

No. 59

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BILL 59

A Bill to amend The Game Act, 1946

HON. MR. WILLMORE

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Explanatory Note

2. (a) Clause (w) of section 2 presently reads:

“(w) ‘Hunt’ means and includes any chasing, pursuing, worrying, following after or on the trail of or shooting at, stalking or lying in wait for, any game whether or not the game be then or subsequently captured, killed or injured;”.

(b) Clause (ee) of section 2 presently reads:

“(ee) ‘Outfitter’ means any person who carries on or who is engaged in or concerned in the business of lending, renting or letting for hire any saddle-horse, pack-horse, vehicle, boat, or other equipment for the purpose of being used in the hunting, taking or killing any big game or game bird;”.

(c) Clause (fff) of section 2 now reads:

“(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.”

The purpose of these amendments is (a) to remove an ambiguity, (b) to remove a superfluity, and (c) to extend definition to lands usually containing buildings.

3. Section 8 presently reads:

“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 his land signs prohibiting hunting or shooting thereon, no person at any time without first having obtained the consent of the owner or occupant shall on such land hunt or trap any big game, fur-bearing animal, or game bird or any other animal or bird that is wild by nature and in a state of nature.

“(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.

BILL

No. 59 of 1956

An Act to amend The Game Act, 1946

(Assented to _____, 1956)

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

PART I

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

2. Section 2 is amended

- (a) as to clause (*w*) by striking out the words "then or subsequently",
- (b) as to clause (*ee*) by striking out the word "lending",
- (c) as to clause (*fff*), subclause (i) by adding immediately after the words "veterans' homestead lease," the words "miscellaneous lease, cultivation lease,".

3. Section 8 is struck out and the following is substituted:

"**8.** (1) No person shall hunt, shoot at or trap any big game, game bird or fur-bearing animal upon or over any privately owned lands that are enclosed by a fence of any kind or under cultivation, or enter upon such lands for the purpose of doing so, without the consent of the owner or occupant thereof.

"(2) Where the owner or occupant of privately owned lands that are enclosed by a fence or under cultivation posts or causes to be posted on the lands signs prohibiting hunting or shooting, he shall not permit any persons other than members of his family residing with him to hunt or shoot on the lands while they are so posted.

"(3) Subsection (2) does not apply unless the signs are
"(a) at least ten inches by fourteen inches in size,

"(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."

4. The amendment will make it clear that the prohibition does not apply to pest control operations of the Department of Agriculture. Subsection (1) of section 9 presently reads as follows:

"9. (1) No person shall for the purpose of taking, killing or destroying any big game, game bird or fur-bearing animal set out, use or employ any poison, opium or narcotic, except as provided for by The Setting of Poison Act, or use or employ any sunken punt, any night light, any swivel, set or spring gun of any description, or trap of the pattern known as the Submarine Trap, any shotgun of a gauge larger than ten gauge, or any contrivance for the purpose of deadening the sound of the report of any firearm."

5. Subsection (3) of section 10 presently reads:

"(3) No person shall discharge any firearm along or across any main or secondary highway within the meaning of The Public Highways Act, whether any such highway is a hard surfaced, gravelled or dirt highway."

The amendment will make it easier for the hunting public to identify the highways referred to in this subsection.

6. Self-explanatory.

7. (a) Subsection (2) of section 14 presently reads:

"(2) Except as otherwise provided in this Act, no person shall carry at any time any firearm within the boundaries of any game preserve or bird sanctuary."

(b) Self-explanatory.

“(b) prominently placed at each corner of the lands, and at each gate giving access to the lands, and

“(c) in black lettering on a white background and bearing the words “NO SHOOTING” or “NO HUNTING”.

“(4) Where the owner or occupant of privately owned lands that are enclosed by a fence or under cultivation posts signs reading “SHOOTING ALLOWED” or “HUNTING ALLOWED”, any person may hunt or shoot on or over such lands.

“(5) No person shall erect or place or cause to be erected or placed any sign referred to in subsections (2) to (4) at any corner or at any place along the boundary of any lands of which he is not the owner or occupant, except with the consent of the owner or occupant.

“(6) No person shall tear down, remove, damage, deface or cover up any sign referred to in subsections (2) to (4) and erected or placed by or with the consent of the owner or occupant of the lands.

“(7) No person shall directly or indirectly sell, trade or barter or offer for sale the hunting, shooting, killing or trapping rights over any lands.”.

4. Section 9, subsection (1) is amended by adding immediately after the words “*The Setting of Poison Act*” the words “or *The Agricultural Pests Act*”.

5. Section 10, subsection (3) is amended by striking out the words “whether any such highway is a hard surfaced, gravelled or dirt highway” and by substituting the words “and marked with route number signs”.

6. Section 12 is amended by adding immediately after subsection (3) the following:

“(4) No person shall, except with the permission in writing of the Fish and Game Commissioner of the Department, post or cause to be posted on any unoccupied Crown lands any sign purporting to prohibit hunting or shooting thereon.”.

7. Section 14 is amended

(a) as to subsection (2) by striking out the words “carry at any time” and by substituting the words “at any time carry or be in possession of”,

(b) by adding immediately after subsection (3) the following:

“(4) Except as otherwise provided in this Act or

8. Section 19 presently reads:

"19. No person shall be in possession of any big game, game bird, fur-bearing animal or any parts thereof, which has been killed or taken alive in the Province, save and except only as is expressly permitted by this Act or by the Regulations."

9. The amendment will place in the Act a provision now carried in the Game Regulations.

10. The amendment will prohibit the purchase of more than one license in the same hunting season—a practice not expressly prohibited at the present time.

11. This amendment is necessary because of the open season on female big game in some areas; it is most difficult for many hunters to distinguish yearling elk from female elk. Subsection (1) of section 27 presently reads:

"27. (1) No person shall hunt, shoot at, take or kill or have in his possession any big game with horns less than four inches in length or any big game under the age of one year except brown, black or cinnamon bears."

12. Section 32 presently reads:

"32. Any non-resident shall whilst engaged in hunting big game in any forest reserve be accompanied by a guide who is licensed pursuant to this Act, and whilst so engaged elsewhere shall be accompanied either by a guide licensed pursuant to this Act or by a resident of the Province."

At present forest reserves comprise Clearwater, Bow River and Crowsnest Forest Reserve (East Slope) where the services of a licensed guide are not as important as in former years.

13. Section 36 presently reads as follows:

"36. (1) Any person who accidentally, by mistake or otherwise, unlawfully kills any big game animal shall forthwith properly dress the carcass and shall either deliver or be responsible for the delivery of the meat and hide in a good state of preservation to the nearest game guardian, game officer, forest officer, constable or justice of the peace, who shall sell or otherwise dispose of the meat and hide in accordance with instructions from the Minister.

"(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."

The amendment sets out the proper sequence of events, but the intent of the section is unaltered.

the regulations, no person who by reason of his employment or residence remains within the boundaries of a game preserve or bird sanctuary for longer than twenty-four hours, shall be in possession of any firearm that is not sealed with a seal of a type approved by the Minister.”.

8. Section 19 is amended by striking out the words “which has been killed or taken alive in the Province,”.

9. Section 21 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following subsection:

“(2) Any person legally in possession of the hide of a grizzly bear, black bear, brown bear or cinnamon bear may sell, barter or traffic in such hide.”.

10. Section 25 is amended by adding immediately after subsection (4) the following:

“(5) Except as provided in section 22, no person shall apply for or acquire more than one license for the hunting of game during the same open season.”.

11. Section 27, subsection (1) is amended by striking out the words “No person” and by substituting the words “Except as otherwise permitted by this Act or the regulations, no person”.

12. Section 32 is struck out and the following is substituted:

“**32.** A non-resident whilst engaged in hunting big game in the Province shall be accompanied either by a guide licensed pursuant to this Act or by a resident of the Province.”.

13. Section 36 is struck out and the following is substituted:

“**36.** (1) Any person who accidentally, by mistake or otherwise, unlawfully kills any big game animal shall properly dress the carcass and then forthwith report the matter to the nearest game officer, game guardian, constable or a justice of the peace, and shall at the same time submit an affidavit setting out the circumstances of the killing.

“(2) The person responsible for the killing of the big game animal shall pay for or otherwise be held responsible for the delivery of the carcass in a good state of preservation to the nearest game officer, game guardian, constable or justice of the peace who shall dispose of the meat and the hide in accordance with instructions from the Minister.”.

14. Section 42 presently reads:

"42. No person shall hunt any game bird between one hour after sunset and one hour before sunrise, or on the first day of the week commonly known as Sunday."

15. Subsection (3) of section 50 presently reads:

"(3) No person shall molest or destroy a den or usual place of habitation of any fur-bearing animal other than a timber wolf, prairie wolf, skunk, cougar, or wolverine."

The word "coyote" not "prairie wolf" is used in sections 10 and 15 of the Act and the Regulations.

16. Section 96 presently reads:

"96. No person shall carry on or engage in or be concerned in the business of lending, renting, or letting for hire any saddle-horse, pack-horse, vehicle, boat or other equipment for the purpose of being used in the hunting, taking or killing of any big game, without having first obtained a license under this Act authorizing him so to do: Provided, however, that nothing herein contained shall be construed as forbidding any person to rent, hire, or lend any saddle-horses, pack-horses, vehicles, boats, or other equipment to any licensed outfitter."

The amendment will permit of more flexibility by way of regulations.

17. Section 101 presently reads as follows:

"101. No license or permit to act as an outfitter shall be issued to any person who is not a British subject."

18. Section 125 authorizes the Lieutenant Governor in Council to make "regulations providing".

19. Section 126 begins "The Minister may from time to time".

14. Section 42 is struck out and the following is substituted:

“42. Except as otherwise provided by this Act or the regulations, no person shall hunt any game bird between one-half hour after sunset and one-half hour before sunrise, or on Sunday.”.

15. Section 50, subsection (3) is amended by striking out the words “prairie wolf” and by substituting the word “coyote”.

16. Section 96 is amended

- (a) by striking out the words “No person” and by substituting the words “Except as otherwise provided by the regulations, no person”,
- (b) by striking out the word “lending,”.

17. Section 101 is amended by striking out the words “British subject” and by substituting the words “Canadian citizen”.

18. Section 125, subsection (1) is amended

- (a) by adding immediately after clause (f) the following:
 “(ff) for the importation into the Province of any species of big game, game bird or fur-bearing animal,”
- (b) by adding immediately after clause (u) the following:
 “(uu) for the cold storage of big game, game birds, and pelts or skins of fur-bearing animals, and”.

19. Section 126, subsection (1) is amended by adding immediately after clause (k) the following:

- “(l) issue to any person resident within the boundaries of a game preserve or bird sanctuary permits for the keeping of traps, snares or firearms at his place of residence;
- “(m) issue permits to hunt, trap and kill within a game preserve or bird sanctuary any animal referred to in section 15 or any bird referred to in section 16.”.

20. Section 143 presently reads as follows:

"143. Every person who is the owner, or who has the management or control of

- "(a) any premises which are used for the purpose of merchandising, or storing, or preparing for market any commodity;
- "(b) any premises which are used for the purpose of preparing meats, for public consumption other than those of an hotel keeper or a restaurant keeper who is the holder of a subsisting permit from the Minister permitting him to prepare big game or game birds for the personal use of a guest or border;
- "(c) any premises used in connection with any logging operations, or in connection with any saw-mill, or tie, or construction camp;
- "(d) any vehicle of any description ordinarily used in connection with any of the businesses in this section mentioned,

shall, if any big game or game bird or any part thereof is found, in, on, or about any such premises or any such vehicle as aforesaid, be prima facie deemed to be dealing in big game or game birds, as the case may be, in contravention of this Act."

21. Section 148 presently reads as follows:

"148. (1) Where any game, pelts, skins, containers, vehicles, aircraft, vessels, launches, boats, canoes, firearms, ammunition, decoys, traps, snares, gear, materials, implements and appliances for shooting, hunting, trapping or snaring game are under seizure,

- "(a) in case the Fish and Game Commissioner informs the justice that no prosecution will be brought, the justice shall either order the immediate return of the things under seizure to the person in whose custody or possession they were found, or direct that they become the property of His Majesty in the right of the Province to be disposed of as the Minister may direct;
- "(b) in case a violation of this Act or the Regulations has occurred and the owner is unknown, the justice shall direct that all such things under seizure become the property of His Majesty in the right of the Province to be disposed of as the Minister may direct;
- "(c) in the case of a conviction, the justice shall direct by his conviction or by a separate order that all such things under seizure become the property of His Majesty in the right of the Province to be disposed of as the Minister may direct:

"Provided that the justice may in any case direct the immediate disposal of any perishable game for the benefit of any charitable institution or needy persons.

"(2) Except where the conviction is for an offence against the provisions of section 74 of this Act, the Minister, when satisfied that the seizure or confiscation of any article or thing would work undue hardship or injustice, may grant relief against the forfeiture or confiscation and direct the return of the article or thing to the person from whom it has been taken, upon such terms as he may deem just.

"(3) If a conviction be for an offence against the provisions of section 74 of this Act, the Lieutenant Governor in Council, if satisfied that the seizure or confiscation of any article or thing would work undue hardship or injustice, may grant relief against the forfeiture and confiscation and direct the return of the article or thing to the person from whom it has been taken, upon such terms as may be deemed just."

20. Section 143 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding at the end of clause (b) of the renumbered subsection (1) the word "or",
- (c) by striking out clause (c) of the renumbered subsection (1),
- (d) by adding immediately after the renumbered subsection (1) the following:

"(2) Except as otherwise provided by the regulations, where the carcass of any big game animal or any part thereof is found in, on or about the premises, camps or buildings used wholly or partly in connection with logging operations or in connection with any sawmill, tie-camp, oil exploration or construction camp, the owner of the premises, camps or buildings and the person who has the management and control thereof, shall be deemed to be dealing in big game in contravention of this Act."

21. Section 148 is struck out and the following is substituted:

"148. (1) Where any game, pelts, skins, containers, vehicles, aircraft, vessels, launches, boats, canoes, firearms, ammunition, decoys, traps, snares, gear, materials, implements and appliances for shooting, hunting, trapping or snaring game are under seizure,

- "(a) in case a violation of this Act or of the regulations has occurred and the owner is unknown, the justice shall direct that all such chattels under seizure become the property of Her Majesty in the right of the Province to be disposed of as the Minister may direct,
- "(b) in the case of conviction, where the chattels seized are big game, game birds, or pelts or skins of fur-bearing animals, or any part thereof, or where anything is seized in connection with a violation of sections 9, 30 or 43, the justice shall direct by the conviction or by a separate order that the things so seized be confiscated to the Crown in the right of the Province to be disposed of as the Minister may direct.

"(2) Notwithstanding subsection (1), the justice may in any case direct the immediate disposal of any perishable game for the benefit of any charitable institution or needy person.

22. Section 151 creates certain offences with respect to the obstruction of game guardians and game officers. These matters are in the realm of criminal law and provided for by the Criminal Code under the obstruction of peace officer provisions.

23. The amendment will prohibit a person convicted of hunting without a license from subsequently obtaining such a license in the same season.

24. Section 162 presently reads:

"162. Any person who contravenes any of the provisions contained in sections 27, 21, 30, 69, 79, 117, 118, 119, 151 or 153 of this Act shall on summary conviction be liable to a penalty of not less than twenty-five dollars and not more than two hundred dollars, and in default of payment to imprisonment for a term not exceeding three months."

The fine is increased and the scope of the section extended.

25. Section 163 presently reads:

"163. Any person who contravenes any provision of this Act or the Regulations for the infraction of which no specific penalty is provided shall be guilty of an offence and liable on summary conviction to a penalty of not more than two hundred dollars, and in default of payment, to imprisonment for a term not exceeding three months."

26. Section 164a presently reads:

"164a. The Minister shall publish once in each year in The Alberta Gazette a notice setting out the name, address and the nature of the offence of which he was convicted of every person convicted of an offence against this Act or the regulations."

“(3) Except where the conviction is for an offence against the provisions of section 74, the Minister, when satisfied that the confiscation of a chattel would work undue hardship or injustice, may grant relief against the confiscation and direct the return of the chattel to the person from whom it has been taken, upon such terms as he may deem just.

“(4) If a conviction is for an offence against section 74, the Lieutenant Governor in Council, if satisfied that the confiscation of a chattel would work undue hardship or injustice, may grant relief against the confiscation and direct the return of the chattel to the person from whom it has been taken, upon such terms as are deemed just.”.

22. Section 151 is repealed.

23. Section 155 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following:

“(2) Where any person has been convicted for an infraction of section 5, such person shall not obtain any license or permit for hunting, killing or trapping any big game, game bird or fur-bearing animal for which there may be an open season at the time of his conviction.”.

24. Section 162 is struck out and the following is substituted:

“**162.** Any person who contravenes any of the provisions contained in sections 5, 6, 9, 13, 19, 21, 27, 30, 38, 46, 69, 79, 117 to 119, 153 or 155 is liable on summary conviction to a fine of not less than fifty dollars and not more than three hundred dollars, and in default of payment to imprisonment for a term not exceeding three months.”.

25. Section 163 is amended by striking out the words “not more than two hundred dollars” and by substituting the words “not less than ten dollars and not more than three hundred dollars”.

26. Section 164a is repealed.

27. Clauses (c) and (h) of the Schedule relating to Game Preserves are repealed so that the present game preserves of Cooking Lake and Kananaskis will both be abolished.

Clauses (a) and (c) of the Schedule relating to Bird Sanctuaries is amended in the case of the Cygnet Lake Bird Sanctuary to prevent shooting over the water area only, and in respect of Hall's Coulee Bird Sanctuary (clause (c) of the Schedule) to abolish that bird sanctuary.

Part II will relate the provisions to the revision and consolidation.

27. The Schedule is amended

- (a) as to "Game Preserves" by striking out clauses (c) and (h),
- (b) as to "Bird Sanctuaries"
 - (i) by striking out clause (a) and by substituting the following:
 "(a) Cygnet Lake Bird Sanctuary described as follows:
 "All portions of township 38, range 28, west of the fourth meridian, and of township 38, range 1, west of the fifth meridian, covered by the waters of Cygnet Lake.",
 - (ii) by striking out clause (c).

PART II

28. *The Game Act*, being chapter 126 of the Revised Statutes of Alberta, 1955, is hereby amended.

29. Section 2 is amended

- (a) as to clause (v) by striking out the words "then or subsequently",
- (b) as to clause (ee) by striking out the word "lending",
- (c) as to clause (gg), subclause (i) by adding immediately after the words "veterans' homestead lease," the words "miscellaneous lease, cultivation lease,".

30. Section 8 is struck out and the following is substituted:

"**8.** (1) No person shall hunt, shoot at or trap any big game, game bird or fur-bearing animal upon or over any privately owned lands that are enclosed by a fence of any kind or under cultivation, or enter upon such lands for the purpose of doing so, without the consent of the owner or occupant thereof.

"(2) Where the owner or occupant of privately owned lands that are enclosed by a fence or under cultivation posts or causes to be posted on the lands signs prohibiting hunting or shooting he shall not permit any persons other than members of his family residing with him to hunt or shoot on the lands while they are so posted.

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

- "(a) at least ten inches by fourteen inches in size,
- "(b) prominently placed at each corner of the lands, and at each gate giving access to the lands, and
- "(c) in black lettering on a white background and bearing the words "NO SHOOTING" or "NO HUNTING".

“(4) Where the owner or occupant of privately owned lands that are enclosed by a fence or under cultivation posts signs reading “SHOOTING ALLOWED” or “HUNTING ALLOWED”, any person may hunt or shoot on or over such lands.

“(5) No person shall erect or place or cause to be erected or placed any sign referred to in subsections (2) to (4) at any corner or at any place along the boundary of any lands of which he is not the owner or occupant, except with the consent of the owner or occupant.

“(6) No person shall tear down, remove, damage, deface or cover up any sign referred to in subsections (2) to (4) and erected or placed by or with the consent of the owner or occupant of the lands.

“(7) No person shall directly or indirectly sell, trade or barter or offer for sale the hunting, shooting, killing or trapping rights over any lands.”.

31. Section 9, subsection (1) is amended by adding immediately at the end of clause (a) the words “or *The Agricultural Pests Act*,”.

32. Section 10, subsection (3) is amended by striking out the words “whether any such highway is a hard surfaced, gravelled or dirt highway” and by substituting the words “and marked with route number signs”.

33. Section 12 is amended by adding immediately after subsection (3) the following:

“(4) No person shall, except with the permission in writing of the Fish and Game Commissioner of the Department, post or cause to be posted on any unoccupied Crown lands any sign purporting to prohibit hunting or shooting thereon.”.

34. Section 14 is amended

- (a) as to subsection (2) by adding immediately after the word “carry” the words “or be in possession of”,
- (b) by adding immediately after subsection (3) the following:

“(4) Except as otherwise provided in this Act or the regulations, no person who by reason of his employment or residence remains within the boundaries of a game preserve or bird sanctuary for longer than twenty-four hours, shall be in possession of any firearm that is not sealed with a seal of a type approved by the Minister.”.

35. Section 19 is amended by striking out the words “that has been killed or taken alive in the Province”.

36. Section 21 is amended

- (a) by renumbering the section as subsection (1),

- (b) by adding immediately after the renumbered subsection (1) the following subsection:

“(2) Any person legally in possession of the hide of a grizzly bear, black bear, brown bear or cinnamon bear may sell, barter or traffic in such hide.”.

37. Section 25 is amended by adding immediately after subsection (4) the following:

“(5) Except as provided in section 22, no person shall apply for or acquire more than one licence for the hunting of game during the same open season.”.

38. Section 27, subsection (1) is amended by striking out the words “No person” and by substituting the words “Except as otherwise permitted by this Act or the regulations, no person”.

39. Section 32 is struck out and the following is substituted:

“**32.** A non-resident whilst engaged in hunting big game in the Province shall be accompanied either by a guide licensed pursuant to this Act or by a resident of the Province.”.

40. Section 36 is struck out and the following is substituted:

“**36.** (1) Any person who accidentally, by mistake or otherwise, unlawfully kills any big game animal shall properly dress the carcass and then forthwith report the matter to the nearest game officer, game guardian, constable or a justice of the peace, and shall at the same time submit an affidavit setting out the circumstances of the killing.

“(2) The person responsible for the killing of the big game animal shall pay for or otherwise be held responsible for the delivery of the carcass in a good state of preservation to the nearest game officer, game guardian, constable or justice of the peace who shall dispose of the meat and the hide in accordance with instructions from the Minister.”.

41. Section 42 is struck out and the following is substituted:

“**42.** Except as otherwise provided by this Act or the regulations, no person shall hunt any game bird between one-half hour after sunset and one-half hour before sunrise, or on Sunday.”.

42. Section 50, subsection (3) is amended by striking out the words “prairie wolf” and by substituting the word “coyote”.

43. Section 97, subsection (1) is amended

- (a) by striking out the words “No person” and by substituting the words “Except as otherwise provided by the regulations, no person”,
- (b) by striking out the word “lending,”.

44. Section 102 is amended by striking out the words "British subject" and by substituting the words "Canadian citizen".

45. Section 126, subsection (1) is amended

(a) by adding immediately after clause (f) the following:

"(ff) for the importation into the Province of any species of big game, game bird or fur-bearing animal,"

(b) by adding immediately after clause (t) the following:

"(tt) for the cold storage of big game, game birds, and pelts or skins of fur-bearing animals, and".

46. Section 127, subsection (1) is amended by adding immediately after clause (k) the following:

"(l) issue to any person resident within the boundaries of a game preserve or bird sanctuary permits for the keeping of traps, snares or firearms at his place of residence,

"(m) issue permits to hunt, trap and kill within a game preserve or bird sanctuary any animal referred to in section 15 or any bird referred to in section 16.".

47. Section 143 is amended

(a) by renumbering the section as subsection (1),

(b) by adding immediately at the end of clause (b) of the renumbered subsection (1) the word "or",

(c) by striking out clause (c) of the renumbered subsection (1),

(d) by adding immediately after subsection (1) the following:

"(2) Except as otherwise provided by the regulations, where the carcass of any big game animal or any part thereof is found in, on or about the premises, camps or buildings used wholly or partly in connection with logging operations, or in connection with any sawmill, tie-camp, oil exploration or construction camp, the owner of the premises, camps or buildings and the person who has the management and control thereof, shall be deemed to be dealing in big game in contravention of this Act.".

48. Section 148 is struck out and the following is substituted:

"**148.** (1) Where any game, pelts, skins, containers, vehicles, aircraft, vessels, launches, boats, canoes, firearms, ammunition, decoys, traps, snares, gear, materials, implements and appliances for shooting, hunting, trapping or snaring game are under seizure.

“(a) in case a violation of this Act or of the regulations has occurred and the owner is unknown, the justice shall direct that all such chattels under seizure become the property of Her Majesty in the right of the Province to be disposed of as the Minister may direct,

“(b) in the case of conviction, where the chattels seized are big game, game birds, or pelts or skins of fur-bearing animals, or any part thereof, or where anything is seized in connection with a violation of sections 9, 30 or 43, the justice shall direct by the conviction or by a separate order that the things so seized be confiscated to the Crown in the right of the Province to be disposed of as the Minister may direct.

“(2) Notwithstanding subsection (1), the justice may in any case direct the immediate disposal of any perishable game for the benefit of any charitable institution or needy person.

“(3) Except where the conviction is for an offence against the provisions of section 74, the Minister, when satisfied that the confiscation of a chattel would work undue hardship or injustice, may grant relief against the confiscation and direct the return of the chattel to the person from whom it has been taken, upon such terms as he may deem just.

“(4) If a conviction is for an offence against section 74, the Lieutenant Governor in Council, if satisfied that the confiscation of a chattel would work undue hardship or injustice, may grant relief against the confiscation and direct the return of the chattel to the person from whom it has been taken, upon such terms as are deemed just.”.

49. Section 151 is repealed.

50. Section 155 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection the following:

“(2) Where any person has been convicted for an infraction of section 5, such person shall not obtain any licence or permit for hunting, killing or trapping any big game, game bird or fur-bearing animal for which there may be an open season at the time of his conviction.”.

51. Section 162 is struck out and the following is substituted:

“**162.** Any person who contravenes any of the provisions contained in sections 5, 6, 9, 13, 19, 21, 27, 30, 38, 46, 69, 79, 118 to 120, 153 or 155 is liable on summary conviction to a fine of not less than fifty dollars and not more than three hundred dollars, and in default of payment to imprisonment for a term not exceeding three months.”.

52. Section 163 is amended by striking out the words “not more than two hundred dollars” and by substituting the words “not less than ten dollars and not more than three hundred dollars”.

53. Section 165 is repealed.

54. The Schedule is amended

(a) as to “Game Preserves” by striking out clauses (c) and (g),

(b) as to “Bird Sanctuaries”

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

“(a) Cygnet Lake Bird Sanctuary described as follows:

“All portions of township 38, range 28, west of the fourth meridian, and of township 38, range 1, west of the fifth meridian, covered by the waters of Cygnet Lake.”,

(ii) by striking out clause (c).

55. Part I and this section come into force on the day this Act is assented to, and Part II, except this section, comes into force and Part I is repealed on the day the Revised Statutes of Alberta, 1955, come into force.

No. 59

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act to amend The Game Act, 1946

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. WILLMORE
