the County of _____, do solemnly swear that I will faithfully perform and discharge the several duties of game warden agreeably to *The Game Act* and amending Acts, and all regulations made thereunder, without fear, favor or affection. So help me God.

Sworn to at _____, in
the County of _____, the _____
day of _____ A. D. 19 _____.

63 V. c. 39, s. 15.

DUTIES OF WARDENS.

31. (1)—Every warden shall report to the chief game commissioner all cases of violations of any of the provisions of this Chapter coming under his notice, or on which he may have in any manner acted. 62 V. c. 8, s. 26.

(2) Any warden, whether a warden *ex officio* or otherwise, who shall fail to report to the chief game commissioner any violation of this Chapter coming under his notice, shall be liable to a fine not exceeding twenty-five dollars for each such violation coming to his notice, which he shall fail to report, to be recovered with costs, on complaint made by or with the authority of the chief game commissioner.

32. Every warden shall forthwith remit to the Surveyor-General all fees collected by him under this Chapter, and shall, at any time, when thereto required by the Surveyor-General, render full and accurate accounts thereof. 62 V. c. 8, s. 27.

33. All wardens, except game guardians, shall give bonds to the King, to the satisfaction of the Surveyor-General, for the faithful performance of their duties; and such bonds shall be filed in the office of the Surveyor-General. 62 V. c. 8, s. 28.