

Bill No. 29 of 1941.

A BILL TO AMEND AND CONSOLIDATE THE GAME
ACT.

NOTE.

This Bill amends and consolidates *The Game Act* and repeals *The Game Act, 1932*. The vast majority of changes made have merely been alterations in the wording to clarify the meaning of existing sections. The material in the Act has been entirely reorganized so far as the order and numbering of the sections is concerned.

It is divided into four parts. The first Part deals with property in wild life, general prohibitions applying to all kinds of game, and dealing generally with licenses and permits required.

Part II is divided into two divisions, the first of which contains the provisions dealing exclusively with big game, and the second deals with game birds.

Part III comes under the general heading of "Fur". Sections 49 to 51 are general provisions dealing with fur-bearing animals, and sections 52 to 59 are concerned with trappers, traders and dealers in fur.

The last Part has to do with the administration of the Act. It governs the officials who are in charge of its operation, their appointment and powers. Sections 80 to 88 in this Part contain some new and clarified provisions which will facilitate procedure in Court, as they establish certain burdens relating to evidence, onus of proof and presumption. The remaining sections deal with procedure to be followed, offences, and the penalties for those guilty of these offences.

In section 2 several new definitions have been introduced into the interpretation section. For instance, in the old Act there was some slight distinction between fur-bearing and fur-producing animals. This distinction was unnecessary, and by making one definition including both fur-bearing and fur-producing animals, a great deal of needless repetition has been avoided in the Act. Similarly, by including a very wide definition for the word "hunt" it becomes possible to delete a number of words which were previously repeated time after time in every prohibition section.

One of the more necessary and important changes is in the method of dealing with unprime skins. A much more comprehensive definition of "unprime" has been drafted;

and the Minister is empowered to appoint persons skilled in the handling, judging and classifying of furs who shall examine and classify skins and pelts as prime or unprime. The powers of game guardians are slightly extended to enable them to seize any skin or pelt which they suspect of being unprime. Skins and pelts so seized are to be sent to the Fish and Game Commissioner who will submit the same for classification to the persons appointed by the Minister. If classified as unprime, the skins become the property of the Crown, but if classified as prime they are, of course, immediately returned to the persons from whom they were seized. The sections which set out this procedure are 2 (u), 67 (1) (a), 67 (1) (b), 75, and 90 (1), (2) and (3).

Section 10 clarifies and somewhat enlarges the provisions relating to the carrying of loaded firearms in vehicles and their use while being so carried. These provisions bring our Act more into line with other Provincial enactments in this connection.

The limitation of hunting big game and game birds has been changed from one hour after sunset and before sunrise to one-half hour in each case in sections 29 and 40 to correspond to the provisions of *The Dominion Migratory Birds Convention Act*.

The sections dealing with fur-bearing animals have been consolidated without making any material change in their effect.

Sections 73, 74 and 76 similarly consolidate provisions dealing with the powers given to game guardians. They are set out in more detail and will undoubtedly facilitate enforcement.

The new Part IV of the Act incorporates more in the way of new provisions than any of the other Parts. These are largely procedural dealing with evidence and procedure in Court. Their purpose is to facilitate the enforcement of the Act by simplifying the requirements of proof and the method of dealing with offenders. They are concerned largely with matters of administration and do not affect the law very greatly in so far as the public is concerned.

W. S. GRAY,
Acting Legislative Counsel.

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

BILL

No. 29 of 1941.

An Act to Amend and Consolidate The Game Act, 1932.

(Assented to _____, 1941.)

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, 1941.*"

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

- (a) "Big game" means and includes any bison, elk, wapiti, pronghorn antelope, mountain sheep, mountain goat, any of the deer family whether known as caribou, moose, deer, or otherwise, and any bear, and any other animals which may from time to time be declared to be big game by the Lieutenant Governor in Council;
- (b) "Close season" with reference to any species of game, shall mean a specified period during which under the provisions of this Act, such game may not be legally hunted;
- (c) "Dog" shall mean any dog, male or female;
- (d) "Farmer" means a person who is a homesteader on or the owner or lessee of not less than forty acres of farm land in the Province on which he actually resides, and whose sole or chief occupation is that of farming or improving such land;
- (e) "Fur-bearing animal" means and includes any animal, dead or alive, which is wild by nature, and which produces fur of a marketable value, the pelt or skin of which may be used for the manufacture of clothing or rugs; and without limiting the generality of the foregoing shall include 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;
- (f) "Fur farm" shall mean any place on which fur-bearing animals are kept for the purpose of propagation or for sale, gain or profit;
- (g) "Game" shall mean and include all animals and birds mentioned in or protected by this Act or by the Regulations, and the heads, skins or other parts of such animals and birds;

- (h) "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; Chukar partridge; 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;
- (i) "Game Guardian" means any person appointed pursuant to the provisions of this Act for the purpose of enforcing the provisions thereof;
- (j) "Guide" means any person who for gain or reward, or promise of the same, accompanies and assists any other person to hunt any game mentioned in or protected by this Act or the Regulations.
- (k) "House" means any shelter that has been constructed by a muskrat or beaver for the purpose of feeding, resting or sleeping therein;
- (l) "Hunt" shall mean and include any chasing, pursuing, worrying, following after or on the trail of or in search for, shooting at, stalking or lying in wait for, any game whether or not such game be then or subsequently captured, killed or injured;
- (m) "Justice of the Peace" or "Justice" shall mean a justice of the peace, and shall include two or more justices sitting and acting together, a police magistrate, and every other officer or functionary having the authority of a justice of the peace or police magistrate;
- (n) "Minister" means the Minister of Lands and Mines and "Department" the Department of Lands and Mines;
- (o) "Muskrat den" means and includes any burrow or shelter in the shore or bank of any body of water which is connected with the water by underground runways and which is occupied by any muskrat for the purpose of feeding, resting, or raising its young;
- (p) "Non-resident" means any person who does not come within the definition of a resident;
- (q) "Open season" with reference to any species of game, shall mean a specified period during which, under the provisions of this Act such game may be legally hunted;
- (r) "Possession" includes,—
 - (i) having in one's own personal possession;

- (ii) knowingly having in the actual possession or custody of any other person;
- (iii) knowingly having in any place whether belonging to or occupied by oneself or not for the use or benefit of oneself or of any other person;
- (s) "Regulation" means any regulation made by the Lieutenant Governor in Council pursuant to this Act;
- (t) "Resident" means,—
 - (i) any person who has resided in the Province for six months immediately prior to the date of his application for a license under this Act;
 - (ii) any company which has had a place of business in the Province for six months immediately prior to the date of its application for a license under this Act;
 - (iii) any person who as, owner, lessee, or homesteader, is the *bona fide* occupier of a quarter-section or more of land within the Province;
- (u) "Unprime" when applied to skins or pelts of fur-bearing animals shall mean any skin or pelt that shows natural markings of a dark or bluish colour on the flesh side, the fur of which is in a flat thin and undeveloped condition or state of growth, and any pelt or skin which has been taken other than during the open season.

PART I

GENERAL

Property in Wild Life.

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. In case any big game, fur-bearing animal or any bird which is wild by nature has been kept upon a game or fur farm licensed under this Act, and such animal or bird has been marked with a registered mark pursuant to this Act or a brand pursuant to any of the provisions of *The Brand Act*, the property in and right of possession to any such animal or bird shall remain in the owner of such animal or bird, and his executors, administrators and assigns, notwithstanding that such animal or bird may have escaped from the custody and control of any of the last mentioned

persons, and any other person capturing or killing such animal or bird shall not acquire any right of property in it or in its pelt or skin or in any part of it.

General Prohibitions.

5. No person shall hunt or trap 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.

6. No person shall hunt or trap any big game, fur-bearing animal or 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 or trapped.

7. No person shall hunt or trap any big game, fur-bearing animal, or game bird or have in his possession any firearm or trap of any description within any game preserve or forest reserve unless he is the holder of a special permit from the Minister specifically authorizing him so to do.

8. No person shall at any time hunt or trap any big game, fur-bearing 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 such land without the consent of the owner or occupant thereof, and for the purpose of this section, the edge of the water of any lake, river or other body of water bordering upon any land shall be deemed to be a fence.

9.—(1) No person shall, for the purpose of taking, killing or destroying any big game, fur-bearing animal or game bird, set out, use or employ any poison, opium or narcotic, or use or employ any sunken punt, any night light, any swivel, set, or spring gun or automatic shotgun of any description, any shotgun of a gauge larger than gauge ten, or any contrivance for the purpose of deadening the sound of the report of any firearm.

(2) Except as expressly permitted by this Act or the Regulations, no person shall buy, sell or have in his possession, use or employ any snare or any material suitable for the making of a snare unless he is the holder of a permit from the Minister authorizing him so to do, and any such snare or material suitable for the making of a snare, bought,

sold, used, set or had in contravention of this Act may be seized or destroyed by any salaried game guardian or by any constable of the Royal Canadian Mounted Police or by any person on his own land without incurring any liability for so doing.

10.—(1) No person while on horseback or in or on an aeroplane, or a sailboat, or a boat propelled by steam, gasoline, electrical, or other similar motive power, or a vehicle of any kind shall hunt any game, provided, however, that nothing in this or the following subsection shall apply to the hunting of coyotes.

(2) No person shall at any time carry a loaded airgun, shotgun or rifle in or on, or discharge the same from an aeroplane, or a sailboat, or a boat propelled by steam, gasoline, electrical, or other similar motive power, or from a carriage, rig, wagon, car, sleigh, hay rack, bicycle, automobile, or other vehicle.

(3) No person shall discharge an airgun, shotgun, rifle or other firearm of any description, either on or across any Main or Secondary Highway within the meaning of *The Public Highways Act, 1929*, which in particular, and without limiting the generality of the foregoing, includes any hard-surfaced, gravelled or dirt highway which is numbered and posted.

11. No person who has taken or killed any bird or animal suitable for food shall wilfully allow the flesh thereof to be destroyed or spoilt, and no person who has killed or taken a fur-bearing animal shall wilfully allow the skin thereof to be destroyed or spoilt.

Licenses and Permits.

12. Any person may hunt or trap without a license or permit any of the animals following, namely: Wolves (timber and prairie), cougars, wolverines, badgers, skunks, porcupines, weasels, rabbits and any other animal or animals which the Lieutenant Governor in Council may from time to time designate.

13. Any person may hunt without a license or permit any of the birds following, namely: Crows, blackbirds, cowbirds, grackles, house sparrows, commonly called English sparrows, magpies, eagles, and the following members of the Falcon family, namely: goshawks, pigeon hawks, duck hawks, cooper hawks, sharp-shinned hawks, hawk owls, snowy owls, and horned owls, and any other bird or birds which the Lieutenant Governor in Council may from time to time designate.

14. No license or permit shall be issued to any person under sixteen years of age except on the written application of his parent or guardian.

15. No license or permit shall be issued to a company unless it has complied with the provisions of *The Companies Act* governing registration and is authorized to carry on business in Alberta as required by that Act.

16.—(1) It shall be unlawful for any person to have, take or be in possession of game for breeding purposes or to conduct or operate a fur or game farm or ranch except under the authority of a license or special permit.

(2) Any owner or caretaker of fur-bearing animals kept on any premises for any purpose pursuant to a permit or license obtained under this Act may kill any dog found on the premises near the enclosure in which such fur-bearing animals are kept, which is terrifying such fur-bearing animals by giving tongue, barking or otherwise.

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

18. No person shall engage in the business of cold storage of game unless he is licensed so to do pursuant to this Act and the Regulations.

19. 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-bearing animal or game bird or any part or parts thereof unless he has first received a permit issued pursuant to this Act authorizing the transportation thereof outside the Province.

20. No person shall buy, sell, deal or traffic in any big game or any game bird or any part of any big game or any game bird save and except only as is expressly permitted by this Act or by the Regulations.

21. No person shall, unless he is the holder of a valid and subsisting guide's license issued pursuant to this Act, act as a guide to any other person engaged in the pursuit or hunting of any game.

22. No person shall, unless he is the holder of a valid and subsisting outfitter's license issued pursuant to this Act, for gain or reward, or promise of the same, rent, hire or lend any saddle horses, pack horses, vehicles, boats, or other equipment to any person for the purpose of being used in hunting any game in respect of which a license to hunt is required by this Act or the Regulations;

Provided, however, that nothing herein contained shall be construed as forbidding any person from renting, hiring,

or lending any saddle horses, pack horses, vehicles, boats, or other equipment to any licensed outfitter.

23. Any holder of a guide's or outfitter's license who acts as a guide or outfitter to any person engaged in the hunting of any big game or to any person who is a non-resident engaged in the hunting of any game bird, shall ascertain that such person is duly licensed under this Act.

24. 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.

25. 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.

26. No license issued pursuant to this Act shall be transferable.

27.—(1) The issue, cancellation, suspension and reinstatement of any license or permit shall be governed by the provisions of section 67 (*g*) of this Act.

(2) Any license or permit issued pursuant to this Act held by any person convicted of a violation of this Act or the Regulations, shall be deemed to be cancelled upon conviction without further action or notice.

PART II.

GAME

Big Game

28.—(1) No person shall hunt any big game unless he is clothed in a coat and cap of scarlet material.

(2) No person shall, for the purpose of hunting any big game, use a rifle firing a .22 calibre Rim Fire Cartridge.

29. No person shall hunt any big game between one-half hour after sunset and one-half hour before sunrise, or on the first day of the week commonly known as Sunday.

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

31. No person shall use or be accompanied by any dog while hunting big game or allow any dog which is accus-

tomed 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.

32. Every 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.

33. 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, shall be entitled, without a license, to kill and take big game for the purpose of providing necessary food for himself and family in case it is necessary so to do at any time of the year.

34. 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 may 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, or to be in possession of any firearm elsewhere than on his own premises and any game license held by or issued to him shall be utterly null and void unless and until the Minister declares that such person is no longer disqualified.

35.—(1) Every person who accidentally, by mistake or otherwise, unlawfully kills any big game animal shall forthwith properly dress the carcass and take away the meat and the hide and keep them in a good state of preservation, and shall also forthwith after the killing, report the same to the nearest game guardian and the game guardian shall sell or otherwise dispose of the meat and the hide in accordance with the instructions of the Minister.

(2) In any case in which it is impossible for such person to report as required by subsection (1), he shall without delay deliver the meat and hide to the agent at the nearest railway station to the order of the Fish and Game Commissioner and shall at once report the killing and such delivery to the Fish and Game Commissioner at Edmonton.

36. It shall be unlawful for any person to hunt, kill or molest any deer, moose, elk, or caribou, while such deer, moose, elk, or caribou is swimming in the waters of any lake or river.

37. No person shall deal with any big game animal or any part thereof in such a way as to destroy the distinctive

evidence of the sex thereof until such time as the said big game animal or all the parts thereof have been conveyed to the place of residence of the captor, if a resident of the Province, or in the case of a non-resident, until the said big game animal or all the parts thereof have been inspected by a game guardian, and no person shall have in his possession at any time before the transportation thereof has been completed any big game animal or any part or parts thereof which has been dealt with in contravention of the provisions of this section.

38. No person shall place in cold storage the flesh of any big game between the end of the fourteenth day following the date fixed for the closing of the open season in any year and the next following date fixed for the commencement of the open season for the hunting of such big game.

39. No person shall sell, expose for sale, barter, or trade or buy or obtain from any other person by purchase, barter, trade or otherwise the head of any big game or any part of the flesh or hide thereof, unless the person selling or exposing for sale, barter or trade such head, flesh or hide is the holder of a permit from the Minister authorizing him so to do.

Game Birds

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

41. No person shall at any time hunt any swan, crane, pheasant, ptarmigan, chukar partridge, quail or grouse, including sharp-tail grouse (commonly called prairie chicken) and ruffed grouse, unless he is the holder of a license or a permit from the Minister authorizing him so to do.

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

43. 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 first day of May and the first day of August 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.

44.—(1) No person shall hunt with or carry for the purpose of hunting, any shotgun of the description known as "automatic" in which the recoil is utilized to reload the gun.

(2) No person shall with any rifle or with any shotgun loaded with a single bullet or with any other weapon using ball cartridges hunt any migratory waterfowl or migratory game bird.

(3) No person shall for the purpose of hunting any migratory waterfowl, use or employ any live decoys.

45.—(1) No person shall hunt any game bird within one hundred yards of any occupied dwelling.

(2) No person shall hunt any migratory game bird or migratory waterfowl on or within two hundred yards of any island that is inhabited, when captive ducks or geese are kept on that island or within two hundred yards of it.

46. 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 pursuant to this Act.

47. No person shall place in cold storage the flesh of any game bird between the end of the fourteenth day following the date fixed for the closing of the open season 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 later.

48. Any person who,—

- (a) is a resident within the meaning of this Act; and
- (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 immediate family actually residing on such land or some part thereof, may hunt game birds without any license at such places within the boundaries of the municipal district, improvement district, or special area in which he resides and during such times as any person holding a game bird license issued pursuant to this Act may hunt any game bird.

PART III.

FUR.

Fur-Bearing Animals.

49.—(1) No person shall shoot or spear any muskrat, beaver or otter at any time, or cut, spear, open, break, partially destroy or destroy at any time any beaver house or beaver dam, or any muskrat runway or muskrat den.

(2) No person shall at any time, set or place any trap in any runway or den of any muskrat or in any beaver house or burrow or within five feet of any beaver house.

(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, bear or skunk.

50. It shall be unlawful for the owner of any dog to use or permit to be used in any manner whatsoever such dog for the taking or killing of any mink, muskrat, beaver or otter.

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

Trappers, Traders and Dealers.

52. 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 Fish and Game Commissioner or to the Game Guardian on behalf of the Fish and Game Commissioner, 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.

53. No person either by himself, his clerk, servant or agent shall at any time buy, sell, export, 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 other than rabbit, which has been snared,—

unless he is the holder of a permit from the Minister authorizing him so to do.

54.—(1) No person shall buy, sell, deal or traffic in the skin, pelt, or part thereof, of any fur-bearing animal, or conduct any sale of such skin, pelt, or part thereof, either by tender or by auction, or being a furrier shall acquire any skin, pelt, or part thereof, of any fur-bearing animal for the purpose of manufacture, or being a tanner shall receive any skin, pelt, or part thereof, of any fur-bearing animal for processing in any manner whatsoever, without

first obtaining a license under this Act authorizing him so to do.

(2) As a condition precedent to the issue of any license, the Minister may in any case or class of cases, require a bond or such other form of security as he may deem necessary for securing the due payment of any taxes payable by the licensee pursuant to this Act and the Regulations, and for the due compliance by such licensee with the provisions of this Act and the Regulations.

(3) No person who is in possession of a license as provided by subsection (1) shall trade, sell or barter, or be concerned in the trading, selling or bartering of any raw or undressed skin or pelt or part thereof, of any fur-bearing animal, with any person in Alberta except where such person is,—

- (a) in possession of a license as provided by the said subsection (1); or
- (b) a duly licensed trapper or fur farmer; or
- (c) a farmer selling fur trapped on his own land.

55. The licenses which may be issued under this Act for the buying, selling, trading or trafficking in the skins or pelts or parts thereof of fur-bearing 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—Authorizing the resident named therein to carry on the business of a travelling fur dealer;

Class III—Authorizing the non-resident named therein to purchase as a travelling fur dealer, skins and pelts of fur-bearing animals from persons holding a Class I license.

Class IV—Authorizing tanners and furriers to handle, deal with, process or prepare for market the skins or pelts of any fur-bearing animals.

56. No person who holds a fur dealer's license shall hold a trapper's license and if he does so the trapper's license shall be void and of no effect.

57. No employee of any person, company or corporation shall travel for the purpose of buying, selling, trading or trafficking in the skins or pelts of fur-bearing 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.

58. Every person licensed to carry on the business of buying, selling, trading or trafficking in the skins or pelts of fur-bearing animals and every furrier and tanner shall keep in a book to be furnished by the Department, true and accurate records of all skins, pelts and parts thereof purchased or sold by him, showing,—

- (a) the date of purchase or sale;
- (b) the name and address of the vendor or purchaser;
- (c) (i) The subsisting license number of the vendor or purchaser; or
- (ii) the legal description of the land on which he resides and traps if the vendor is a farmer;
- (d) a sufficient description of the skins and pelts purchased or sold,—

and shall make such returns as are required to be made pursuant to this Act and the Regulations.

59. Every person licensed to carry on the business of buying, selling, trading or trafficking in the skins or pelts of fur-bearing animals and every furrier and tanner shall pay a tax in respect of each skin or pelt purchased in such amount and at such time as may be from time to time fixed by Regulation.

PART IV

ADMINISTRATION.

GENERAL.

60. The Lieutenant Governor in Council may appoint a Fish and Game Commissioner, game inspectors and other officers and fix their remuneration and prescribe their duties.

61. The Minister may appoint such persons as he may deem proper as game guardians, whose duty it shall be to enforce the provisions of this Act under the direction of the Fish and Game Commissioner, and may in any case in which he deems it proper, provide for the remuneration of such game guardians.

62. All members of the Royal Canadian Mounted Police and all forest rangers, 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.

63. 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, and those areas excluded from the Rocky Mountain Park and Jasper Park by *The National Parks Act*, being chapter 33 of the Statutes of Canada, 1930, and amendments thereto; and those areas known as Pakowki Lake Bird Sanctuary, Many Island Bird Sanctuary, Ministik Lake Bird Sanctuary, Birch Lake Bird Sanctuary, and Lac La Biche Bird Sanctuary are hereby declared game preserves.

64.—(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 as such; and
- (c) add to or subtract from the area of any existing game preserve.

65.—(1) 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 descriptions:
 - (i) general game licenses permitting the hunting of big game and game birds;
 - (ii) game bird licenses permitting the hunting of game birds.
- (b) for the issuing of licenses to residents of the following descriptions:
 - (i) big game licenses permitting the hunting of big game;
 - (ii) game bird licenses permitting the hunting of game birds;
- (c) 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;
- (d) 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;
- (e) for the issuing of licenses to residents for the hunting or trapping of any fur-bearing animal, and granting to the licensee the sole privilege of trapping upon and over a specified area;

- (f) for the issuing of licenses to residents, authorizing them to act as guides;
- (g) for the issuing of licenses to outfitters;
- (h) for the issuing of licenses to taxidermists;
- (i) for the prohibition of the hunting of any kind or kinds of big game, fur-bearing animal or any of them, either absolutely or during a specified period or within a specified area;
- (j) 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;
- (k) for the issuing of permits for the taking of big game, game birds and fur-bearing animals, the nest 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;
- (l) for the fees to be charged in respect of any license or permit;
- (m) for the forms of licenses and permits and applications therefor;
- (n) for the returns to be made by the holder of any license or permit;
- (o) 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 pursuant to a permit under this Act and for the issuing of such permit;
- (p) for the licensing and regulating of game farms and and fur farms;
- (q) for the marking of any fur-bearing animal or game kept upon any licensed game farm or fur farm by means of a distinctive mark, and for the registration of such mark in the name of the owner of the fur or game farm upon which it is kept, and for the fee to be paid in respect of such registration;
- (r) 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;
- (s) for regulating or prohibiting trapping on any game preserve or forest reserve;
- (t) for declaring any animal to be big game;
- (u) for declaring any bird to be a game bird;

- (v) for prohibiting or restricting the use and possession of airguns, shotguns, rifles or other firearms in any part of Alberta in which it may appear that it is desirable to take special precautions to prevent violation of this Act; and
- (w) 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.

(2) Every regulation made pursuant to this Act shall be published in *The Alberta Gazette* and upon publication shall have the same force and effect as if the same had been expressly enacted by this Act.

66. The Lieutenant Governor in Council may from time to time,—

- (a) provide for the licensing of persons engaged in the business of buying, selling, dealing, or trafficking in the skins or pelts of fur-bearing animals, and for the licensing of tanners and furriers who handle, deal with, process or prepare for market any skins of pelts as aforesaid;
- (b) provide for the issuing of licenses or permits for sending out of the Province the skins or pelts of any fur-bearing animals;
- (c) provide for the issuing of permits for the trafficking in and the export of unprime skins or pelts of fur-bearing animals;
- (d) fix the amount of the tax to be paid by any licensed dealer in respect of any skin or pelt purchased by him and fix different amounts for different kinds of skins or pelts;
- (e) fix the time at which and the manner in which payment of any such amount is to be made;
- (f) provide for the manner in which and the persons to whom the said amounts are to be paid;
- (g) 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.

67.—(1) The Minister may from time to time,—

- (a) appoint and provide for the remuneration of such persons skilled in the handling, judging and classifying of furs who shall examine all skins or pelts of fur-bearing animals produced before them by the Fish and Game Commissioner and classify such skins or pelts as prime or unprime as the case may be;

- (b) 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;
 - (c) prescribe the manner in which any big game, fur-bearing animals or game birds or any parts thereof which have been confiscated or forfeited pursuant to any of the provisions of this Act shall be disposed of;
 - (d) prescribe the manner in which any firearms, snares, traps or other appliances or property which has been confiscated or forfeited pursuant to any of the provisions of this Act shall be disposed of;
 - (e) 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;
 - (f) 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;
 - (g) issue permits for the trapping or hunting of any specified big game, fur-bearing animals or game birds with the object of preventing damage to farm crops or other property;
 - (h) may in his discretion issue or refuse permits and licenses for the doing of any act or thing which by this Act or the Regulations may be done, prescribe rules and conditions with reference thereto, and in his discretion cancel, suspend, or reinstate any such permit or license upon such terms as he may deem just;
 - (i) as a condition precedent to the issue of any license or permit in any case or class of cases, require the applicant therefor to furnish a bond or such other form of security as the Minister may deem necessary to secure the due observance of this Act and the Regulations;
 - (j) 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.
- (2) When in this Act anything is permitted or directed to be done by the Minister, he may in his discretion from time to time, direct that the same be done by the Fish and Game Commissioner on his behalf.

POWERS OF GAME GUARDIAN.

68. 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 authorized or required by the provisions of this Act or the Regulations.

69. 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.

70. Any game guardian may without warrant arrest any person found committing any offence against the provisions of this Act or the Regulations.

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

72. Every game guardian may inspect all camps occupied by a hunter or hunting party, and may direct what arrangements shall be made in regard to sanitary matters, the disposal of refuse and the extinguishing of fires.

73. Every game guardian is empowered, upon the production of his badge, or his certificate of appointment, to search, without obtaining a warrant, any vehicle, boat, canoe, dugout, shack, tent or shelter if he has reason to believe and does believe that there is concealed therein any game, fur-bearing 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 guardian may, without obtaining a search warrant, search any building or other place, and in particular but without limiting the generality of the foregoing, may search any aircraft, vessel, launch or any railway car, including a caboose and a baggage or express car, for such game, fur-bearing animals or parts thereof as the case may be.

74. Upon information on oath by any game guardian or any other person that he suspects or believes that any big game, fur-bearing animal, or game bird, or the pelt or skin of any big game, fur-bearing animal, or any part thereof, 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 or in any place, it shall be lawful for any justice by warrant under his hand to authorize and empower any game guardian or any other person to enter and search the building, premises or place, and every part thereof, and for that

purpose to use all necessary force and 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 in case the owner or person in charge obstructs or refuses to facilitate the search, and it shall not be necessary for the game guardian or other person to set out in the information any reasons for the grounds for his suspicions or belief.

75. Where any game guardian finds skins or pelts of fur-bearing animals which he suspects to be unprime, he shall forthwith seize and forward the same to the Fish and Game Commissioner.

76.—(1) Where a game guardian in any building, premises, vehicle, aircraft, railway car, vessel, launch, boat, canoe, dugout, shack, tent or shelter or in any place, whether in the possession or control of any person or not, finds,—

- (a) any game, pelts or skins or any part thereof, which in his opinion are, or which he has reason to believe have been, illegally hunted, taken, killed or procured or are illegally had, kept or in possession;
- (b) any vehicle, aircraft, vessel, launch, boat, canoe, firearms, ammunition, decoys, traps, snares, gear, materials, implements and appliances for shooting, hunting, trapping or snaring game which he has reason to believe were illegally had, kept or used for or in connection with the violation of this Act or the Regulations,—

he may forthwith seize the game, pelts or skins or any parts thereof and the containers in which they are contained and the vehicle, aircraft, vessel, launch, boat, canoe, firearms, ammunition, decoys, traps, snares, gear, materials, implements and appliances for shooting, hunting or trapping game together with any papers, books, documents and records at or in the place, building, premises or upon the person of any person found there, or connected therewith or in the possession or control of such person, which may afford evidence of the commission of an offence against the Act or Regulations.

(2) The game guardian shall give a receipt therefor to the person, if any, in whose possession or custody the things placed under seizure have been found and shall forthwith deliver all things seized to a justice of the peace, to be dealt with in accordance with section 91 of this Act, at the same time furnishing such justice with an affidavit that he has reason to believe that an offence has been committed in respect of the things placed under seizure, and setting out the name of the person, if any, having possession or custody of the things so seized.

77. Any salaried game guardian, forest officer or fishery guardian may kill or destroy any big game, fur-bearing animal or game bird at any time if he has the written permission of the Fish and Game Commissioner, or if he finds that such animal or bird is destructive of private property or a danger to public safety.

78. Every dealer, furrier and tanner 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.

79.—(1) In any case in which a salaried game guardian finds any skins or pelts or parts thereof of any fur-bearing 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 by such person upon demand being made therefor by the game guardian.

(2) If default is made in the payment of any such sum so demanded, the game guardian may forthwith seize any pelt or skin or part thereof in respect of which the sum so payable has not been paid and take the same before a justice of the peace; and it shall be the duty of the dealer to submit to the game guardian on demand any evidence that he has by way of proof that the tax has been paid in respect of any such skin or pelt or part thereof.

EVIDENCE, ONUS, PRESUMPTIONS.

80. The fact of any animal or bird being marked with a registered mark or brand as set out in section 4 of this Act, shall be *prima facie* evidence that the registered owner of the said mark or brand is the owner and entitled to the possession of the animal or bird so marked.

81. Any shotgun, rifle, or other firearm carrying a loaded shell or cartridge in the breech shall be deemed to be loaded within the meaning of section 10.

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

83. Under circumstances or during a time in which it is unlawful to hunt any animal or bird, as herein provided,

the possession of any part of such animal or bird shall be *prima facie* evidence that the animal or bird was unlawfully hunted.

84. Under circumstances or during a time in which it is unlawful to hunt any animal or bird, as herein provided, the carrying of a gun or rifle in a locality where such animal or bird may reasonably be expected to be found shall be *prima facie* evidence of hunting within the meaning of this Act.

85. 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 a 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 boarder;
- (c) any premises used in connection with any logging operations, saw-mill, 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 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.

86.—(1) In all prosecutions under this Act or the Regulations where it is alleged or charged that any game or any part thereof was unlawfully taken, killed, procured, or kept, the onus shall be upon the person taking, killing, procuring or keeping such game or parts thereof to prove the time and locality of the killing and taking of such game or parts thereof that it was lawfully taken, killed, procured or kept.

(2) The finding of any poison or any poisonous substances or of any snare in the line of operation of any trapper or person engaged in trapping shall be *prima facie* evidence of the fact that such trapper or person was using the same in contravention of this Act and the Regulations.

(3) In any proceedings for the recovery of any tax on the skins or pelts of any fur-bearing animals, the onus of proving that the amount payable by way of tax has been paid in respect of such skins or pelts shall be upon the defendant.

(4) In any prosecution where section 33 of this Act is raised as a defence, the onus of proving such game was necessary for food for himself and family shall be upon the defendant.

(5) In any prosecution or proceeding under this Act in which proof is required,—

- (a) as to the issue, cancellation, suspension or reinstatement of any license or permit; or
- (b) as to the person who is the licensee or permittee named in a permit or license; or
- (c) as to the appointment or the authority of any game guardian; or
- (d) as to the delivery, serving, or mailing of any document or the giving of any notice by any official of the Department; or
- (e) as to whether or not any tax has been received by the Department,—

a certificate signed by the Fish and Game Commissioner certifying as to the same shall be *prima facie* proof of the facts stated in the certificate and of the authority of the Fish and Game Commissioner without any proof of his appointment or signature.

(6) A certificate signed by the Fish and Game Commissioner certifying that skins or pelts have been examined by a person or persons appointed pursuant to this Act and skilled in the handling, judging and classifying of furs and have been classified as prime or unprime shall be *prima facie* proof of the facts stated in the certificate and of the authority of the Fish and Game Commissioner without any proof of his appointment or signature.

(7) The fact that the person charged in any information or complaint laid, made or given under this Act has the same name as the person who is referred to as being the license-holder or permit-holder in any certificate issued pursuant to subsection (5), paragraph (b) of this section shall constitute *prima facie* proof that the person so charged is the holder of the license or permit as the case may be.

87. This Act shall be read and construed with *The Migratory Birds Convention Act*, being chapter 130 of *The Revised Statutes of Canada, 1927*, and in the case of any repugnancy or conflict between any of the provisions of the said Act and this Act, the provisions of the said Act shall prevail.

PROCEDURE, OFFENCES AND PENALTIES

88.—(1) All prosecutions for offences against or for the recoveries of penalties imposed under the authority of this Act and the Regulations hereunder and all proceedings for the imposition of punishment by fine, penalty or imprisonment for the infraction of any of the provisions of this Act

or the Regulations shall be brought for hearing and determination before a justice of the peace or police magistrate for this Province under the provisions and procedure of *The Summary Convictions Act* and the provisions and procedure shall apply to all prosecutions and proceedings under this Act except as otherwise specially provided by the provisions of this Act.

(2) The information or complaint shall be laid within one year after the commission of the offence, except in the case of a prosecution for omission to make any return required by this Act or the Regulations, when it may be laid at any time after the offence is alleged to have been committed.

(3) 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 may be liable to a separate penalty in respect of each animal or bird in connection with which the offence was committed.

89.—(1) The justice of the peace to whom any skins or pelts are delivered pursuant to section 79 of this Act shall at the same time take an information under oath from the game guardian setting out the fact of the seizure, its date and place, the name of the person from whose possession the skins and pelts were taken, and he shall thereupon notify the last mentioned person that he will at a certain time and place proceed to enquire as to whether or not the amount payable by way of tax in respect of the skins or pelts has been paid.

(2) The notice of enquiry to be given by the justice of the peace shall be deemed to be duly served if left with any person of the age of over seventeen years who is in the apparent charge of the premises upon which the seizure was made, and if there is no such person upon such premises, then by posting the same up on any conspicuous part of the said premises.

(3) At the time and place appointed in the notice the justice of the peace shall upon the appearance before him of the person to whom the notice was addressed or upon being satisfied that the notice has been duly served, proceed to enquire in his absence, as to whether or not the amount payable by way of tax in respect of the pelts and skins delivered to such justice has been paid, and unless he is so satisfied, he shall proceed to make an order for the payment forthwith of the amount payable by way of tax in respect thereof and any sum payable as a penalty for non-payment, together with costs, and that in default of payment the said pelts and skins shall be sold in such manner and upon such notice as the justice may prescribe, and the amount of the taxes and costs, together with the amount of any other penalty imposed for any other offence in respect of the said pelts and skins, be paid out of the proceeds of such sale and that the surplus, if any, shall be paid to

the person in whose possession the said pelts and skins were at the time of seizure or to the owner of the pelts and skins, or to the Minister, in the discretion of the justice.

90.—(1) The Fish and Game Commissioner shall as soon as possible after skins or pelts seized pursuant to section 75 are received by him, produce the same before the person or persons appointed pursuant to this Act, and skilled in handling, judging and classifying of furs for classification as prime or unprime as the case may be.

(2) Every skin or pelt which is classified as unprime irrespective of whether or not any prosecution is brought or conviction made in respect thereof shall automatically become the property of His Majesty in the right of the Province and may 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.

(3) Every skin which is classified as prime shall be immediately returned to the person, if any, in whose custody or possession it was found, and if the owner is unknown it shall become the property of His Majesty in the right of the Province to be disposed of as the Minister may direct.

91.—(1) Where any game, pelts, skins, containers, vehicles, aircraft, vessels, launches, boats, canoes, firearms, ammunition, decoys, traps, snares, gear, materials, implements and appliances of 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 such things under seizure to the person in whose custody or possession they were found, or direct that the same 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) Where the Minister is satisfied that the seizure or confiscation of any article or thing would work undue hard-

ship or injustice, he 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.

92. A contravention of this Act or of the Regulations or the terms or conditions of a permit or license shall constitute an offence against this Act.

93. Everyone is a party to and guilty of an offence against this Act who,—

- (a) actually commits it; or
- (b) does or omits an act for the purpose of aiding any person to commit the offence; or
- (c) abets any person in commission of the offence; or
- (d) counsels or procures any person to commit the offence.

94. Any guide or outfitter licensed pursuant to the provisions of this Act who acts as a guide or outfitter to any person who is not duly licensed to hunt pursuant to this Act and the Regulations, 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 or outfitter.

95.—(1) Every person shall be guilty of an offence who obstructs or impedes any game guardian from entering upon, freely passing over, or searching any land, vehicle, boat, canoe, dugout, shack, tent, shelter or any building or other place other than a private dwelling house, and in particular but without limiting the generality of the foregoing, any aircraft, vessel, launch, or any railway car, including a caboose and a baggage or express car, which the game guardian desires to enter upon, pass over, and search in the discharge of his duties after the production by the game guardian of his badge to such person.

(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 game guardian or other person.

96. Every person who buys, sells, exchanges or in any way becomes a party to the transfer of any license or in any way uses or attempts to use a license issued to any other person shall be guilty of an offence against this Act.

97. Every person who, when applying for a license or permit, makes any false or misleading statement relating to his name, age, occupation, nationality, place of residence,

or as to any other information required by the issuer, shall be guilty of an offence against this Act.

98. No non-resident shall apply for or obtain a resident license or permit to hunt any game.

99. A license or permit held by any person convicted of an offence against this Act or the Regulations, shall upon conviction, be deemed to be cancelled without further action or notice, but the Minister may authorize the reinstatement of any license or permit upon such terms as he may deem just.

100. Any person whilst disqualified by virtue of section 34 found with any firearm in his possession elsewhere than upon his own premises, or who is in 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, and in default of payment, to imprisonment for a term of not less than thirty days and not more than ninety days.

101. Every person who hunts or traps any big game, game bird or fur-bearing animal without being duly licensed so to do pursuant to this Act, 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 twenty 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 any 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 beaver, 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 not more than three months;
- (e) 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 more than fifty dollars, and in default of payment, to imprisonment for not more than three months.

102. Every person who obliterates, alters, imitates, or duplicates any stamp, brand, mark or signature which is placed on any pelt or skin pursuant to this Act and the Regulations, 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 for each pelt or skin in respect of which such offence has been committed and in default of payment to imprisonment for a term of not more than three months.

103. Any game guardian who improperly uses any of the powers conferred on him by this Act, shall be guilty of an offence and shall be liable on summary conviction 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 of not more than six months, provided that no prosecution under this section shall be instituted without written authority from the Minister.

104. Any person who wears a game guardian's badge or carries a game guardian's certificate or impersonates a game guardian or in any way exercises or attempts to exercise any of the powers of a game guardian without being specifically authorized to do so, shall be guilty of an offence and shall be liable on summary conviction to a penalty of not more than two hundred dollars, and in default of payment to imprisonment for a term of not more than six months.

105. Every person who contravenes any provision of this Act or the Regulations, for the punishment of which no specific penalty is provided, shall be liable on summary conviction therefor to a fine of not more than fifty dollars, and in default of payment, to imprisonment for a term of not more than three months.

106.—(1) Any police magistrate or justice of the peace shall have power to order costs to be paid in addition to the amount of any penalty imposed pursuant to this Act and such costs when so ordered to be paid shall be considered as part of the penalty.

(2) The costs may in the discretion of the police magistrate or justice of the peace ordering them, include the expenses of the investigating officer or officers if certified to by the Fish and Game Commissioner.

107. *The Game Act*, being chapter 27 of the Statutes of Alberta, 1932, is hereby repealed.

108. This Act shall come into force on the day upon which it is assented to.

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act to amend and consolidate
The Game Act, 1932.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MACMILLAN.

EDMONTON:
A. Shnitka, King's Printer
1941