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THE PRINCE EDWARD ISLAND FISH AND GAME

PROTECTION ACT 1937

(Assented to April 16, 1937)

BE IT ENACTED by the Administrator of the Government and Legislative Assembly of the Province of Prince Edward Island as follows:

1. This Act may be cited as "The Game Act, 1937."

2. In this Act the following expressions have the meanings assigned to them in this section unless the context otherwise requires:

(a) The expression "Game" includes any animal, bird or fish mentioned in this Act or of a class or species similar thereto, except the animals mentioned in Section 3, sub-section (c), and except domestic foxes and dogs.

(b) The expression "Hunts" means and includes any chasing, pursuing, worrying, following after, searching for, shooting at or lying in wait for, any game, whether such game be actually taken or not.

(c) The expression "Close Season" with reference to any class of game, means the period during which, under the provisions of this Act, it is declared to be an offence to hunt such game; and the expression "Open season" means the period elapsing between two close seasons for such class of game.

(d) The expression "Takes" means and includes any capturing or taking into one's possession any game whether dead or alive.

(e) The expression "Justice" means and includes any Justice of the Peace or Stipendiary Magistrate for any district in this Province.

(f) The expression "Game Association" means The Prince Edward Island Fish and Game Protection Association.

(g) The expression "Enclosed Property" shall mean and include any property which has been advertised by the Owner or Lessee thereof, as being prohibited by him to angling or hunting. Such advertisement of Prohibition shall be given by notice in a newspaper published in Prince Edward Island or by notice posted in four different places on the property.

3. Everyone is guilty of an offence and liable to a penalty not exceeding \$100.00 or less than \$20.00 or in default of payment to a period not exceeding 30 days in jail, who hunts, takes or kills, attempts to take or kill or has in his possession, whether dead or alive, any game here-  
after



after mentioned unless taken in the following period:-

(a) Any ruffed grouse from October 15th to October 31st, both days inclusive. At no time shall more than (3) ruffed grouse be killed or taken in one day, commencing with the year 1937.

(b) Any hares or rabbits from November 1st to February 15th.

(c) Any Otter, Mink, Muskrat, from November 1st to March 31st.

(d) Any shore or other birds except as set forth by the Migratory Bird Convention Act.

4. Everyone is guilty of an offence and liable to a penalty of not exceeding fifty dollars (\$50) and not less than Ten Dollars (\$10) or in default of payment to a period not exceeding thirty days in jail, who; except with written permission of the Minister of Agriculture:

(a) Buys, sells, offers for sale or has in his possession any game or eggs of game birds during the close season for such game, unless killed in the open season, the onus of proof of which to be on the party having the same in possession.

(b) Allows his sporting dogs or dog to run at large in the woods or on the shores or marshes between the first day of March and the first day of September in each year, or at any time without his master or owner.

#### OFFENCES AT ALL SEASONS

5. Every one is guilty of an offence and liable to a penalty of not exceeding Fifty Dollars (\$50) and not less than Ten Dollars (\$10) or in default of payment to a period not exceeding thirty days in jail, who, at any time or season hereafter in any part of this Province:

(a) Hunts, wounds, kills or destroys any Pheasant, or any birds not being game birds excepting Hawks, English Sparrows, Owls, Bronze Grackle, Starlings, and Crows except as permitted by the Migratory Bird Convention Act.

(b) Snares or sets snares for partridges.

(c) Disturbs or injures the nests or eggs of any kind of bird mentioned in this Act, other than those excepted in Sub-section (a) of this Section, or as permitted by Migratory Bird Convention Act.

(d) Exports or attempts to export out of the Province any game taken or killed in this Province except with written permission of the Minister of Agriculture.

6. Every one is guilty of an offence and liable to a penalty of not exceeding Fifty Dollars (\$50) and not less than ten dollars (\$10) or in default of payment to a period of not exceeding thirty days in jail, who:

(a) Uses or attempts to use a rifle or other fire arms loaded with bullets or bullet within the Province for the purpose of hunting game birds, except as may be permitted under the Migratory Bird Convention Act.

(b) Uses any machine, automatic or pump gun for the purpose of hunting or killing game or game birds.



(c) Places out poison or poisoned bait for foxes or any other animal.

(d) Kills any game or bird protected by the provisions of this Act and wantonly allows it to go to waste.

(e) Hunts or kills Beaver.

(f) Sells or offers for sale any game in this Province, except hares or rabbits.

(g) Hunts or kills on Sunday by shooting any game, birds or animals in this Province.

(h) To injure or destroy the house, den or runway of a beaver or muskrat.

(i) To place out, or cause to be placed out, without the permission of the Minister of Agriculture in writing, whether baited or not, any trap, cage, or other contrivance for the purpose of taking Hungarian Partridge. The onus of proof shall rest upon the person on whose property the trap, cage, or other contrivance is found.

7. It shall be unlawful to feed trout or salmon caught in Prince Edward Island to foxes, mink or other animals. Penalty for violation of this Section to be not more than Fifty Dollars (\$50) or less than Twenty Dollars (\$20) or in default of payment to a period not exceeding thirty days in jail.

#### GENERAL PROVISIONS

8. It shall be the duty of all Constables, Policemen, Officers and Constables of the Royal Canadian Mounted Police and Market Clerks, to enforce the provisions of this Act, whenever the infringement thereof comes under their notice, under a penalty of not less than Five Dollars (\$5) for each omission of duty.

9. Every common carrier or person acting as a common carrier shall be guilty of an offence and liable to a penalty not exceeding Fifty Dollars (\$50) nor less than Ten Dollars (\$10), or in default of payment to a period not exceeding thirty days in jail, who, at any time hereafter knowingly carries or transports out of the Province any species of game.

10. The Lieutenant Governor in Council may appoint a Game Inspector and Wardens for the enforcement of the provisions of this Act, at a salary to be fixed by the Lieutenant Governor in Council, who shall make a report to the Lieutenant Governor in Council on or before the first day of February of each year. The said Inspector shall be sworn to the faithful performance of his duty, and it shall be his duty to supervise and instruct the game Wardens in the discharge of their duties, to assist as far as possible in the prosecution of all offenders, by bringing all complaints, duly investigated and supported by evidence, before the proper authorities, to issue the licenses provided herein and generally to see that the provisions of this Act are carried out. It shall also be his duty to assist the officers of the Government of the Dominion of Canada as far as possible, in carrying out the laws for the preservation of the inland Fisheries of the Province.



11. The Game Inspector or any Constable or Warden is hereby authorized and empowered to seize on sight and confiscate to His Majesty for the uses of the Province.

(a) Any game being exported or attempted to be exported in violation of the provisions of this Act or which there is any reasonable cause to suspect is intended to be exported.

(b) Any game or the eggs of game birds which may, during the close season for the class of game so seized, be found in the possession of any person, contrary to the provisions of this Act.

(c) Any lights, lanterns, punts, swivel guns, rifles, sneak boats, snares, traps or other things that are found being used in violation of the provisions of this Act.

12. All property seized under the provisions of the previous section, may be held as security for any fine that may be imposed, and in default of payment thereof may be sold after fifteen (15) days notice.

13. The Game Inspector or Constable who has reason to suspect that any game or nest or eggs of game birds is, during the close season for such class of game, concealed or stored in any gamebag, box, parcel, waggon, automobile, sleigh or other receptacle, is hereby authorized or empowered to open or cause to be opened, any such receptacle and to search the same, and to seize and confiscate to His Majesty on sight any such game, nest or eggs found therein.

14. The members of the Prince Edward Island Fish and Game Protection Association are hereby appointed Game Wardens, without pay, for the enforcement of the provisions of this Act.

15. Every owner of enclosed property is hereby constituted a warden in so far as his own property is concerned.

16. (a) It shall be unlawful for any non-resident to fish in the waters of this Province or hunt, pursue, take or trap any wild animal or bird in this Province without first procuring a License therefor as herein provided. The penalty for a violation of this section to be not more than \$10.00 or less than \$2.00 or in default of payment to a period not exceeding ten days in jail.

(b) A license to hunt game shall be issued to any non-resident of Prince Edward Island upon payment of the sum of Five Dollars (\$5.00) to such officer or agent appointed to issue same, but this license does not give the holder the privilege to trap, hunt or kill fur-bearing animals.

(c) A license to angle for trout or salmon shall be issued to any non-resident of Prince Edward Island upon payment of the sum of Two Dollars (\$2.00) to such officer or agent appointed to issue the same.

(d) A license to angle for Trout or Salmon for ten (10) consecutive days only shall be issued to any non-resident of the Province on payment of the sum of One Dollar (\$1.00) to such officer or agent appointed to issue same.

(e) A resident of Prince Edward Island within the meaning of this section shall be a person who is at the time, and who has been continuously for the full period of six (6) months next preceding a bona fide resident of the Province.



(f) Each Licensee shall have his license on his person when engaged in the respective pursuits for which he is licensed and shall then and there produce and exhibit same upon request to any officer authorized to enforce the Fish and Game Laws, and such license, unless so carried, and unless so produced and exhibited, shall not have the effect to have authorized or permitted any Licensee to engage in such pursuit. Such license shall not be assignable or transferable.

(g) Everyone being a holder of a Fish and Game License and being in pursuit of Fish and Game who neglects to carry same or refuses to permit the examination thereof, when required to do so by the Game Inspector, a Warden or Constable, is guilty of an offence and liable to a penalty not exceeding Ten Dollars (\$10.00).

17. All fines, fees or other moneys received under the authority of this Act shall be paid to the Provincial Treasurer.

18. On any conviction for an offence under this Act, the Justice shall by his conviction, after adjudging the payment of the fine, as herein provided for the offence committed with costs, order and adjudge that in default of payment forthwith, the defendant be imprisoned in the common jail in the County in which the conviction is made for a period of not less than ten days or exceeding ninety days.

19. A License fee of fifty dollars (\$50.00) shall be paid by non-residents for trapping, taking or killing fur-bearing animals in this Province, the said sum to be paid to the Secretary-Treasurer of this Province who is hereby authorized to grant such license.

20. Every holder of a Game license shall be permitted to carry with him out of the Province Twelve (12) birds killed by himself within the Province, without rendering himself liable under sub-section (d) of Section Five of this Act. Said birds must be carried in open sight and be tagged with the number of the bearer's license.

21. No person shall kill by angling in one day more than Five (5) Salmon and no person shall fish for, catch or kill in any of the waters of this Province, a greater number of Speckled Trout or Brook Trout than in the aggregate shall weigh more than Ten (10) pounds and no greater number than Twenty (20) Speckled Trout or Brook Trout though said number weigh less than Ten (10) pounds, and no person shall in one day catch and retain more than Three (3) Rainbow Trout.

22. Every one is guilty of an offence and liable to a penalty of not exceeding Ten Dollars (\$10.00) nor less than Five Dollars (\$5.00) who knowingly hunts or fishes on any enclosed property without the permission of the owner thereof.

23. The Game Inspector or such person or persons as the Government shall appoint are hereby empowered to issue Game Licenses and Angler's Permits on the form supplied by the Provincial Treasurer and shall make a monthly return to the Provincial Treasurer, for all moneys received for Game Licenses and Angler's Permits and shall retain as compensation ten (10) per centum of all fees they collect under this Act.

24. Every person is guilty of an offence and liable to a penalty of not exceeding One Hundred Dollars (\$100.00) nor less than Ten Dollars (\$10.00) who hunts or kills or attempts to hunt or kill any Fox not in captivity



captivity except between the first day of December and the thirty-first day of January. Provided that nothing in this Section shall in any wise alter or affect the law as it is now in force with respect to Foxes in Captivity.

25. The following Acts are hereby repealed:

- Act 18 George V., Chapter # 16
- Act 19 George V., Chapter # 13
- Act 22 George V., Chapter # 15
- Act 24 George V., Chapter # 10
- Act 1 Edward VIII., Chapter # 3

26. The Minister of Agriculture may pay a bounty to any inhabitant of the Province of Prince Edward Island who proves to him in the manner hereafter determined that he has killed one or more skunks within the Province. The amount of the bounty for each skunk destroyed shall be fixed by the Lieutenant Governor in Council. The forefeet, head or any other part of the destroyed skunk that the Lieutenant Governor in Council may by regulation direct, shall be cleaned and sent or delivered to the Minister of Agriculture at the shipper's expense with a statutory declaration made before a Justice of the Peace for the County in which the declarant resides establishing the place where and the date on which he killed such skunk.

27. The administration of this Act shall be under the Department of Agriculture, which shall furnish at cost notices with the legend "Fish and Game" and have inscribed in large letters "Enclosed Property".

28. The Governor in Council shall have power to adopt by Order in Council any regulation to better carry out the provisions of this Act, but not inconsistent therewith.

29. Penalties imposed by or under the authority of this Act shall be recoverable under the procedure provided by Part XV. of the Criminal Code of Canada.

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