

Bill No. 9 of 1932.

A BILL TO CONSOLIDATE AND AMEND THE GAME
ACT.

NOTE.

This Bill is a complete consolidation and revision of *The Game Act*, being chapter 70 of the Revised Statutes of Alberta, 1922, and the numerous amendments which have since been made to it.

The Bill adopts as a basic principle that all animals and birds within the Province which are wild by nature and whilst in a state of nature shall be the property of the Crown, and does away with the common law rule that such animals and birds are the property of nobody.

The Bill provides that certain animals and birds may be taken without a license and provides for the issuance of licenses for taking big game, fur-bearing animals, fur-producing animals and game birds.

The Lieutenant Governor in Council is given power to fix, from time to time, the open season for hunting any animal or bird; to prescribe different open seasons for hunting a specified animal or bird in different districts; to prohibit the hunting of any specified animal or bird in any specified area or areas; to prescribe bag limits; and to fix license fees.

Sections 59 to 71 of the Bill contain the provisions relating to fur dealing and the taxation of skins and pelts, and are substantially the same as those now contained in *The Game Act*.

By section 37 of the Bill the Lieutenant Governor in Council is authorized to make regulations for the marking of fur-bearing animals kept on a fur farm with a registered mark, and section 72 provides that an animal so marked shall remain the property of the registered owner of such mark, and does away with the common law rule that the owner of a wild animal loses his property in it if it escapes.

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Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 9 of 1932.

An Act to consolidate and amend The Game Act.

(Assented to , 1932.)

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, 1932.*"

2. In this Act, unless the context requires a contrary meaning—

- (a) "Big game" means and includes any bison, elk, wapiti, prong-horn antelope, mountain sheep, mountain goat, any of the deer family whether known as caribou, moose, deer, or otherwise, and any bear, and any other animal which may from time to time be declared to be big game by the Lieutenant Governor in Council;
- (b) "Fur-bearing animal" means and includes any mink, fisher, marten, red squirrel, fox, muskrat, otter and beaver, and any other animal which may from time to time be declared to be a fur-bearing animal by the Lieutenant Governor in Council;
- (c) "Fur-producing animal" means and includes any animal which is wild by nature whereof the pelt or skin is used for the manufacture of clothing or rugs;
- (d) "Game bird" means and includes birds of all species of the following families: Anatidae, commonly called ducks and geese; Rallidae, commonly known as rails and coots; Scolopidae and Charadriidae, commonly known as Wilson snipe; black-bellied plover, American golden plover, greater yellow-legs, lesser yellow-legs; Tetraonidae, commonly known as grouse, including partridge, ptarmigan and prairie chicken; Phasianidae, commonly called pheasant, including European grey partridge, commonly called Hungarian partridge, and any other species of bird which may from time to time be declared to be a game bird by the Lieutenant Governor in Council;
- (e) "Game Guardian" or "Guardian" means any person appointed pursuant to the provisions of this Act for the purpose of enforcing the provisions thereof;
- (f) "Guide" means any person who for gain or reward accompanies and assists any other person to hunt,

trap, take, shoot at, wound or kill any animal or bird mentioned in or protected by this Act or any regulation thereunder;

- (g) "House" means any shelter that has been constructed by a muskrat or beaver for the purpose of feeding, resting or sleeping therein;
- (h) "Minister" means the Minister of Agriculture, and "Department" the Department of Agriculture;
- (i) "Non-resident" means any person who does not come within the definition of a resident;
- (j) "Regulation" means any regulation made by the Lieutenant Governor in Council pursuant to this Act;
- (k) "Resident" means any person who has resided in the Province of Alberta for six months immediately prior to the date of his application for a license under this Act, or a company which has had a place of business in the Province of Alberta for six months immediately prior to the date of its application for a license under this Act, and includes every person as owner, lessee, or homesteader, who is the *bona fide* occupier of a quarter-section of land within the Province;
- (l) "Unprime pelt" and "unprime skin" means any pelt or skin of Grade 3 and Grade 4 according to the classification of pelts and skins now in use in the fur trade, and includes any pelt or skin which has been taken other than during the open season.

3. The property in all animals and birds within the Province which are wild by nature and whilst in a state of nature, is hereby declared to be vested in His Majesty in the right of the Province, and no person shall acquire any right of property therein otherwise than in accordance with the provisions of this Act.

4. No person shall hunt, trap, take, shoot at, wound or kill any animal or any bird within the Province which is wild by nature and whilst in a state of nature unless he is expressly authorized so to do by this Act or by virtue of a valid and subsisting license or permit issued pursuant to this Act.

5. No person shall hunt, trap, take, shoot at, wound or kill any animal or any bird the property in which is by this Act vested in His Majesty on the first day of the week, commonly known as Sunday.

6. No person shall hunt, trap, take, shoot at, wound or kill any big game or game bird between one hour after sunset and one hour before sunrise.

7. No person shall hunt, trap, take, shoot at, wound or kill any big game, fur-bearing animal or any game bird at any time or at any place within the Province other than at the times and in the places from time to time prescribed by

the Lieutenant Governor in Council as the times within which and the places at which big game, fur-bearing animals or game birds or any specified variety of big game, fur-bearing animal or game bird may be hunted, trapped, taken, shot at, wounded or killed.

8. Any person who—

- (a) is a resident within the meaning of this Act;
- (b) is in the occupation of land as owner, purchaser, lessee or homesteader which is used for farming or ranching purposes; and
- (c) resides and carries on the business of a farmer or rancher upon such land or some part thereof—

as well as any member of such person's household, may hunt, take, shoot at, wound, and kill game birds upon or over such land without any license during such times as any person holding a game bird license issued pursuant to this Act may hunt, take, shoot at, wound, and kill any game bird and as if he were the holder of such license.

9. Any person may hunt, take, shoot at, wound or kill any of the animals following, namely: Wolves (timber and prairie), cougars, wolverines, skunks, badgers, weasels, rabbits and animals not coming within the definition of fur-producing animals, and any other animal or animals which the Lieutenant Governor in Council may from time to time designate.

10. Any person may hunt, take, shoot at, wound or kill any of the birds following, namely: Crows, eagles, goshawks, pigeon hawks, duck hawks, cooper hawks, sharp-shinned hawks, hawk owls, snowy owls, horned owls, blackbirds, cowbirds, grackles, house sparrows, commonly called English sparrows, and magpies, and any other bird or birds which the Lieutenant Governor in Council may from time to time designate.

11. No person shall be engaged in the pursuit or hunting of any big game unless he is clothed in a complete outer suit and cap of scarlet material.

12. Upon it being made to appear to the Minister by the affidavit of any game guardian that any person has whilst hunting any big game, inadvertently or otherwise, discharged a firearm at any other person, the Minister shall cause to be inserted in *The Alberta Gazette* a notice to the effect that such person is no longer entitled to be the holder of any game license whatsoever from and after the date of the publication of such notice, and thereupon such person shall be absolutely disqualified to hold any game license, and any game license held by or issued to him shall be utterly null and void unless and until the Lieutenant Governor in Council declares that such person is no longer disqualified, and any person whilst disqualified by virtue of this section found with any firearm in his possession in any place in the vicinity of any place frequented by any big game animals or

bearing firearms in any place elsewhere than upon his own premises or is in the possession of any game license issued in his name shall be guilty of an offence, and shall upon summary conviction therefor be liable to a fine of not less than one hundred dollars and not more than five hundred dollars together with costs, and in default of payment to imprisonment for a term of not less than ten days and not more than ninety days.

13. No person shall remove all the distinctive evidence of sex from the carcass of any big game animal until the transportation of such carcass has been completed, and no person shall have in his possession during such transportation the carcass of any big game animal from which all such evidence has been removed.

14.—(1) No person shall place in cold storage the flesh of any big game between the first day of March in any year and the next following date fixed for the commencement of the open season for the hunting of such big game.

(2) No person shall place in cold storage the flesh of any game bird between the first day of March in any year and the following twentieth day of September or the day fixed for the opening of the season for hunting such birds, whichever date is the latest.

15. No person shall at any time destroy, partially destroy, open, leave open or place any trap in the house or push-up of any muskrat or beaver, unless authorized so to do by the regulations relating to fur-farming, and in accordance therewith.

16. No person shall at any time interfere with, or destroy any beaver dam unless he is the holder of a permit issued by the Minister authorizing him so to do.

17. No person shall at any time spear or shoot any muskrat or beaver unless he is the holder of a permit issued by the Minister authorizing him so to do.

18. No person shall at any time buy, sell, traffic in or have in his possession—

- (a) any unprime pelt or skin of any fur-bearing animal:
or
- (b) any skin or pelt of any animal whatsoever which has been snared, unless he is the holder of a permit from the Minister authorizing him so to do.

19. No person shall at any time hunt, trap, take, shoot at, wound or kill any big game, fur-bearing animal, fur-producing animal, or game bird or any other animal or bird which is wild by nature and in a state of nature if the same be upon or over any land enclosed by a fence of any kind or any land under cultivation or any land adjacent to buildings, without having first obtained the consent of the owner or occupant, nor shall he allow any dog which he is using

for hunting purposes to enter upon any such land without the consent of the owner or occupant thereof, and for the purpose of this section, the high-water mark of any lake, river or other body of water bordering upon any land shall be deemed to be a fence.

20.—(1) No person shall for the purpose of taking, capturing, killing or destroying any big game, fur-bearing animal or game bird, set out, use or employ—

- (a) any poison, opium or other narcotic;
- (b) any sunken punt, any nightlight, any swivel, spring or automatic shotgun, any auto-loading shotgun or any machine shotgun of any description, or any shotgun with a gauge larger than Gauge 10, or any pump gun with a magazine capable of holding more than two cartridges, or any contrivance for the purpose of deadening the sound of the report of any firearm.

(2) It shall be an offence against this Act for any person to have in his possession any weapon or contrivance specified in clause (b) of subsection (1) of this section at any place other than the premises of such person.

21. No person shall for the purpose of taking, killing or destroying any big game or game bird set out, use or employ any traps, nets or snares of any kind.

22. No person shall set out, use or employ any snare for the capture or destruction of any fur-producing animal other than and except rabbits unless he is the holder of a permit issued by the Minister authorizing him so to do.

23. No person shall at any time have any loaded shotgun or loaded rifle in any carriage, rig, wagon, car, sleigh, hay-rack, automobile, or vehicle of any kind, or in any aeroplane, or discharge any such shotgun or rifle from any vehicle of any description as above specified or from any aeroplane.

24. No person shall act as a guide to any other person engaged in the pursuit or hunting of any big game or in hunting, trapping, taking, shooting, wounding or killing any fur-producing animals, or any person who is not a resident of this Province engaged in the pursuit or hunting of any game bird, or shall accompany for the purpose of assisting any such person unless the person first herein mentioned is the holder of a subsisting guide's license issued in pursuance to this Act.

25. Every non-resident shall, whilst engaged in the hunting or pursuit of big game, be accompanied by a guide who is licensed pursuant to this Act.

26. Every person who whilst holding a guide's license acts as a guide to any other person engaged in the pursuit of or the hunting of any big game or in hunting, trapping,

taking, shooting, wounding or killing of any fur-producing animal, or any person who is not a resident of this Province engaged in the hunting or pursuit of any game bird, shall ascertain that such person is duly licensed under this Act; and any guide so licensed as aforesaid who acts as a guide to any person who is not duly licensed shall be guilty of an offence, and shall in addition to any other penalty he may incur for so doing, forfeit his license as a guide.

27. No person shall transport out of the Province or shall have in his possession for the purpose of transporting out of the Province any big game, fur-producing animal or game bird or any part or parts of any big game or fur-producing animal unless he has first received a permit issued in pursuance of this Act authorizing the transportation thereof outside the Province.

28. No person shall sell, expose for sale, barter, or trade or buy or obtain from any other person by barter, trade, or otherwise the head of any big game unless a permit has previously been given by the Minister to the vendor for that purpose and in accordance with the regulations made pursuant to this Act.

29. No person shall at any time wilfully disturb, destroy or take the eggs or nest of any game bird, or any bird protected by this Act, unless he is the holder of a permit for that purpose issued by the Minister in pursuance of this Act.

30. No person shall use or be accompanied by any dog while hunting big game, neither shall any person allow any dog which is accustomed to pursue big game to run at large in any district where big game are usually found, and any person may kill any dog found running or pursuing big game at any time without incurring any liability therefor.

31. No person having the custody or control of any retriever dog, setter dog or pointer dog or any other dog used for the hunting of game birds shall allow any such dog to run at large at any time between the fifteenth day of April and the first day of September in any year unless he is authorized so to do by regulations made pursuant to this Act relating to the training or running of such dogs, and in compliance therewith.

32.—(1) No person shall buy, sell, deal or traffic in any big game or any game birds or any part of any big game or any game bird save and except only as is expressly permitted by this Act or by any regulations made thereunder.

(2) 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 a hotelkeeper 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 boarder;
- (c) any premises used in connection with any logging operations, sawmill, tie or construction camps;
- (d) any vehicle of any description ordinarily used in connection with any of the businesses in this subsection mentioned—

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

33. No person shall be in possession of any carcass of any big game, game bird or fur-producing animal or any parts thereof which has been killed or taken in the Province of Alberta otherwise than in conformity with this Act or the regulations.

34. In any proceedings authorized by this Act and upon any prosecutions for any offence against this Act, the fact that any carcass of any big game, game bird or fur-producing animal, or any part of such carcass, is found in the Province of Alberta, shall be *prima facie* evidence that the big game, game bird or fur-producing animal or part thereof was killed or taken within the Province of Alberta.

35. Every person who in the course of any trapping operations takes any mink, muskrat or beaver which has an unprime skin or pelt shall, on or before the day he disposes of the balance of his catch, or at any time upon the demand of a Game Guardian deliver to the Department or to the Game Guardian on behalf of the Department, every such unprime skin or pelt together with a declaration in writing and signed by him setting out the circumstances of the taking thereof, and all such skins or pelts shall be disposed of in such manner and by such persons as the Minister may from time to time and either generally or in any specified case direct, and in the event of their being sold the net proceeds of sale shall be payable to the person making the delivery thereof.

36. No person shall engage in the business of cold storage of game except he is licensed so to do in pursuance of this Act and then only subject to any regulations made in pursuance of this Act.

37. The Lieutenant Governor in Council may from time to time make regulations providing—

- (a) for the issuing of licenses to non-residents of the following description:
 - (i) general game licenses permitting the hunting and killing of big game and game birds;
 - (ii) game bird licenses permitting the hunting and killing of game birds.
- (b) for the issuing of licenses to residents of the following description:
 - (i) big game licenses permitting the hunting and killing of big game;
 - (ii) game bird licenses permitting the hunting and killing of game birds.
- (c) for the issuing of special licenses to any person who resides in any part of the Province lying north of Township 69, which is not included in the corporate boundaries of any city, town or village, who holds a resident's big game license, permitting such person to kill and take big game for the purpose of providing food for himself and family in case it is necessary so to do;
- (d) for the restriction of the operations under any general or big game or bird game license to any specified area or to any specified time or to any specified area and any specified time;
- (e) for the maximum number of any kind of big game or game bird which may be taken during any one day and during any other specified period;
- (f) for the issuing of licenses to residents for the hunting, trapping, taking, shooting at, wounding or killing any fur-producing animal, and granting to the licensee the sole privilege of trapping upon and over a specified area;
- (g) for the issuing of licenses to residents authorizing them to act as guides;
- (h) for the licensing of taxidermists;
- (i) for the licensing of persons engaged in the business of trading in, or buying, or selling, or trafficking in the skins or pelts of any fur-bearing or fur-producing animal;
- (j) for the issuing of licenses or permits for sending out of the Province the skins or pelts of any fur-producing animal;
- (k) for the prohibition of the hunting or killing of any kind or kinds of big game, fur-bearing animal and fur-producing animal or any of them, either absolutely or during a specified period or within a specified area;
- (l) for the issuing of permits for the export of unprime skins or pelts of fur-bearing animals;

- (m) for the issuing of permits for the transportation out of the Province of any big game or game bird to the person killing or lawfully acquiring the same;
- (n) for the issuing of permits for the taking of big game, game birds and fur-bearing animals, the nests of game birds and the eggs of game birds and other birds for the purposes of public parks or zoological gardens or for scientific purposes, and for the transportation thereof to places outside the Province;
- (o) for the issuing of permits for the trapping or killing of any specified big game, fur-bearing animals or game birds with the object of preventing damage to farm crops or other property;
- (p) for the fees to be charged in respect of any license or permit;
- (q) for the forms of licenses and permits and applications therefor;
- (r) for the returns to be made by the holder of any license or permit;
- (s) for the disposal of any big game, fur-bearing animals, fur-producing animals and game birds or any parts thereof which have been confiscated or forfeited pursuant to any of the provisions of this Act;
- (t) for the disposal of any firearms, snares, traps or other appliances or property which has been confiscated or forfeited pursuant to any of the provisions of this Act;
- (u) for the marking by means of brands or otherwise of any head or heads of big game lawfully killed about to be sold or offered for sale in pursuance of a permit under this Act and for the issuing of such permit as well as prohibiting the hunting or offering for sale or exposing for sale any such head which has not been marked or branded as may be required;
- (v) for the licensing and regulating of game farms and fur farms;
- (w) for the marking of any fur-bearing animal or game kept upon any licensed game farms and fur farms by means of distinctive marks, and the registration of such marks in the name of the owner or the fur farm upon which it is kept;
- (x) for the fees which shall be paid in respect of any license or in respect of any registered mark;
- (y) for the refund to any treaty Indian of the amount paid by him for any license under the provisions of this Act upon a certificate being furnished by any Indian agent that such person is a treaty Indian on the reserve under his control, or the issue to any treaty Indian of a license free of charge where such treaty Indian produces a certificate from his agent that he is a treaty Indian and belonging to the reserve under the control of such agent;

- (z) for regulating trapping on any game preserve or forest reserve;
- (aa) for declaring any animal to be big game;
- (bb) for declaring any bird to be a game bird; and
- (cc) generally as to any matter or thing the doing of which is permitted by this Act, or as to any case which may arise and for which no specific provision is made by this Act for the purpose of carrying out the provisions of this Act according to the true intent thereof.

38. Every license issued under this Act other than licenses for fur dealers and fur buyers shall expire at the date mentioned in the license, which date shall not in any case be later than the thirtieth day of June following the issue of the license.

39. The Lieutenant Governor in Council may appoint a game commissioner, game inspectors and other officers and fix their remuneration and prescribe their duties.

40. The Minister may appoint such persons as he may deem proper as game guardians whose duty it shall be under the direction of the game commissioner to enforce the provisions of this Act.

41. All members of the Royal Canadian Mounted Police and all members of the Alberta Provincial Police, all forest and firerangers, and all postmasters shall be *ex-officio* game guardians and shall have the same powers and duties as are conferred or imposed upon a game guardian appointed by the Minister pursuant to this Act.

42. The Minister may from time to time—

- (a) prescribe the manner in which any unprime skins or pelts which may have been delivered to the Department pursuant to any of the provisions of this Act shall be disposed of, and in the case of sale the persons by whom and the manner in which such sale shall be made;
- (b) issue permits to keepers of hotels and restaurants permitting the keeping and preparation of the carcasses of big game and game birds lawfully acquired by a person who is a guest or boarder at the permittee's hotel or restaurant and for the personal use of such guest or boarder, subject to such terms and conditions as may be prescribed;
- (c) prescribe the times and conditions as to the keeping and disposition of any flesh of any big game or game bird by any keeper of a hotel or restaurant pursuant to a permit granted under this section;

- (d) issue permits for the doing of any act or thing which by this Act may be done with the permission of the Minister, and to prescribe rules and conditions with reference thereto;
- (e) appoint persons for the purpose of issuing any license or permit which may be issued pursuant to this Act or the regulations and provide for the remuneration of such persons for so doing.

43. Every game guardian shall have the power to administer an oath as effectually as if he were a Commissioner for Oaths to any person making any declaration in writing or affidavit incidentally to any license or permit or otherwise in pursuance to any provision of this Act.

44. Every game guardian shall have the power to issue a permit to carry firearms, other than revolvers and pistols, to any person who is the holder of a license under this Act, to hunt big game, fur-producing animals or game birds; and such permit shall be issued without charge, shall be valid for the period of the said license, and shall be in Form 76 prescribed by section 118 of *The Criminal Code of Canada*.

45. Any game guardian may enter upon or pass over any lands whether enclosed or not for the purpose of discharging his duties and whilst so engaged he shall be liable only for any damage which he may wilfully cause in so doing, and any game guardian may without warrant arrest any person found committing any offence against the provisions of this Act.

46. Every game guardian is empowered, upon the production of his badge, to search, without obtaining a warrant, any vehicle, boat, dugout, shack, tent or shelter if he has reason to believe and does believe that there is concealed therein any game, fur-producing animal or parts thereof illegally killed, taken or had in possession contrary to the provisions of this Act, or any skin or pelt in respect of which any tax payable pursuant to this Act is unpaid, and any salaried game officer may, without obtaining a search warrant, search any building or other place for such game, fur-producing animal or parts thereof, as the case may be.

47. Where the possession of any big game, fur-bearing animal or game bird constitutes an offence under this Act, the person in whose possession the same is found shall not be liable to a penalty for having the same in possession, if the owner thereof comes forward and assumes responsibility for possession, and produces proof as to ownership.

48. Any license to hunt big game animals or game birds or to trap fur-bearing animals shall only authorize the licensee to hunt or trap in such portions of the Province as may be specified in his license or be prescribed by regulation.

49. Every resident to whom a big game license has been issued in any year, shall immediately after the time fixed for the expiration of the license, return the same to the Department together with a statement signed by him and attested showing the number of animals killed or taken by him during the period mentioned in such license.

50. Every person when requested so to do by a game guardian shall produce and show to such game guardian his license or permit.

51. Upon information on oath by any game guardian that he suspects or believes that any big game, fur-bearing animal, fur-producing animal, or game bird, or the carcass, pelt or skin of any big game, fur-bearing animal, fur-producing animal or game bird which has been unlawfully taken or the possession of which is by this Act prohibited, is kept or had or is unlawfully kept or had in any building or premises, it shall be lawful for any justice by warrant under his hand to authorize and empower any game guardian to enter and search the building and premises and every part thereof, and for that purpose to break open any door, lock or fastening of the building or premises, or any part thereof, or any closet, cupboard, box or any other receptacle therein, and it shall not be necessary for the game guardian to set out in the information any reasons for the grounds for his suspicions or belief.

52.—(1) Every person shall be guilty of an offence who obstructs or impedes any game guardian from entering upon and freely passing over any land which the game guardian desires to enter upon and pass over in the discharge of his duties after the production to such person by the game guardian of his badge.

(2) Every person shall be guilty of an offence who being in any building or other premises or having charge thereof refuses or fails to admit any game guardian or other person authorized by warrant to search such building or other premises or who obstructs or attempts to obstruct the entry of such game guardian or other person or any search by any such person.

53.—(1) Every person who hunts, traps, takes, shoots at, wounds or kills any big game, game bird or fur-bearing animal without being duly licensed pursuant to this Act so to do, shall be guilty of an offence punishable on summary conviction and liable to the penalties herein provided, that is to say:

(a) If the offence is in respect of any buffalo or elk, he shall be liable to a penalty of not less than fifty dollars and not more than five hundred dollars and in default of payment to imprisonment for a period of not less than ten days and not more than three months.

- (b) If the offence is in respect of any antelope, he shall be liable to a penalty of not less than twenty-five dollars and not more than one hundred dollars, and in default of payment, to imprisonment for a term of not more than three months.
- (c) If the offence is in respect of deer, moose, caribou, sheep or goat, he shall be liable to a penalty of not less than twenty dollars and not more than one hundred dollars, and in default of payment, to imprisonment for a term of not more than three months.
- (d) If the offence is in respect of any game bird or any animal not hereinbefore specified, he shall be liable to a penalty of not less than ten dollars and not more than fifty dollars, and in default of payment, to imprisonment for not more than three months.

(2) In case an offence is proved to have been committed in respect to more than one animal or bird, the person convicted of such offence shall be liable to a separate penalty in respect of each animal or bird in connection with which the offence was committed.

54. Every person who contravenes any of the provisions of this Act in respect of which no special provision is made for punishment for the breach thereof, shall be guilty of an offence and shall be liable on summary conviction therefor to a fine of not less than ten dollars and not more than fifty dollars, together with costs, and in default of payment, to imprisonment for a term of not more than three months.

55.—(1) Any game guardian who has reason to believe that an offence has been committed under this Act may seize any big game, any fur-bearing animal or pelt thereof and any game or other bird in respect of which he believes such offence has been committed, giving a receipt therefor to the person in whose possession or custody the same has been found, and deliver such game, fur-bearing animal, pelt or bird to a justice of the peace, and may likewise seize any firearm, trap, or other contrivance of any kind which he has reason to believe has been used contrary to the provisions of this Act, and proceed in the same manner as herein specified with respect to any game, fur-bearing animal or pelt, and at the same time furnish such justice with an affidavit specifying the name of the person having possession or custody of such game, pelts, firearms or contrivance, and that he has reason to believe that an offence has been committed.

(2) Upon the conviction of any person for any offence under this Act in respect of any animal, skin, pelt, firearm, trap or other contrivance seized by a game guardian and by him brought before the justice pursuant to this Act, the justice making such conviction may by the order of conviction or by a separate order declare the same to be forfeited,

and thereupon the things so forfeited shall, except as hereinafter provided, be the property of the game guardian who made the seizure thereof.

(3) In case no prosecution is brought for any offence in respect of any of the things delivered to a justice pursuant to this section, or in case a prosecution is brought for such an offence, the justice to whom the said things have been delivered shall notify the owner or person in whose custody such animal, skin, pelt, firearm, trap or other contrivance is found to appear before him at a certain time and establish his right to the possession thereof, or that the gun or guns, trap or traps or other contrivances have not been illegally used, and in the event of his failure so to do, the justice may declare such animal, skin, pelt, firearm, trap or other contrivance forfeited, and the same shall thereupon, except as hereinafter provided, be the property of such game guardian.

(4) If in the opinion of the justice such game, fur-bearing animal or pelt thereof is unperishable and exceeds in value the sum of twenty-five dollars, it shall be forfeited to His Majesty to be sold or otherwise disposed of as the Minister may direct, and the proceeds of any such sale shall be forthwith transmitted to the Department to form part of the general revenue fund; in the case of firearms, traps, and other contrivances which may be declared forfeited under this section, the same shall be forwarded to the Minister to be disposed of as he may direct.

56. Those areas which have been established as parks by the Dominion Government and are known as Waterton Lakes Park, Banff Park, Jasper Park, Elk Island Park, Buffalo Park, Wood Buffalo Park, Nemiskam Park, Wawaskesy Park, and those areas excluded from the Rocky Mountain Park and Jasper Park by Act of the Parliament of Canada as set forth by *The National Parks Act*, being chapter 33 of the Statutes of Canada, 1930; and those areas known as Pakowki Lake Bird Sanctuary, Many Island Lake Bird Sanctuary, Ministik Lake Bird Sanctuary, Birch Lake Bird Sanctuary, and Lac La Biche Bird Sanctuary are hereby declared game preserves.

57.—(1) All game preserves established pursuant to any Statute of the Province, and existing at the time of the coming into force of this Act, shall continue to exist as if the same had been established pursuant to this Act.

(2) The Lieutenant Governor in Council may from time to time—

- (a) declare any designated area or areas to be game preserves, and adopt such regulations as may be necessary for the control thereof and the protection of wild life therein;

- (b) declare that any area previously declared to be a game preserve shall cease to exist; and
- (c) add to or detract from the area of any existing game preserve.

58. No person shall hunt, shoot at, wound or kill or take any big game, any fur-bearing animal, any fur-producing animal or any game bird within any game preserve.

59. No person shall carry on any business for the purpose of disposing of or dealing in the skins or pelts of fur-producing animals or conduct any sale of any such skins or pelts either by tender or by auction without first obtaining a license under this Act and furnishing the Department with a bond or such other form of security as the Department may require for securing the due payment of any taxes payable in pursuance of this Act in respect of any skins or pelts disposed of, dealt in, or sold by such person, and for the due compliance by such person with any regulations made pursuant to this Act as to the disposition of, dealing in and selling of such pelts and skins.

60. The licenses which may be issued under this Act for carrying on the business of buying, selling, trading or trafficking in the skins or pelts of fur-producing animals shall be as follows:

Class I—Authorizing the person named therein to carry on business at premises specified therein, and if such premises are situate within a city, town or village, then within the corporate boundaries of such city, town or village, and if situated elsewhere, then within a radius of one mile of such premises.

Class II—Issuable only to a resident authorizing the person named therein to carry on the business of a travelling fur dealer; and

Class III—Issuable only to a non-resident authorizing the person named therein to purchase as travelling fur dealer, skins and pelts of fur-producing animals from persons holding a Class I license within a period of ten days to be specified in the license.

61. No employee of any person, company or corporation shall travel, to buy, sell, trade or traffic in the skins or pelts of fur-producing animals on behalf of such person, company or corporation unless he is licensed so to do pursuant to this Act, and in case such license has been taken out and paid for by the employer, the employee so licensed shall immediately upon the cessation of his employment forthwith return such license to the Department and thereupon such license may be reissued to any other employee nominated by the employer.

62. Every person licensed to carry on the business of buying, selling, trading or trafficking in the skins or pelts

of fur-producing animals shall keep in a book to be furnished by the Department, true and accurate records of all skins and pelts purchased and sold by him, showing the date of purchase or sale, the name and address of the vendor or purchaser, a sufficient description of the skins and pelts bought, and shall make such returns as are required to be made in pursuance of any regulation made pursuant to this Act, and shall pay by way of a tax such amount in respect of each skin or pelt so bought as may be from time to time fixed by Order in Council and at the time specified therein.

63. The Lieutenant Governor in Council may from time to time—

- (a) fix the amount to be paid by way of tax by any licensed dealer in respect of every skin or pelt purchased by him and may fix different amounts for different kinds;
- (b) fix the times at which and the manner in which payment of any such amount is to be made;
- (c) prescribe the form and nature of the returns to be made by any licensed dealer in respect of any skins or pelts purchased by him; and
- (d) provide for the manner in which and the persons to whom the said amounts are to be paid.

64. Every dealer licensed under this Act shall upon demand being made by any game guardian between the hours of 8 a.m. and 6 p.m. forthwith produce to such game guardian the records which he is required to keep pursuant to this Act and shall produce for the inspection of the game guardian all skins or pelts then in his possession.

65. Every person who obliterates, alters, imitates, or duplicates any stamp, brand, mark or signature which is placed on any pelt or skin in pursuance of any regulations made under this Act shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars and not more than twenty dollars and costs in respect of each pelt or skin in respect of which such offence has been committed.

66. In any case in which a salaried game guardian finds any skins or pelts of any fur-producing animal in the possession of any person whatsoever in respect whereof any sum payable pursuant to this Act by way of tax has not been paid, such sum shall be paid forthwith upon payment thereof being demanded by the game guardian from the person for the time being in possession thereof.

67. The amount payable by way of tax in respect of any skin or pelt of a fur-producing animal by a dealer shall be payable in respect of each pelt or skin acquired by him immediately upon the acquisition thereof by the dealer.

No. 9.

SECOND SESSION
SEVENTH LEGISLATURE
22 GEORGE V
1932

B I L L

An Act to consolidate and amend The
Game Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOADLEY

EDMONTON:
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1932