

CAP. LXI.

An Act to prevent the hunting of Deer at improper seasons of the year, and further to amend the laws for the preservation of Game.

[30th August, 1851.]

Preamble.

WHEREAS divers inhabitants of Upper Canada have petitioned Parliament to pass a law for restraining the hunting and killing of Deer with hounds, and it is but reasonable to comply with the prayer of their petition, inasmuch as Deer are yearly becoming scarcer; And whereas it is also desirable to alter the time of year for killing Woodcocks, Wild Ducks and Snipe in Upper Canada, experience having shewn that the seasons now prescribed by law are not the proper ones for such sporting: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person or persons to chase, hunt, shoot, take or kill any Deer, Fawn, Moose or Elk of any species, either with or without hounds or dogs of any breed or sort, or to allow any hound or dog of any kind or sort belonging to him or them, or in his or their possession, or under his or their control, to be used for such purpose, or to follow such chase of its own accord and unaccompanied by any person, within Upper Canada, except during the period between the first of August and the first of January in each following year; any law to the contrary notwithstanding.

When only deer may be killed with hounds or otherwise.

Season for killing wild ducks.

and Woodcocks.

Penalties on persons contravening this Act.

II. And be it enacted, That the time or season for shooting, taking and killing Wild Ducks, Teal, Widgeon, and other aquatic birds, shall be and is hereby declared to be between the first day of July and the first day of April in the following year, and the time or season for shooting and killing Woodcocks shall be and is hereby declared to be between the first day of July and the first day of January in the following year, and the shooting or killing of Snipe shall be lawful at all seasons of the year.

III. And be it enacted, That if any person or persons shall chase, hunt, shoot, take or kill, or shall assist in or encourage any chasing, hunting, shooting, taking or killing any Deer, Fawn, Moose or Elk, with hounds or dogs of any breed or sort, within Upper Canada, or shall allow any hound or dog of any kind or sort, belonging to him or them, or in his or their possession, or under his or their control, to be used for such purpose, or to follow such chase of its own accord or unaccompanied by any person, at any time of the year, except during the period heretofore mentioned, or shall take or kill any Wild Duck, Teal, Widgeon or other aquatic birds at any other season of the year than between the first day of July and the first day of April before mentioned, or shall kill any Woodcock at any other time than between the first day of July and the first day of January before mentioned, such person or persons shall for every offence be liable to the pains and penalties imposed upon persons by the Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to prohibit the hunting and killing of Deer and other game within this Province at certain seasons of the year*, and the person or persons who are guilty of offending against the provisions of the said Act, and the person or persons offending against this Act, shall be prosecuted, and the penalties and pains shall be enforced in the same form, and by the same means, and in the same manner as are prescribed with regard to offenders under the said Act: Provided always, that one moiety of all fines to be imposed by virtue of the provisions of this Act, or of the said Act imposing fines and penalties, shall be awarded to the party charging the offence in writing, and the other moiety shall be paid to the Treasurer of the Municipality where the offence is alleged to have been committed, to be applied by such Treasurer to the general funds of such Municipality.

Act of 7 Vict. c. 12, to apply to offences against this Act.

Proviso.

IV. And be it enacted, That so much of any Act, or of any part of any Act as shall be repugnant or contrary to the provisions of this Act, shall, in so far as the same may apply to Upper Canada, be, and the same is hereby repealed.

Inconsistent enactments repealed.

V. And be it enacted, That the second section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to prohibit the use of Strychnine or other poisons for the destruction of certain kinds of wild animals*, shall hereafter be read, construed and have effect as if the words "Justice of the Peace" in the said section had not been inserted therein; and the fourth section of the said Act shall be and is hereby repealed; and the said Act, as hereby amended, shall, from and after the passing of this Act, extend to Upper Canada as well as Lower Canada.

The 2d s. 12 Vict. c. explained.

VI. And be it enacted, That this Act shall be in force in Upper Canada only, and shall not apply to Indians who are permanent inhabitants of this Province.

4th sec. of same repealed.
Act as amended to extend to Upper and Lower C.
This Act limited.

C A P. L X I I .

An Act to explain and amend the Law in Lower Canada, respecting Bills of Exchange and Promissory Notes.

[30th August, 1851.]

WHEREAS doubts exist respecting the legal effect of protests in the particular cases hereinafter mentioned, made in the form prescribed by the Act of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Law regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof, and Foreign Bills in certain cases*, and it is expedient to prevent the continuance of such doubts, and also to amend the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That notwithstanding the omission in any protest made since the passing of the said Act, of any Bill of Exchange or Promissory Note, of the statement of the period of the day in which the protest was made, such protest shall be held and taken to have been made in the afternoon of the day of the date thereof, unless the contrary shall appear on the face of the protest; any thing in the said Act to the contrary notwithstanding.

Preamble.

II. And be it enacted, That any protest made after the passing of this Act, in the form prescribed in the said Act, shall be held and taken to have been and to be made in the afternoon of the day in which it bears date, unless the contrary shall appear upon the face of the protest.

As to protests made before the passing of this Act.

As to protests made after the passing of this Act.

III. And be it enacted, That in any action at law, or legal proceeding pending in Court in Lower Canada for the recovery of the amount of a protested Bill of Exchange or Promissory Note, in the protest whereof the omission shall exist of the statement, that such protest was made in the afternoon of the day on which it bears date, and such action or proceeding shall be contested by reason of such omission, and no judgment shall have been therein rendered on the merits by such Court, it shall be lawful for the party prosecuting therein, or his legal representatives, to present a petition to the Court in which such action or proceeding is pending, pleading this Act, praying that the benefit thereof be allowed him, and thereupon all and every the objections based upon the omission aforesaid shall cease and have no effect, after such notice of the said petition shall have been given to the objecting party or his attorney on the record, as shall by the said Court be deemed sufficient, and thereupon it shall be lawful for the said Court to order the ejection from the record of any plea or defence or proof thereof based upon such omission, and to order a replender or otherwise, in the said action and proceeding, as the Court in its discretion may, on good cause shewn therefor, allow, according

As to protests in cases now pending.