

BILL

No. 25 of 1923.

An Act to amend The Game Act.

(Assented to _____, 1923.)

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

1. This Act may be cited as "*The Game Act Amendment Act, 1923.*"

2. Section 2 of *The Game Act*, being chapter 70 of the Revised Statutes of Alberta, 1922, is amended—

(a) as to paragraph (e) by striking out the figures "27" where they occur therein, and substituting therefor the figures "30";

(b) by repealing paragraph (g) thereof;

(c) by repealing paragraph (l) thereof, and substituting therefor the following:

"(l) 'Non-resident' shall mean a person who has not resided in and a corporation which has not had a place of business in the Province of Alberta for six months immediately prior to the date of his or its application for a licence under this Act;"

(d) by adding as paragraph (m) thereof the following:

"(m) 'Resident' shall mean a person who has resided and a corporation which has had a place of business in the Province of Alberta for six months immediately prior to the date of his or its application for a licence under this Act; provided that any person who occupied a quarter section of land as owner, lessee or homesteader shall be entitled to the privilege of a resident;"

(e) by adding as paragraph (n) thereof the following:

"(n) 'Unprime' shall mean those pelts which are classed and known in the fur trade as grades 3 and 4."

3. Section 4 of the said Act is amended as to subsection (2) thereof, by striking out the words "two goats," and substituting therefor the words "one goat."

4. Section 4a is added to the said Act as follows:

"**4a.** No person shall hunt any of the animals mentioned in the next preceding section unless clothed in a complete outer suit and cap both of some white material."

5. Subsection (1) of section 5 of the said Act is amended as to paragraph (b) thereof—

- (a) by striking out the words “first day of January” where they occur therein, and substituting therefor the words “fifteenth day of December”;
- (b) by adding at the end thereof the words “of the following year.”

6. Section 6 of the said Act is amended—

- (a) as to subsection (1) thereof—
 - (i) by striking out the words “any mink” where they occur in paragraph (a) thereof, and substituting therefor the words “any fox, mink”;
 - (ii) by striking out all words after the word “November” where the same occurs in paragraph (a);
- (b) by striking out subsection (2) thereof.

7. Section 8 of the said Act is amended by adding as subsection (5) thereof the following:

“(5) The Minister or any person authorized by him may issue a permit to any person to have in his possession unprime pelts or skins for the purpose of the disposal of the same after forfeiture thereof, or for any other good reason.”

8. Section 12 of the said Act is amended—

- (a) as to subsection (2) thereof, by changing the number thereof to (6);
- (b) by inserting subsections (2), (3), (4) and (5) as follows:
 - “(2) Any game guardian, who has reasonable cause to believe that any firearm, trap, net or snare is being or has been used in violation of, or for the purpose of violating any of the provisions of this Act, may seize the same and apply for an order for forfeiture of the same.
 - “(3) If the owner or person in whose possession any such article is found is convicted of a contravention of the provisions of this Act, it shall be sold or otherwise disposed of, as the Minister may direct.
 - “(4) If the owner or said person is acquitted, the said article shall be returned to him.
 - “(5) If any such article is seized and the owner is not known, the justice may declare the said

firearm, trap, net or snare forfeited to His Majesty to be held for six months from the date of the delivery to the justice by the game guardian, when the same may be disposed of as the Minister may direct."

9. Section 17*a* is added to the said Act as follows:

"**17*a*.** No person shall hunt, trap, take, shoot at, wound or kill any fur-bearing animal without first obtaining a licence so to do. The cost of such licence shall be two dollars and may be issued by the Minister or such persons as he may authorize to issue licences; provided, however, that any person may hunt, trap, take, shoot at, wound or kill any fur-bearing animal on his own land without any such licence."

10. Section 18*a* is added to the said Act as follows:

"**18*a*.**—(1) No person, firm or company shall engage in the business of cold storage of game except under the authority of a licence so to do and subject to such regulations as may be adopted by the Lieutenant Governor in Council.

"(2) The charge for such licence shall be five dollars."

11. Section 25 of the said Act is hereby struck out, and the following substituted therefor:

"**25.**—(1) Every person authorized by the Minister to issue licences or collect the fur tax under this Act, shall on or before the thirty-first day of December in each year, forward to the Minister, by registered mail, a statement in form prescribed by the Minister showing the disposition of the licences or fur tax receipt forms supplied him for issue and shall at the same time forward all monies received by him for the licences or fur tax receipt forms issued, also all unused licences and fur tax receipt forms.

"(2) If such return is found correct, the Minister shall thereupon cause to be remitted to such person such remuneration, if any, as he may be entitled to.

"(3) Failure to make any such return or to forward such monies and unissued licences or fur tax receipt forms shall be punishable on summary conviction by a fine of not less than ten dollars nor more than double the issue value of the licences supplied him and unaccounted for and any penalty so collected shall be credited against his account for any such licences or fur tax receipt forms. In the case of fur tax receipt forms, the penalty herein specified may be modified by the justice of the peace to meet the situation."

12. Section 29 of the said Act is amended—

(*a*) as to subsection (1) thereof—

- (i) by striking out the words "fur-bearing animal," and substituting therefor the words "fur-producing animal";
 - (ii) by adding after the words "game preserve" where they occur for the first and second times therein the words "or forest reserve";
 - (iii) by adding after the words "said preserve" where they occur at the end of the subsection the words "or reserve";
- (b) as to subsection (2) thereof by adding after the words "game preserves" where they occur therein the words "or forest reserves."

13. Section 36a is added to the said Act as follows:

"**36a.**—(1) Notwithstanding anything in this Act contained, the Minister may authorize the granting of permits to trap or kill such animals or birds as may be causing damage to farm crops or other property.

"(2) No charge shall be made for such permits, but a return must be made within ten days of the date of expiry of the permit, specifying the number of animals or birds trapped, killed or otherwise disposed of, as the case may be, and also a statement as to the amount of damage caused by such animals or birds."

14. Section 38 of the said Act is amended by adding thereto the following:

"Provided, however, that any offence against the provisions of this Act committed in respect of a big game animal or fur-bearing animal or part thereof may be considered by the justice a separate offence and a penalty imposed in respect of each such big game animal, fur-bearing animal or part thereof, notwithstanding that the offences may have been committed on the same occasion."

15. Section 41 of the said Act is hereby struck out, and the following substituted therefor:

"**41.**—(1) No person, firm, company or corporation shall engage in, carry on, or be concerned in, the business of trading in, buying and selling, or trafficking in, the skins or pelts of any fur-producing animal, or of any animal protected by this Act, without first securing a licence for that purpose.

"(2) Every such licence shall be issued by the Minister, or by any person authorized by him so to do, and shall expire on the thirtieth day of June in each year.

"(3) During the term of such licence, the licensee shall on the first day of January and July in each year forward to the Department of Agriculture by registered mail a sworn statement on a form or forms to be provided by the said Department, showing the number of pelts or skins

of wild animals purchased or trafficked in during the previous six months, or that no such purchase or trafficking has taken place, as the case may be, and such licensee shall keep a book in which shall be recorded separately on the date of each transaction his purchases and sales of all pelts or skins received and disposed of and such book of record shall furnish the dates, names and addresses of parties from whom pelts or skins have been obtained, or to whom pelts or skins have been disposed, which book shall be open to the inspection of any officer acting under the written instructions of the Game Commissioner and be kept intact for one year after the expiry of the licence during the currency of which such pelts or skins were obtained or disposed and shall be available for examination during such period, whether a new licence has or has not been obtained.

“(4) The fee for licences under this section shall be as follows:

“RESIDENT FUR DEALER’S LICENCE.

“(a) For any person, firm, or company, who, or which, may be classified as a resident person, firm or company, to traffic in the pelts of fur-producing animals on specified premises, ten dollars;

“(b) For every additional place of business, operated for, or by any person, firm or company, ten dollars.

“RESIDENT TRAVELLING FUR DEALER’S LICENCE.

“(c) For any person who is a resident of the Province, and who trafficks in the pelts of fur-producing animals other than on specified premises, under a licence as provided for by clause (a), and who will be allowed to operate only as a travelling fur dealer, one hundred dollars.

“NON-RESIDENT.

“(d) For a non-resident wholesale buyer purchasing direct from licensed dealers, good for ten days, five dollars.

“(e) For any person, being a non-resident of the Province, two hundred dollars:

“Provided, however, that where business is to be transacted in specified premises only, licence fee shall be one hundred dollars.

“(5) A travelling fur buyer’s licence, as provided for by clauses (c) and (d) shall not be granted unless applicant furnishes a bond from a reliable bonding company for not less than one thousand dollars or for such sum as the Minister may consider sufficient. Such bond shall provide for the satisfying of claims on the part of persons selling the pelts of wild animals to any such licensed buyer if right to such claim has been established by civil action.

“(6) All fur dealer’s, fur buyer’s or exporter’s licences which have been issued and which expire on the thirty-first day of December, one thousand nine hundred and

twenty-three, shall expire on June thirtieth, one thousand nine hundred and twenty-three, and the holders of such licences shall be entitled to a refund of fifty per centum of the amount paid by them for any such licences."

16. Section 44 of the said Act is hereby repealed, and the following substituted therefor:

"**44.** No person, firm or company shall export or carry beyond the boundaries of the Province of Alberta, the pelt of any fur-producing animal without first obtaining a permit so to do. Such permit may be issued free of charge, by such agents as the Minister may authorize and the Lieutenant Governor in Council may adopt such regulations as may be found necessary to carry into effect the provisions of this section."

17. Section 45 of the said Act is amended—

- (a) as to subsection (2) thereof, by striking out the words "export licence" where they occur therein, and substituting therefor the words "export permit";
- (b) by striking out subsection (4) thereof.

18. Section 47 of the said Act is amended—

- (a) by striking out the words and figures "or 44" where they occur therein;
- (b) by striking out the words "chief game guardian" where they occur therein, and substituting therefor the words "Game Commissioner."

19. Section 51 of the said Act is amended—

- (a) by striking out subsection (1) thereof, and substituting therefor the following:
 "51.—(1) The Lieutenant Governor in Council may appoint a Game Commissioner and game inspectors and fix their remuneration and specify their duties";
- (b) as to subsection (2) thereof, by adding thereto the following: "and all appointments of guardians shall expire on the first day of May in each year";
- (c) as to subsection (3) thereof, by adding after the word "Police" where the same occurs therein, the words "and postmasters."

20. Section 52a is added to the said Act as follows:

"52a. Where any game or fur-bearing animal or parts thereof, is declared forfeited to His Majesty as provided for in the next preceding section, the Lieutenant Governor in Council in the case of an unpaid game guardian, may

make allowance for services rendered in securing the forfeiture of such game, fur-bearing animal or parts thereof.”

21. Section 54 of the said Act is amended as to subsection (1) thereof by striking out all words before the words “every game guardian shall have power” where they occur therein.

22. Section 56 of the said Act is hereby repealed, and the following substituted therefor:

“**56.**—(1) Any game guardian may, upon exhibition of his badge, if he has reason to believe and does believe that there is any game, fur-producing animal or parts thereof illegally killed, taken or had in possession contrary to the provisions of this Act, or pelts on which a tax is payable, concealed therein, search, without obtaining a warrant, any vehicle, boat or tent and may, upon obtaining a search warrant in form provided for by *The Criminal Code of Canada*, search any building or other place for such game, fur-producing animal or parts thereof, as the case may be.

“(2) Notwithstanding anything in this Act contained, no person shall buy, traffick in or have in possession any game, fur-producing animal or parts thereof which has been unlawfully killed or taken or for which there is no open season. This shall not apply to game, fur-producing animals or parts thereof killed or taken beyond the boundaries of the Province of Alberta, but the onus of proof that such game, fur-producing animals or parts thereof were killed or taken beyond the boundaries of the Province of Alberta shall be upon the owner or person in whose possession the same is found.”

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1923

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Received and read the

First time

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Third time

HON. MR. HOADLEY.

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