

Bill No. 81 of 1954

A BILL TO AMEND THE GAME ACT, 1946

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NOTE

This Bill amends *The Game Act, 1946*, being chapter 4 of the Statutes of Alberta, 1946.

Section 2 is amended. Clause (y) defines "Indian" as a person who is registered as an Indian pursuant to the *Indian Act* (Canada) or who is entitled to be registered as an Indian. A new clause (ccc) is added which defines "occupant of lands" as a person who has resided on the land for a period of not less than six months before he makes application for a licence or permit under this Act or the regulations. A new clause (fff) is added which defines "privately owned lands" as lands held under a certificate of title, agreement for sale, homestead lease, veterans' homestead lease and any accrued area lease enclosed by a fence. A new clause (ll) is added which defines "unoccupied Crown lands" as any fenced or unfenced grazing lease, hay lease or any lands held under a grazing permit and any timber berth, but does not include lands held under registration as a trap line nor any lands included in any national park, provincial park, game preserve, bird sanctuary, Indian reserve or Metis area.

Section 6 is amended to provide that no person is to hunt, kill or trap any animal or any bird which is wild by nature or whilst in a state of nature unless authorized to do so.

Section 8 is replaced by a new section 8. Subsection (1) provides that if an owner or occupant of any privately owned land enclosed by a fence posts or causes to be posted on that land a sign prohibiting hunting, killing or trapping thereon, no person except the owner or occupant or a member of his family is to hunt, kill or trap any big game, game bird or fur-bearing animal or any other animal or bird upon or over such land. Subsection (2) qualifies subsection (1) in that it requires the sign to be of certain dimensions and type and to be posted at a described location. Subsection (3) prohibits the placing of the signs at any place on land of which he is not the owner or occupant without the consent of that owner or occupant. Subsection (4) prohibits any person from tearing down, damaging, removing or defacing a sign except with the consent of the owner or occupant of the land. Subsection (5) prohibits any person from directly or indirectly selling, or offering for sale hunting, killing or trapping rights over any land.

Section 12 is amended by adding a new subsection (3) which prohibits any person without the authorization of the Fish and Game Commissioner to erect any sign bearing

the words "Game Preserve" or the words "Bird Sanctuary", and if such signs are so erected they may be removed by the game guardian or game officer.

Section 15 is amended to more clearly distinguish the species of wolves intended to be covered by this section.

Section 16 is replaced by a new section 16 for the purpose of protecting hawks and owls which were formerly classed as predators but are now found to be beneficial in controlling small rodents.

Section 28 is replaced by a new section 28 prohibiting a person from hunting or killing any big game unless he is clothed in an outer garment of scarlet material and a cap or other head dress of scarlet material.

Section 30 is replaced by a new section 30 prohibiting any person from hunting, taking or killing any big game by using traps, nets, snares of any kind or by using any rifle firing a .22 calibre rim fire cartridge or by using any shotgun of any description or by using any search-light, spot-light, flash-light, jack-light, night-light, pit-lamp, head-light or any other light.

Section 36 is amended. Subsection (1) provides that any person who accidentally or mistakenly unlawfully kills any big game shall properly dress the carcass and shall either deliver or be responsible for the delivery of the meat and hide to the nearest game guardian, game officer, forest officer, constable or justice of the peace, who is to dispose of the meat and hide in accordance with the instructions of the Minister. A new subsection (2) is added which requires the person responsible for the killing of any big game to report the killing to any of the officers named in subsection (1) and to furnish an affidavit setting forth the circumstances of the killing.

Section 40 is amended. Subsection (3) is replaced by a new subsection (3) requiring the holder of any big game licence after the killing of any big game to affix to the carcass a tag issued to him with his licence. Subsection (5) is replaced by a new subsection (5) which provides that if a person is found in possession of a carcass with no valid and subsisting tag affixed thereto that person is unlawfully in possession and the carcass is liable to seizure unless that person can show that the carcass has been cleared by a game officer or game guardian.

Section 41 is replaced by a new section 41 for the purpose of clarifying the meaning of this section.

Section 46 is amended by subsection (2) being replaced by a new subsection (2) for the purpose of clarifying the intent of this subsection.

Section 50 is amended by replacing subsection (6) with a new subsection (6) for the purpose of clarifying the meaning of this subsection.

Section 77 is replaced by a new section 77 for the purpose of clarifying the intention of the section.

Section 79 is amended to correct a typographical error.

Section 93 is amended as to subsection (2) by changing the word "Grade" to the word "Class". Subsection (7) is replaced by a new subsection (7) for the purpose of making the holder of a Class A or Class B guide licence responsible for the rendering of returns at the close of a hunt of the number and species of big game animals taken by each hunter in the party.

Section 95 is replaced by a new section 95 which provides that the Minister by order may suspend or cancel a guide's licence who fails to report any offence against the provisions of this Act or the regulations or who contravenes any of the provisions of *The Forest Reserves Act*, *The Public Lands Act*, *The Forests Act*, *The Provincial Parks Act* or any regulations made under the said Acts.

Section 102 is replaced by a new section 102 which provides for the suspension or cancellation of an outfitter's licence by the Minister.

Section 104 is replaced by a new section 104 which provides for the expiration of a licence granted to a person to operate a game farm and the conditions that are to be complied with before a renewal of that licence is granted.

Section 111 is amended. Clause (b) is replaced by a new clause (b) which requires that beaver and muskrats be enclosed by a fence to prevent the movement of beaver and muskrats into or through the fur farm.

Section 123 is replaced by a new section 123 which provides that members of the Royal Canadian Mounted Police, all forest officers and all fishery officers are *ex officio* game officers and have the same powers and duties as a game officer appointed under this Act.

Section 133 is replaced by a new section 133 for the purpose of clarifying the meaning of the section.

Section 142 is amended by removing subsection (1).

Section 154 is amended to correct a typographical error.

Section 162 is amended to correct a reference.

The Schedule is amended. Division (a), the Didsbury Game Preserve, is removed as this game preserve is now composed of four sections of privately owned land. In Division (h), the Kananaskis Game Preserve, the legal description is changed to set out the boundaries by the height of the land to prevent trespassing on the game preserve, particularly where the boundary is not marked. Division (l), the Waterton-Carbondale Game Preserve, is removed as this game preserve with the increase of elk in

the area now serves no useful purpose. Division (*m*), the White Mud Creek Game Preserve, now serves no useful purpose as it adjoins the southern limits of Edmonton and is practically all privately owned.

This Bill is to come into force upon assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 81 of 1954

An Act to amend The Game Act, 1946

(Assented to , 1954)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Game Act, 1946*, being chapter 4 of the Statutes of Alberta, 1946, is hereby amended.

2. Section 2 is amended

Section 2  
amended

(a) by striking out clause (y) and by substituting the following:

“(y) ‘Indian’ means a person who pursuant to the *Indian Act* (Canada) is registered as an Indian or who is entitled to be registered as an Indian;”;

“Indian”

(b) by adding immediately after clause (cc) the following new clause:

“(ccc) ‘occupant of lands’ means any person who has resided on the lands for a period of not less than six months immediately before he makes an application for a license or permit under this Act or the regulations hereunder;”;

“occupant  
of lands”

(c) by adding immediately after clause (ff) the following new clause:

“(fff) ‘privately owned lands’ means  
“(i) lands held under a certificate of title, agreement for sale, homestead lease, veterans’ homestead lease, and  
“(ii) any accrued area lease enclosed by a fence.”

“privately  
owned  
lands”

(d) by adding immediately after clause (kk) the following new clause:

“(ll) ‘unoccupied Crown lands’  
“(i) means any fenced or unfenced grazing lease, hay lease or any lands held under a grazing permit and any timber berth, but  
“(ii) does not include lands held under registration as a trap line nor any lands

“unoccupied  
Crown  
lands”

included in any national park, provincial park, game reserve, bird sanctuary, Indian reserve or Metis area;".

Section 6  
amended

**3.** Section 6 is amended by adding immediately after the word "hunt" the word ", kill".

Section 8  
amended

Consent of  
owner  
required for  
shooting

**4.** Section 8 is struck out and the following is substituted:  
**"8.** (1) Where the owner or occupant of any privately owned land enclosed by a fence of any kind posts or causes to be posted on that land signs prohibiting hunting, killing or trapping thereon, no person except the owner or occupant or a member of such owner's or occupant's immediate family shall hunt, kill or trap any big game, game bird or furbearing animal or any other animal or bird upon or over such land.

Non-ap-  
plication of  
subsection  
(1)

"(2) Subsection (1) does not apply unless the signs are

"(a) at least ten inches by fourteen inches in size,

"(b) prominently placed

"(i) at each corner of the land,

"(ii) at each gate giving access to the land,

"(c) in black lettering on a white background and bearing the words "No Shooting".

"(3) No person shall erect or place or cause to be erected or placed the sign at any corner or at any place along the boundary of any land of which he is not the owner or occupant, except with the consent of the owner or occupant.

"(4) No person shall tear down, remove, damage, deface or cover up a sign erected or placed by or with the consent of the owner or occupant of the land.

"(5) No person shall directly or indirectly sell, trade or barter or offer for sale the hunting, killing or trapping rights over any land."

Section 12  
amended

**5.** Section 12 is amended by adding immediately after subsection (2) the following new subsection:

Removal of  
unauthorized  
signs

"(3) No person shall, without the authorization of the Fish and Game Commissioner erect or place, or cause to be erected or placed any signs bearing the words "Game Preserve" or the words "Bird Sanctuary" and any such signs placed or caused to be placed without the authority of the Fish and Game Commissioner may be summarily removed by any game guardian or game officer."

Section 15  
amended

**6.** Section 15 is amended by striking out the words "animals following, namely; wolves (timber and prairie)," and by substituting the words "following animals, namely, timber wolves, coyotes,".

Section 16  
amended

**7.** Section 16 is struck out and the following is substituted:

**"16.** Any person may hunt, kill or trap without a license or permit any of the following birds, namely, starlings, crows, golden eagles, English sparrows, magpies, and any other bird or birds which the Lieutenant Governor in Council may from time to time designate." Birds which may be hunted without a license

**8.** Section 28 is struck out and the following is substituted: Section 28 amended

**"28.** No person shall hunt or kill any big game unless he is clothed in a coat or other similar outer garment of scarlet material and a cap or other head dress of scarlet material." Clothing required

**9.** Section 30 is struck out and the following is substituted: Section 30 amended

**"30.** No person shall for the purpose of hunting, taking or killing any big game set out in this Act, use or employ any traps, nets or snares of any kind, or use any rifle firing a .22 calibre rim fire cartridge, or use any shotgun of any description, or use or employ any search-light, spot-light, flash-light, jack-light, night-light, pit-lamp, head-light, or any other light of any description." Use of traps, etc., prohibited

**10.** Section 36 is amended Section 36 amended

(a) as to subsection (1)

(i) by striking out the words "and deliver" and by substituting the words "and shall either deliver or be responsible for the delivery of";

(ii) by striking out the words "sell or otherwise";

(b) by striking out subsection (2) and by substituting the following:

"(2) The person responsible for the killing of any big game animal referred to in subsection (1) shall forthwith report the killing to the nearest game officer, game guardian, forest officer, constable or justice of the peace and shall at the same time furnish an affidavit setting forth the circumstances of the killing."

**11.** Section 40 is amended Section 40 amended

(a) by striking out subsection (3) and by substituting the following:

"(3) The holder of any big game license shall immediately after the killing of any big game affix to such part of the carcass as may be prescribed by the regulations the proper tag issued to him with the big game license.";

(b) by striking out subsection (5) and by substituting the following:

"(5) A person found in possession of the carcass of a big game animal that has no valid and subsisting tag affixed thereto as provided for in subsections (2) and (3) is unlawfully in possession and the Penalty

carcass is liable to seizure and confiscation unless the person in possession can show that the carcass has been cleared by a game officer or game guardian in conformity with subsection (4).”.

Section 41  
amended

**12.** Section 41 is struck out and the following is substituted:

Shippers'  
hunting  
license  
number  
required

“**41.** (1) No railway or express company or other common carrier or any other person shall receive or have in possession for shipment, carrying, conveying or transporting to any point or place within the Province any big game, the carcass of any big game or any part thereof, or game birds or any parts thereof, without first obtaining the shipper’s hunting license number or other authority that has been issued by the Minister.

“(2) The license number or other authorization referred to in subsection (1) shall be set out in the bill of lading accompanying the shipment.”.

Section 46  
amended

**13.** Section 46 is amended by striking out subsection (2) and by substituting the following:

“(2) No person shall hunt any migratory game birds or migratory waterfowl that are on or within two hundred yards of an inhabited island if captive ducks or geese are kept on or within two hundred yards of that island.”.

Section 50  
amended

**14.** Section 50 is amended by striking out subsection (6) and by substituting the following:

“(6) No person shall at any time shoot at, wound or kill any beaver with any shotgun or any rifle firing a .22 calibre rim fire cartridge.”.

Section 77  
amended

**15.** Section 77 is struck out and the following is substituted:

Persons  
prohibited  
from holding  
license

“**77.** No person holding a fur dealer’s license, a tanner’s license or a furrier’s license shall hold a license or permit to hunt or kill fur-bearing animals and if he does hold a fur dealer’s license, a tanner’s license or a furrier’s license and also a license or permit to hunt or kill fur-bearing animals the license or permit to hunt or kill fur-bearing animals is null and void.”.

Section 79  
amended

**16.** Section 79, subsection (5) is amended by striking out the words “of record” wherever they occur and by substituting the words “or records”.

Section 93  
amended

**17.** Section 93 is amended

- (a) by striking out the word “Grade” where it occurs in subsection (2) and by substituting the word “Class”;
- (b) by striking out subsection (7) and by substituting the following:



“(7) Each holder of a subsisting Class A or Class B guide’s license shall, after acting as a guide, at the close of the hunt endorse on the back of the said license a statement showing the number and species of big game animals taken by each and every hunter in the party.”.

**18.** Section 95 is struck out and the following is substituted: Section 95 amended

“**95.** The Minister by order may suspend or cancel a guide’s license held by a person Suspension or cancellation of guide’s license

“(a) who fails to report as soon as possible any offence against the provisions of this Act or the regulations made hereunder which have come to his knowledge, or

“(b) who contravenes any of the provisions of this Act, *The Forest Reserves Act, The Public Lands Act, The Forests Act, The Provincial Parks Act* or any regulations now made or which at any time hereafter may be made under the said Acts or any of them.”.

**19.** Section 102 is struck out and the following is substituted: Section 102 amended

“**102.** The Minister by order may suspend or cancel an outfitter’s license held by a person who contravenes any of the provisions of this Act or the provisions of *The Forest Reserves Act, The Public Lands Act, The Forests Act, The Provincial Parks Act* or any regulations now made or which at any time hereafter may be made under the said Acts or any of them.”. Suspension or cancellation of outfitter’s license

**20.** Section 104 is struck out and the following is substituted: Section 104 amended

“**104.** A license granted to a person to operate a game farm expires on the thirtieth day of June following the date of issue, and that person shall not be granted any further license to operate a game farm except and until he has made all the returns and reports which he is required to make under this Act and the regulations made hereunder.”. Date of expiry of license

**21.** Section 111 is amended by striking out clause (b) and by substituting the following: Section 111 amended

“(b) beaver and muskrats are enclosed by a fence which adequately prevents the movement of beaver and muskrats into or through the fur farm.”.

**22.** Section 123 is struck out and the following is substituted: Section 123 amended

“**123.** All members of the Royal Canadian Mounted Police, all forest officers and all fishery officers Ex officio game officers

“(a) are *ex officio* game officers, and

“(b) have the same powers and duties as are conferred or imposed upon a game officer appointed by the Lieutenant Governor in Council pursuant to this Act.”.

Section 133  
amended

**23.** Section 133 is struck out and the following is substituted:

Search  
warrant  
by justice

“**133.** Upon information on oath by any person that he suspects or has reason to believe that any big game, game bird or fur-bearing animal, or any part or parts thereof have been

“(a) unlawfully killed or taken, or

“(b) unlawfully in the possession of a person, or

“(c) unlawfully kept or had in any building or premises or in any place,

a justice by warrant under his hand may authorize and empower any game officer or any other person to enter and search the building, premises or other place and every part thereof, and for that purpose and in case the owner or person in charge of such building, premises or other place obstructs or refuses to facilitate the search, to use all necessary force and to break open any door, lock or fastening of the building, premises or other place or any part thereof, or any closet, cupboard, box or any other receptacle therein.”.

Section 142  
amended

**24.** Section 142 is amended

(a) by striking out subsection (1);

(b) by renumbering subsections (2) to (4) as subsections (1) to (3).

Section 154  
amended

**25.** Section 154, subsection (4) is amended by striking out the words “or his right” and by substituting the words “and his right”.

Section 162  
amended

**26.** Section 162 is amended

(a) by adding immediately after the figures “27” the figures “21, 30,”;

(b) by striking out the figures “143”.

Schedule  
amended

**27.** The Schedule is amended

(a) by striking out the legal description of the Didbsury Game Preserve;

(b) by striking out the legal description of the Kananaskis Game Preserve and by substituting the following:

“(h) Kananaskis Game Preserve described as follows: follows:

“Commencing at the intersection of the westerly limit of the Stony Indian Reserve with the left bank of the Bow River in township 25, range 8, west of the fifth meridian, thence

north-westerly along the said westerly limit of the Stony Indian Reserve to the north-west corner of the said Indian Reserve, thence ascending in a north-westerly direction along the outer range of the Rocky Mountains to the height of land between the south fork of Ghost River and the Bow River thence generally westerly and along the said height of land between the south fork of Ghost River and the Bow River to its intersection with the present easterly boundary of Banff Park, thence generally westerly and southerly along the easterly boundary of the said Banff Park to its intersection with the height of land forming the boundary between the Provinces of Alberta and British Columbia, thence generally southerly and easterly following the inter-provincial boundary to its intersection with the height of land between the waters flowing into Kananaskis River and the waters flowing into Highwood, Sheep and Elbow Rivers, thence generally northerly along the said height of land to a point on the south boundary of the Stony Indian Reserve where the eastern boundary of the Dominion Government experimental station joins the south boundary of the said Indian Reserve, thence south-westerly along the said southerly boundary of the Stony Indian Reserve to its intersection with the left bank of the Kananaskis River, thence north-westerly along the left bank of the said river to its confluence with the Bow River, thence crossing the said river in a direct line to the place of commencement.”;

- (c) by striking out the legal description of the Waterton-Carbondale Game Preserve;
- (d) by striking out the legal description of the White Mud Creek Game Preserve.

**28.** This Act comes into force on the day upon which it <sup>Coming into</sup> is assented to. <sub>force</sub>

No. 81

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SECOND SESSION  
TWELFTH LEGISLATURE  
3 ELIZABETH II

1954

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**BILL**

An Act to amend The Game Act, 1946

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Received and read the

First time .....

Second time.....

Third time.....

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HON. MR. CASEY

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