

34. All wardens shall forward, from time to time, to the Surveyor-General, the names and address of reliable and experienced guides in their respective districts, and the Surveyor-General shall cause a register of such guides to be kept in his office for public inspection during office hours. 62 V. c. 8, s. 29.

GAME GUARDIANS.

35. The fishery commissioner, and also each deputy Crown land surveyor, and each lumber scaler appointed under Chapter 56 of these Consolidated Statutes, during his continuance in office as such surveyor or scaler, and each fishery guardian appointed by the Surveyor-General, and every foreman of any lumber camp, or lumber crew, which he is employed or acting as such foreman, shall be *ex officio* a game guardian and shall have all the powers, rights, and duties of a deputy warden. 62 V. c. 8, s. 30, *am.*

POWERS OF WARDENS.

36. Any and every warden may exercise all the powers and authorities conferred upon a warden by this Chapter, in any part or parts of the Province, irrespective of county lines. 62 V. c. 8, s. 31.

37. Any and every warden shall and may, for the purposes of this Chapter, exercise all the powers and authorities of a Provincial constable, and shall have the same power to ask and require aid and assistance in the performance and execution of his duties as a peace officer, or constable in the execution of his duties as such; and every warden shall be *ex officio* a peace officer within the meaning of any law for the protection of peace officers. 62 V. c. 8, s. 32, *am.*

38. Any and every warden is hereby authorized and empowered to seize, on sight, and confiscate to His Majesty for the uses of the Province (62 V. c. 8, s. 33):

- (a) Any live game, or the carcass or any portion thereof, or the green hide or pelt, nest or eggs, of any game, which may during the close season for the class of game so seized, be found in the possession of any person or corporation. 62 V. c. 8, s. 33 (a).
- (b) Any partridges attempted to be exported in violation of section 6, or which there is reasonable cause to suspect are intended to be exported. Any partridges so seized, or forfeited, shall be sold by the game warden or other person making the seizure either by private sale, or at public auction, at such time and place as he shall think fit and the proceeds of the sale, after paying the expenses thereof, shall be applied in the same manner as the moneys received from penalties are applied under this Chapter. 63 V. c. 39, s. 13 (1), *part*, and s. 13 (2), *am.*
- (c) Any traps or snares, except traps or snares set for fur-bearing animals, and any punt guns, swivel guns, nets, or any device for artificial lighting, which may be found set, or being used by any person hunting or snaring game other than fur-bearing animals. 62 V. c. 8, s. 33 (b).
- (d) Any traps or snares for any game of the fur-bearing class which may, during the close season for such class of game, be found set, or being used by any person hunting or snaring such class of game. 62 V. c. 8, s. 33 (c).
- (e) All vessels or boats employed in disturbing, gathering or taking the eggs of any species of wild fowl in violation of sub-section 6 of section 4, as well as the eggs. Any vessel, boat or eggs, so confiscated may be sold by any warden. 55 V. c. 19, *part*.

39. (1) Any and every warden who has reason to suspect that any live game or the carcass or any portion thereof, or the green hide or pelt, nest or eggs, of any game, is, during the close season for such class of game concealed or stored:

- (a) In any bag, parcel, box, trunk, or other receptacle; or
- (b) In any outhouse, barn, shop, warehouse, or other building, except an unoccupied dwelling house;

is hereby authorized and empowered to open, or cause to be opened in case of refusal, any such receptacle, or to enter into any such building, and to search the same, and every portion thereof, as far as may be considered necessary; and to seize and confiscate to His Majesty, on sight, any such game, carcass, green hide, pelt, nest or eggs there found.

(2) Any and every warden who has reason to suspect that any live game, or the carcass or any portion thereof, or the green hide or pelt, nest or eggs, of any game is, during the close season for such class of game concealed or stored in any occupied dwelling house, may make an affidavit before any justice stating therein in general terms, his suspicion as aforesaid, and thereupon such justice shall issue a search warrant authorizing any warden or constable to enter and search such suspected dwelling house, and any such game then found therein shall be seized and confiscated to His Majesty, on sight. 62 V. c. 8, s. 34, *am.*

40. Any live game seized by a warden may be held by him subject to the order of the Surveyor-General or chief game commissioner,—either of whom may make such disposition thereof as may be considered expedient, or, if physically unfit for detention he may permit the same to escape. 62 V. c. 8, s. 25.

41. All property, other than live game, seized under the provisions of section 38 (a) or section 39, may, notwithstanding any law to the contrary respecting the sale of dead meat,

be sold by any warden, upon or without any public notice thereof. All property seized under the provisions of section 38, sub-sections (c) or (d) may, forthwith thereafter, be destroyed by such warden, or sold by him, should it be deemed expedient to sell the same. 2 Edw. VII. c. 36, s. 2.

42. Any and every warden is hereby authorized and empowered to kill or destroy, on sight, any dog found chasing or pursuing any moose, caribou or deer, and to kill or destroy any dog which can be shown to have at any time pursued, chased, wounded, killed or destroyed any moose, caribou or deer; and proof of the facts in this paragraph stated shall be an absolute bar, to recover, in any action or suit against such warden for the killing of such dog. 62 V. c. 8, s. 37.

43. Any and every warden or constable who detects any person in the act of violating any of the provisions of this Chapter, or any game warden who has reasonable cause to suspect, and does suspect, that any person is violating, or has violated, any of the provisions of this Chapter, or any Act in amendment thereof, may, without any warrant, arrest such person, and take him forthwith before any justice of the peace, who, upon complaint made to him by such warden or constable, may thereupon deal with the offender according to law. 62 V. c. 3, s. 38; 63 V. c. 39, s. 14.

LICENSES AND LICENSE FEES.

44. The Surveyor-General, chief game commissioner or any warden, may issue licenses as follows:—

- (a) A license to take, kill or destroy one bull moose and one caribou.
- (b) A license to accompany in the woods as a guide, any person hunting or intending to hunt moose or caribou.
- (c) A license to accompany in the woods, or act as camp help for any person hunting or intending to hunt moose or caribou. 62 V. c. 8, s. 39, *am.*
- (d) A license to hunt, take and kill, within the County of Westmorland any game as mentioned and provided in section 7 (5) of this Chapter. 63 V. c. 39, s. 3 (1), *part*.

45. (1) Every license issued under the last preceding section shall be signed by the Surveyor-General and endorsed or counter-signed by the chief game commissioner or the warden issuing the same, and shall be plainly and legibly dated by the officer issuing the same, and shall be in force to the end of the season then current for the kind of game the hunting of which is authorized by or specified in such license, or if the license is issued in the close season for such game, then during the whole of the open season next following the issue thereof, and no longer, and a report of the issue of such licenses shall forthwith be sent by such warden to the chief game commissioner, with a statement of the locality in which the licensee intends to hunt or act as guide, or as assistant or camp help, as the case may be.

(2) A license issued under either clause (b) or clause (c) of section 44 shall not authorize the licensee to shoot any moose or caribou.

(3) No license issued under section 44 shall authorize any licensee while he is a member of a lumber crew or employed as a lumberman in connection with lumbering, and boards or lodges at any lumber camp, to shoot any moose or caribou at any time after two moose or two caribou have been shot or taken during the same open season by other licensees employed in connection with lumbering, boarding or lodging at the time they killed such moose or caribou in such lumber camp, or forming part of the same lumber crew; and any person shooting any moose or caribou under such circumstances that a license would not under this sub-section authorize such shooting shall be deemed to have shot such moose or caribou without a license therefor.

46. (1) Every resident of the province making application for any such license shall, at or before the delivery of the same, pay therefor the license fees following:—

- (a) For the license authorized by clause (a) of section 44, Two dollars.
- (b) For the license authorized by clause (b) of said section 44, One dollar.
- (c) For the license authorized by clause (c) of said section 44, One dollar.
- (d) For the license authorized by clause (d) of said section 44, Twenty-five cents.

(2) Every person non resident in the province making application for any license under section 44, shall, at or before delivery of the same, pay therefor a license fee of Thirty dollars. Provided however that no license under clause (b) of said section 44 shall be issued to any non-resident.

47. License fees collected by any warden under this Chapter shall forthwith be paid to the Surveyor-General, who shall add the same to the fund formed under the provisions of section 20. 62 V. c. 8, s. 42.

48. Any warden may, on application of any person within ten days after the commencement of the close season, for a license to sell any carcass, or portion thereof, or the green hide or pelt, or the nest or eggs of any game, upon satisfying himself that such game was killed during the open season for such game, issue a permit or license, describing the quantity and nature of such game, and authorizing the sale of the same within ten days therefrom; and any such licensee selling or offering for sale such game before the date of the expiry of such permit, shall be exonerated from all penalty under this Chapter. 62 V. c. 8, s. 43.