

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, _____, 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. 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.

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.

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, 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.

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. 35.

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 signed by the Surveyor-General, and endorsed by the chief game commissioner or the warden issuing the same, authorizing the person in such license named:

- (a) To take, kill, or destroy one moose and one caribou.
- (b) To accompany in the woods as a guide, any person hunting or intending to hunt moose or caribou.
- (c) 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.