

Provincial Statutes of Canada, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 46

An Act to prevent certain Wild Fowl and Snipes from being destroyed at improper seasons of the year, and to prevent the trapping of Grouse and Quail in this Province. (29th March, 1845.)

Whereas divers Inhabitants of this Province have, by their Petition to the Legislature, set forth that the various kinds of Wild Fowl commonly called “Duck,” and the different sorts of Wild Geese, which used formerly to abound in the lakes, rivers, bays and islands of the Province, and formed a great source of not only profit, and marketable commodities, but also of nutriment and luxury to a large class of Her Majesty's Subjects, have of late years so materially decreased in number, (owing as is alleged, to their having been destroyed at improper seasons of the year, and particularly during the summer months,) and that their entire disappearance from the country is threatened, unless protected by some Legislative enactment; And whereas it is expedient to comply with the prayers of the said Petitions; And whereas the Game called Grouse and Quail in the western parts of this Province have of late years become nearly extinct by reason of the same having been caught in snares, nets, and traps, by day and by night, in an unsportsmanlike manner, and it is expedient to enact a Law to prevent that description of Game (which contributes so much to the amusement and luxury of the Inhabitants of that part of the Province,) from being utterly destroyed by such clandestine means: 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 no person or persons shall, within this Province, from and after the passing of this Act, hunt, shoot, take, kill or destroy any Wild Swan, Wild Goose Wild Duck, Teal, Widgeon or Snipe between the tenth day of May, and the fifteenth day of August in any year.

II. And be it enacted, That no person shall hereafter trap or set traps, nets or snares for any Grouse or Quail, or kill or hunt or go in quest after the same at night, within this Province.

III. And be it enacted, That if any person shall hunt, shoot, take, kill or destroy any Wild Swan, Wild Goose, Wild Duck, Teal. Widgeon or Snipe between the tenth day of May, and the fifteenth day of August in any year, or shall sell, offer for sale, buy, receive, or have in his or her possession, any of the above mentioned birds between those periods, (such birds having been taken or killed after the said tenth day of May, the proof to the contrary whereof shall be upon the party charged,) or if any person shall trap or set traps, nets or snares, for any Grouse or Quail, or shall kill or hunt, or go in quest after the same at night, (that is to say, between Sunset and Sunrise,) or any such person being convicted of any or either of the said offences before a Justice of the Peace, upon the oath or affirmation of one or more credible witness or witnesses (which oath or affirmation the Justice is hereby authorized to administer,) or upon view had of the offence by the

said Justice himself, shall pay a fine or penalty not exceeding five pounds, nor less than five shillings, current money of this Province, together with the costs and charges attending the conviction.

IV. And be it enacted, That any person or persons offending against this Act, shall be charged in writing, and the conviction shall be drawn up, and the fine or fines and costs levied in manner and according to the Form, or as near thereto as may be, as charges are directed to be made, and convictions drawn up, and penalties and costs directed to be levied, in and by a certain Act of this Province, made and passed in the seventh year of Her Majesty, intituled, "An Act to prohibit the hunting and killing of Deer and other Game within this Province at certain seasons of the year," and all the several provisions of that Act as to the limitation of time for prosecution and as to evidence, and an appeal to the Quarter Sessions and otherwise, shall (so far as they lawfully can) be made applicable to this Act without here repeating the same.

V. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to the people usually called Indians.

VI. And be it enacted, That the County of Saguenay shall be exempt from the operation of this Act.