CHAPTER 17.


[27th February, 1912.]

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

**Short Title.**

1. This Act may be known and cited as the "Forest Act." Short title.

**Interpretation.**

2. In this Act, unless the context otherwise requires, the following interpretation, expressions have the meanings hereby assigned to them, that is to say:—

"Minister" means the Minister of Lands, and any person for "Minister" the time being lawfully acting in that capacity:

"Department" means the Forest Branch of the Department of "Department."

Lands of the Province of British Columbia:

"Crown lands" shall mean and include such ungranted Crown "Crown lands." or public lands or Crown domain as are within and belong to His Majesty in right of the Province of British Columbia, and whether or not any waters flow over or cover the same, except lands lawfully held under pre-emption entry and record:

"Crown timber" and "Crown timber land" shall include any "Crown timber."
trees, timber, and products of the forest in respect whereof His Majesty in right of the Province of British Columbia is or hereafter may be entitled to demand and receive any royalty or revenue or money whatsoever:
"Patented lands."

"Patented lands" shall mean lands granted by the Crown during the period commencing on the seventh day of April, 1887, and ending on the twenty-eighth day of April, 1888:

"Timber leasehold."

"Timber leasehold" shall mean lands included in timber leases granted after the thirty-first day of December, 1879, and lands included in any timber lease hereafter granted:

"Timber limits."

"Timber limits" shall mean lands specified and comprised in any timber licence:

The expression "timber" includes saw-logs, spars, piles, polos, railway-ties, cedar bolts, or other cut timber:

"Saw-logs."

The expression "saw-logs" includes all logs of pine, fir, cedar, spruce, or other timber of whatever length, whether round or flattened.

**Division of Act.**

3. This Act is divided into fourteen parts, relating to the following subjects:—

Part I.—Forest Branch of Department of Lands and Provincial Forest Board.


Part IV.—Timber Leases.

Part V.—Timber Licences.

Part VI.—Rights-of-way.

Part VII.—Royalties, Taxes, and Charges; Collections, Accounts, and Returns.

Part VIII.—Timber Scaling and Measurement.

Part IX.—Timber-marking.

Part X.—Manufacture within Province.

Part XI.—Fire-prevention.

Part XII.—Rules and Regulations.

Part XIII.—Penalties and Procedure.

Part XIV.—Repeal.

---

**PART I.**

**FOREST BRANCH OF DEPARTMENT OF LANDS AND PROVINCIAL FOREST BOARD.**

4. (1.) For the purpose of administering, recording, and carrying out the provisions of this Act, there shall be in the Department of Lands of the Province of British Columbia a branch known as the Forest Branch.

S2
(2.) The Lieutenant-Governor in Council may appoint a Chief Forester and such other officials and servants of the Forest Branch as may be required, or as may be prescribed or authorized by any statute.

(3.) The Forest Branch shall have jurisdiction over and shall control and administer all matters relating to and in anywise connected with forestry, and particularly, and without restricting the generality of the foregoing provision, shall have jurisdiction over and shall, subject to and in compliance with the provisions of the Statutes of the Province of British Columbia for the time being in force, control and regulate, receive and administer, or invoke and enforce, as the case may be,—

(a.) All the rights, properties, interests, claims, and demands of the Crown in right of the Province of British Columbia in forests, timber lands, and timber:—

(b.) All revenues and moneys of the Crown in right of the Province of British Columbia arising from forestry, timber lands, timber, trees, and products of the forest:

(c.) Conservation of existing forests:

(d.) Reforestation:

(e.) Prevention of forest fires:

(f.) Sales and dispositions of and tenancies of timber lands, or timber, or trees, or forest products belonging to the Crown in right of the Province of British Columbia:

(g.) Cutting, classifying, measuring, manufacturing, branding, and exporting of trees, logs, timber, and products of the forest; and

(h.) Statutes, rules, and regulations relating to the regulation of forestry and the protection of forests.

(4.) It shall be the duty of the Minister to make a report to the Lieutenant-Governor of the conduct of the Forest Branch up to the thirty-first day of December in each year, which report shall be laid before the Legislative Assembly.

(5.) The officials and servants of the Forest Branch shall be subject to all statutory provisions, rules, and regulations applying to the Civil Service of the Province of British Columbia and for the time being in force, and no official or servant of the Forest Branch shall have, hold, or acquire, directly or indirectly, any property or interest in any grant or demise from the Crown in right of the Province of British Columbia of any timber lands, or timber lease, or timber licence, or hold any licence or authority from the Crown in right of the Province of British Columbia to utilize or deal with any product of the forest.

(6.) All revenues and moneys arising under this Act shall form part of the Consolidated Revenue Fund of British Columbia.

5. There is hereby created a Provincial Forest Board, to consist of the Chief Forester, ex officio, and of not more than five Foresters.
or other officials of the Department, who shall be appointed by the Lieutenant-Governor in Council:

(a.) The Lieutenant-Governor in Council may, by Order in Council and from time to time, divide the Province of British Columbia or any portion of the Province of British Columbia into forest districts, and may from time to time extend, alter, vary, amend, or subdivide any forest district or districts:

(b.) The members of the Provincial Forest Board shall hold office during pleasure.

6. The function and object of the Provincial Forest Board shall be to ensure the carrying into effect and enforcement of the provisions of this Act; and the Lieutenant-Governor may, by Order in Council, prescribe the duties and powers of the Board, fix any quorum of the members of the Board for the transaction of business, authorize any member of the Board to exercise all or any of the powers of the Board subject to a right of appeal to the Board, and generally regulate and direct the members and officers of the Board:

(a.) It shall be lawful for the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, by a summons under their hands or seals, or under the hand and seal of any one of them, to require the attendance as a witness before them or him, at a time and place to be mentioned in the summons, which time shall be a reasonable time from the date of such summons, of any person, and in like manner by such summons to require any person to bring and produce before them or him all documents, writings, books, deeds, and papers in his possession, custody, or power touching or in anywise relating to or concerning the subject-matter of such inquiry; and every person named in and served with any such summons shall attend before the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, and answer all questions touching the subject-matter of such inquiry, and produce all documents, writings, books, deeds, and papers as aforesaid, according to the tenor of the summons:

(b.) No person shall be excused from answering any question put to him by the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, on the ground of any
privilege, or on the ground that the answer to such question will tend to criminate such person: Provided that no statement made by any person in answer to any question put by the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, shall, except in cases of indictment for perjury committed in such answers, be admissible in evidence in any action, trial, suit, or proceeding, civil or criminal; and

(c.) If any person on whom any summons shall have been served by the delivery thereof to him, or by the leaving thereof at his usual place of abode, fail to appear before the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, at the time and place specified in the summons; or, having appeared before the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, shall refuse to be sworn, or to make answers to such questions as are put to him by the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act; or to produce and show to the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, any documents, writings, books, deeds, and papers in his possession, custody, or power, touching or in anywise relating to or concerning the subject-matter of the inquiry in hand; or if any person shall be guilty of any contempt of the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, or their office, the Provincial Forest Board or any member of the Provincial Forest Board acting pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, shall have such and the same powers, to be exercised in the same way, as any Judge of the Supreme Court in the like behalf; and all Gaolers, Sheriffs, constables, bailiffs, and all other police officers shall give their aid and assistance to the Provincial Forest Board or any member of the Provincial Forest Board acting
pursuant to this Act, or under any Order in Council made under and by virtue of the provisions of this Act, in the execution of their office.

PART II.

PREVENTION OF TRESPASS UPON CROWN TIMBER LANDS AND PROTECTION OF CROWN TIMBER.

7. It shall be unlawful for any person, without a lease or a licence in that behalf, to be granted as hereinafter mentioned, to cut, fell, or carry away any trees or timber upon or from any of the Crown lands of the Province.

8. Every person who shall violate the provisions of the last preceding section shall, for each offence, be liable, upon summary conviction before any two Justices of the Peace or any Stipendiary or Police Magistrate, to a penalty of not less than five dollars nor more than five hundred dollars.

9. This Act shall not be construed to inflict penalties upon free miners (within the meaning of the term "free miner" as defined in the "Mineral Act") cutting timber for actual bona-fide needs while engaged in prospecting or in preliminary development work on any mineral or placer claim, who shall give satisfactory proof to the Gold Commissioner or Government Agent of the district in which such mineral or placer claim is situate that the said mineral or placer claim is not being operated so that any income or profit is derived therefrom, nor upon travellers or persons engaged in merely scientific pursuits or exploring cutting timber for actual bona-fide needs, nor upon farmers cutting timber in connection with their farms, nor upon persons cutting cordwood for personal use for fuel for domestic purposes and not for sale, or cutting cordwood for school purposes, nor shall any such person be required to pay any royalty or tax thereon.

PART III.

HOLDING AND METHOD OF DISPERSION OF CROWN TIMBER.

10. Crown timber shall hereafter only be disposed of by the Minister pursuant to the provisions of this Part of this Act.

11. The Minister may from time to time offer for sale and sell by public competition a licence to cut and remove any Crown timber
remaining undisposed of at the time of the passing of this Act, or hereafter becoming subject to disposition by the Crown; and every such sale shall be carried on and made in manner and subject to the terms following, that is to say:—

(a.) The tract of land containing the Crown timber proposed to be comprised within the licence to cut and remove timber shall be surveyed in compliance with and according to the statutory provisions for the time being in force and relating to surveys of timber land:

(b.) The Crown timber proposed to be comprised within the licence to cut and remove timber shall be cruised and classified in such manner as may be directed by the Minister and the cruise and classification filed in the Department:

(c.) The special licence proposed to be sold shall then by the Department be advertised under a distinguishing number for sale for not less than three months by public advertisement in the British Columbia Gazette and not less than three newspapers published in and circulating throughout the Province of British Columbia, and in such further manner as the Minister may direct; and every such advertisement shall state the number of years which will be allowed for the removal of the timber proposed to be sold:

(d.) Copies of all plans, surveys, field-notes, cruises, and classifications shall at all times be kept in the Department, and during office hours shall be open for inspection and examination by intending purchasers:

(e.) Every offer to purchase shall be by sealed tender addressed to the Minister or the Department, and marked "Tender for Crown Timber," and with the distinguishing number given to the licence in the advertisement, and shall state the amount in dollars which the intending purchaser will pay to the Crown for the Crown timber advertised for sale over and above and in addition to the upset price hereinafter fixed; said amount in dollars to be payable as the Minister may direct for the sale in question, either as a lump sum before issue of the licence, or as bonus per thousand feet, board measure, or per cord as and when the timber is cut:

(f.) Every offer to purchase shall be accompanied by a certified cheque negotiable by the Department for a sum equal to ten per cent. of the amount in dollars offered or of the estimated amount payable on a tender per thousand feet, board measure, which shall be forthwith returned if the offer is rejected, and which shall be applied in reduction of the purchase price if the tender is accepted, and which shall be retained by the Crown if the tenderer, after acceptance of his tender, fails to complete the purchase:
(g.) The Minister shall have full power to reject any tender or all tenders and to readvertise and resell:

(h.) Every offer to purchase a licence to cut and remove Crown timber under this Act shall be deemed to include and shall include an offer by and on the part of the offerer or tenderer to pay to the Crown, in addition to the amount in dollars hereinafter in this Act prescribed, an upset price, computed on the basis of the items following, and payable in manner hereinafter prescribed, that is to say:

(i.) Cost of advertising, cruising, and survey payable and to be paid at time of completion of contract of purchase:

(ii.) Annual rental based on acreage at the same rate per acre in each and every year during the continuance of the licence as that charged in respect of the acreage comprised in a timber limit containing six hundred and forty acres; such annual rental to be payable and paid annually in advance at each renewal of the licence during the duration of the term fixed by the advertisement and by the contract of purchase for the removal of the timber sold; the first payment of rent to be made at the time of completion of contract of purchase; and such annual rental to be reduced in each year by the omission from its computation of six hundred and forty acres or any multiple of six hundred and forty acres when said six hundred and forty acres or multiple thereof has been logged in the preceding year, as proved to the satisfaction of the Minister:

(iii.) Royalty for each class or kind of timber or product of the forest cut in any year during the continuance of the licence, at the rate provided during that year by this Act for such cutting under special licence:

(iv.) Every contract of purchase of a special licence shall be in such form as may be approved by the Minister:

Provided that, when the Crown timber the licence to cut and remove which is proposed to be sold is chiefly valuable for the manufacture of wood-pulp, the licence shall be described as a "pulp licence," and the Minister may require every person or company tendering therefor to produce proof that he, or they, has or have expended not less than three hundred and fifty thousand dollars upon the erection of a mill for the manufacture of wood-pulp and paper, said mill not being appurtenant to any existing pulp leasehold; or alternatively may require from such person a bond of fifty thousand dollars and such other guarantee as the Minister may think fit for the expenditure of not less than the aforesaid amount upon the erection and completion within three years of a
mill as aforesaid, not less than one hundred thousand dollars of such amount to be expended during each of the first two years of the licence; and that

(a.) Pulp licences issued to or held by any person or company shall be appurtenant to the pulp-mill in respect to which they were issued, and the total area held under such licences in respect to any mill shall be governed and limited by the output capacity of such mill, and shall not comprise at any one time more than thirty years' supply of pulp-wood for said mill:

(b.) To any holder of a pulp licence who has erected and completed a pulp-mill in the manner prescribed by this section of this Act, and who has operated said mill to full capacity to the satisfaction of the Minister, the upset price as provided by this Act shall be varied in respect to rental so that half only of the rental otherwise payable under licence shall be due and paid:

Provided that, in respect of any saw-timber cut or special timber licence issued at the same date as the pulp licence in question, fifteen thousand feet, board measure, of saw-timber being taken as the equivalent of one acre in computing said rental charge:

Provided also that when the Crown timber the licence to cut and remove which is proposed to be sold consists only of dead timber, stump-wood, or wood for the manufacture of turpentine and other distillates, or hemlock-bark, then the Lieutenant-Governor in Council may, by Order in Council, permit the upset price imposed by this section to be varied as to rental so that reduced rental, to be in no case less than half the rental otherwise payable, may be provided in said upset price and be payable in respect of said licence.

Forest Reserves.

12. (1.) The Minister shall cause an examination of Crown lands to be made by the Department for the purpose of determining areas of such lands that it is desirable to reserve for the perpetual growing of timber, and as a result of such examination the Lieutenant-Governor in Council may, by Proclamation, constitute any such area a permanent forest reserve; and upon such proclamation all land included within the boundaries of any such area shall be withdrawn from sale, settlement, and occupancy under the provisions of the "Land Act," and in respect of the "Mineral
Act" and "Placer-mining Act" and "Coal-mines Act" shall be subject to such conditions as the Lieutenant-Governor in Council may impose. After such proclamation no Crown land within the boundaries of such forest reserve so constituted shall be sold, leased, or otherwise disposed of or be located or settled upon, and no person shall use or occupy any part of the land included in said reserve except under the provisions of this Act or of regulations made thereunder.

(2.) Forest reserves constituted in the manner provided in this section shall be under the control and management of the Minister for the maintenance of the timber growing or which may hereafter grow thereon, for the protection of the water-supply, and for the prevention of trespass thereon.

(3.) The Lieutenant-Governor in Council may exchange for any land within any such reserve, the title to which is not vested in the Crown in right of the Province of British Columbia, available Crown lands other than timber lands situated outside the boundaries of such reserves, and for any timber limits or leaseholds or portions thereof included within such reserves corresponding areas of Crown timber land situated outside the boundaries of such reserves, and when necessary may make compensation upon such exchange; and a copy of every Order in Council authorizing such an exchange shall be laid before the Legislature during the first fifteen days of the next ensuing session thereof.

(4.) Land comprised in any timber, pulp, or tan-bark lease or special licence shall be held under reserve upon expiry of the lease or licence until examined and reported on by the Department.

(5.) Any forest reserve may from time to time be cancelled in whole or in part by Order in Council.

PART IV.

TIMBER LEASES.

13. Any existing lease of Crown lands granted by the Crown in right of the Province of British Columbia pursuant to any statutory authority to any lessee for the purpose of cutting spars, timber, or lumber which was duly surrendered and renewed under the provisions of the "Land Act Amendment Act, 1901," or any other statutory provisions for leasehold renewals, may be renewed for consecutive and successive periods of twenty-one years, subject to such terms, conditions, royalties, and ground-rents as may be in force by Statute at the time of the expiration of such lease: Provided that such renewal be applied for within one year previous to the expiration of the existing lease; and provided also that all the conditions of the lease and all regulations made under statutory
authority from time to time concerning the cutting, scaling, and removal of timber and the disposal of debris and the prevention of fire have been complied with to the satisfaction of the Minister, and that all charges prescribed by the Minister, under authority of any Act of the Legislature or Order of the Lieutenant-Governor in Council, in any year in respect of such leasehold for the upkeep of a system of fire prevention and extinguishment, together with all royalties, rentals, scaling fees, and other charges, have been duly and fully paid.

14. Every lessee holding a lease renewed in accordance with the next preceding section of this Act, the original period thereof terminates subsequently to the coming into force of this Act, and for the residue of the term whereof new, further, or other rentals and royalties, conditions and regulations, may be imposed or prescribed by Statute, shall, for the residue of the term of such lease, be subject to pay and shall pay to the Crown in right of the Province of British Columbia an annual rental of fifty cents per acre and a royalty of one dollar and fifty cents per thousand feet on the scaled measurement of all timber cut on the leased premises, and shall be subject also to comply and shall comply with all the conditions laid down in the next preceding section of this Act: Provided that in each year during the residue of the term of such lease, upon due payment by the lessee of the rental and royalty imposed by this section, the Department shall refund to the lessee such portion of his payment on account of rental as exceeds the amount that he would have paid had he made payment at a rate per acre calculated as one six-hundred-and-fortytieth part of the fee payable that year in that portion of the Province for a special timber licence covering six hundred and forty acres, and such portion of his payment on account of royalty as exceeds the amount that the holder of a special timber licence would have been required to pay for the same scaled measurement of timber cut during the same period of time.

15. The holder of any existing lease of Crown lands granted for the purpose of cutting spars, timber, or lumber which is renewable under the foregoing provisions of this Act may, by surrender of his lease, obtain in exchange therefor a special timber licence covering the area of his leasehold, and the same shall be issued to him upon payment in advance of a licence fee calculated on an acreage basis and as to each acre as one six-hundred-and-fortytieth part of the fee payable that year and in that section of the Province for a special timber licence comprising six hundred and forty acres. Every such licence shall be renewable from year to year under the same conditions as those contained and provided in and by this Act in respect of the renewal of special timber licences.
16. In addition to the royalty reserved on all timber cut on timber leasehold, there shall be paid annually to the Crown in right of the Province of British Columbia as ground-rent during the continuance of the original period of any timber lease granted between the thirty-first day of December, 1879, and the twenty-eighth day of April, 1888, the sum of five cents for each acre included in the lease.

PART V.

TIMBER LICENCES.

17. All special timber licences heretofore granted and all renewals thereof heretofore issued shall be deemed to have been legally and validly granted and issued, as the case may be; but nothing in this section contained shall affect any legal proceedings now pending respecting any such licence or renewal thereof.

In the event of any dispute between holders of special timber licences as to the areas or timber to which as between themselves the holders of such licences may be entitled, effect shall be given to priority of location, so that the first locater shall have and take the area and timber comprised in his location; and nothing in this section shall be deemed to validate any special timber licence as against any prior Crown grant, lease, special timber licence, or pre-emption record.

18. A special timber licence shall vest in the holder thereof all rights of property whatsoever in all trees, timber, and lumber cut within the limits of the licence during the term thereof, whether the trees, timber, and lumber are cut by authority of the licensee, or by any other person with or without his consent; and such licence shall entitle the holder thereof to seize, in revendication of any rights or otherwise, such trees, timber, or lumber where the same are found in the possession of any unauthorized person, and also to institute any action against any wrongful possessor or trespasser and to prosecute all trespassers and other offenders to punishment, and to recover damages (if any); and all proceedings pending at the expiration of any licence may be continued to final termination as if the licence had not expired.

19. All special licences applied for or notice of application wherefor appeared in the Gazette on or before the fifteenth day of April, 1905, the holders whereof have complied with the provisions of section 3 of chapter 33 of the Statutes of 1905, shall be transferable and renewable each year for sixteen successive years from the original date of issue; the fee for each renewal of any such licence
to be the same amount as was payable on the said fifteenth day of April, 1905, for such licence: Provided that, in addition to every royalty reserved by this Act in respect of any such special licence, there shall be paid to His Majesty ten cents per thousand feet, board measure, upon and in respect of all timber suitable for spars, piles, saw-logs, railroad-ties, and props for mining purposes cut and removed from lands comprised within any special licence coming within the scope of this section.

20. All special licences issued between the fifteenth day of April, 1905, and the tenth day of March, 1910, shall be transferable and renewable each year for twenty-one successive years from the original date of issue thereof.

21. (1.) Every special licence the holder whereof has or shall have complied with the provisions of section 6 of chapter 28 of the Statutes of 1910 shall be transferable and renewable from year to year while there is on the land included in such licence merchantable timber in sufficient quantity to make it commercially valuable.

(2.) The Minister may from time to time call upon the holder of any special licence, subject to the provisions of this section, to furnish to the Department a cruise of the timber limit comprised in such special licence; and if such cruise be not furnished, or if, when furnished, it does not establish to the satisfaction of the Minister the existence of merchantable timber in sufficient quantity to make it commercially valuable, such special licence shall expire at the end of its then current year: Provided that nothing contained in Part XIV. of this Act shall be held to repeal the provisions of section 6 of chapter 28 of the Statutes of 1910 affecting the renewal of licences surrendered in compliance with the requirements of that section within two years from the first day of April, 1910.

22. When any special timber licence shall have been granted in respect of land situate within ten miles of an incorporated town or city, or in respect of land in the vicinity of any registered town-site, the same may be renewed only at the discretion of the Minister and by direction of the Minister; and if such direction be withheld, such special licence shall expire at the end of its then current year without any right of renewal or reinstatement whatsoever.

23. Whenever the land included within any special timber licence shall, after an inspection has been made by direction of the Minister, be ascertained to be fit for settlement and to be required for that purpose, the Minister may require the licensee to carry on and complete the cutting and removal of the timber thereon within such reasonable time as the Minister may fix and prescribe; and on the expiration of such time or any extension thereof the licence shall
be cancelled, and the land included therein shall be opened for settlement or sold on such terms and conditions as the Lieutenant-Governor in Council may think fit.

24. Notwithstanding anything in this Act contained, it shall be lawful for the Lieutenant-Governor in Council to grant leases for quarrying purposes, including the digging of clay and marl, of any lands held under timber lease or special timber licence, or any part thereof, upon such terms and conditions as may be deemed advisable.

25. (1.) No timber shall be cut or carried away from any timber limit included in any special timber licence or any renewal thereof until the licensee has, at his own expense, had the said timber limit surveyed, in accordance with the rules and regulations for the survey of timber lands established by Order in Council, by a surveyor approved of and acting under instructions from the Minister. Every timber limit shall be surveyed before the thirty-first day of March, 1918. The Minister may at any time notify the holder of any special timber licence to have the timber limit included in such licence surveyed within a given period of time; and if any such timber limit shall not be surveyed within such time or within such further time as may be granted by the Minister therefor, or, if no notification be given by the Minister, be not surveyed on or before the thirty-first day of March, 1918, the holder of such special licence shall forfeit all his rights to the timber on the unsurveyed timber limit, and such special licence shall become null and void: Provided that, if the Minister shall have reason to suppose that due diligence is not being observed by the holder of any special licence in procuring the survey of his timber limit, the Minister may cause the survey of such timber limit to be made, and the cost of such survey shall be a charge to be paid by such licensee before the next succeeding renewal of the licence, and in default of payment of the same within sixty days after demand in writing has been made the licence shall become null and void.

(2.) The angles of surveyed timber limits shall, where possible, be marked with securely planted posts standing four feet above the ground, four inches square for a distance of two feet from the top, and pointed to shed the water. The posts shall be scribed "T.L.," followed by the number of the special timber licence which they mark, and shall also denote the angle at which any post stands, N.W., N.E., S.E., or S.W., as the case may be.

(3.) When an angle of a timber limit falls in a position which cannot be reached, or where a post cannot be securely planted, witness posts shall be placed on the boundaries run, and scribed "W.P.T.L.," followed by the number of the special licence and the bearing and distance in chains to the corner which it witnesses.
(4.) Where possible, three bearing trees shall be taken from every post planted, and shall be blazed on the side toward the post and scribed "B.T.," and the distance from the top of the post to the blaze shall also be marked thereon. The magnetic bearing of each bearing tree from the post, together with the distance, shall be carefully taken by the surveyor and entered in his field-notes.

(5.) The lines through timber shall be thoroughly blazed, two blazes to be made on each tree quartering on the line, so as to be easily distinguished and traced.

(6.) No tree shall be blazed at a greater distance than six feet on either side of the line.

(7.) Every line tree shall be notched with three notches on the sides in the direction of the line, and its size, kind of timber, and distance from the last angle or corner shall be given in the field-notes.

(8.) As soon as possible after the completion of the survey of a timber limit, the surveyor shall forward to the Minister the field-notes and plan of survey of the limit, showing the measurements and bearings of the boundaries, the crossings of any streams, roads, trails, or lines of previous surveys, and briefly describing the physical character of the country.

(9.) When the field-notes and plan of survey have been filed with the Minister, and have been found to comply with the requirements of this Act, and any regulations or instructions issued thereunder, notice of the filing shall be published in the British Columbia Gazette; and such notice shall thereafter be deemed to be official notice by the holder of the limit as to the boundaries run within which he claims the right to cut and remove timber in accordance with his licence.

(10.) The boundaries of timber limits defined by survey upon the ground under authority of this Act shall not be deemed boundaries under the provisions of the "Land Act."

(11.) The Minister may, from time to time issue regulations governing the manner and methods of surveying and marking upon the ground the boundaries of timber limits held under special licence, or may issue particular instructions governing the survey of any timber limit or limits.

(12.) The provisions of subsections (1) and (9) of this section shall apply only to special timber licences heretofore granted and renewals thereof, and the provisions of the remaining subsections of this section shall apply to all special timber licences heretofore granted and the renewals thereof, and to all special licences hereafter granted.

26. Every special timber licence and every renewal thereof shall be subject to the payment of such rental or licence fee, and such tax and royalty, and to such terms and conditions, regulations and restrictions, as are fixed or imposed by any Statute or Order in
Council in force at the time the issue or renewal of such licence is made, or at any time thereafter; subject only to such rights (if any) to renewal at fixed rates as may exist in respect of any special timber licence under and by virtue of any statutory provision.

27. The fee for any special licence covering not more than six hundred and forty acres of land, or for the annual renewal of the same, except in so far as this Act may otherwise provide, shall be as follows: For each licence—West of the Cascade Range, one hundred and forty dollars; east of the Cascade Range and the Electoral District of Atlin, one hundred and fifteen dollars.

28. The fee for the renewal of each special timber licence shall be paid before the expiration of such licence: Provided, however, that if it shall appear that the holder of any such licence has failed or neglected to pay the renewal fee before the expiration of the licence, he shall, upon payment of such fee and an additional sum of twenty-five dollars within three months after the expiration of the licence, be entitled to a renewal thereof. All payments of special licence fees shall be payable at par at Victoria, and if made by cheque the same shall be certified. The fee for any special licence shall be indivisible, and no licence or any part thereof shall be renewed without payment of the whole licence fee:

Provided also that the holder of any special timber licence who has failed or neglected to pay the renewal fee for any licence which expired on or since the first day of November, 1907, shall have the privilege of obtaining a renewal of such licence, provided the land covered thereby is still vacant Crown land, upon the payment of such fees as would have been payable had such licence been kept in good standing, and an additional sum of fifty dollars for each licence, if application for the same is made within sixty days from the passing of this Act:

Provided also that the Minister may within one year from the date of expiry permit the renewal of any licence that may have expired at any time subsequent to a period of sixty days from the passage of this Act through the failure or neglect of the holder of such licence to pay the renewal fee therefor, provided the land covered thereby is still vacant Crown land, upon the payment of such fees as would have been payable had such licence been kept in good standing, and an additional sum of fifty dollars for each licence.

29. The Commissioner for each land district shall keep a register of all special licences covering lands within his district; such register shall be indexed as to names of holders of licences and localities, and every such licence shall be numbered, and such
numbers shall be registered. Such registers shall be open for search by the public during office hours, and a fee of twenty-five cents shall be charged for each search.

30. Every assignment of a timber lease or special licence shall be filed in the Department, and a fee of five dollars shall be payable in respect of each lease or licence assigned.

31. In addition to the special licences authorized by this Act, the Lieutenant-Governor in Council may from time to time, by Order in Council, authorize the Minister to grant hand-loggers’ licences in districts within which injury to Crown or other timber lands shall not be apprehended therefrom, except as to any lands comprised within an Indian reserve, upon the following conditions:

(a) A hand-logger’s licence shall be personal and shall only grant authority to the person named therein to cut timber as a hand-logger, and such licence shall be in force for one year from the date thereof and no longer;

(b) No licence under this section shall be granted to any person who is not on the list of voters for the Legislature of the Province of British Columbia, except persons of the Indian race;

(c) The area to be specified or designated in each licence granted under this section shall, before the granting of the licence, be inspected and approved by an officer of the Department;

(d) The holder of a licence granted under this section shall not use steam-power, or machinery operated by steam-power, in carrying on lumbering operations under such licence;

(e) The holder of a licence granted under this section shall be subject to any regulations issued from time to time by the Minister governing the disposal of debris and the prevention of fire;

(f) Any person being the holder of a licence granted under this section who shall violate the provisions of the preceding subsections hereof shall be liable, on summary conviction before a Stipendiary Magistrate or any two Justices of the Peace, to a penalty of not less than twenty-five dollars and not exceeding one hundred dollars for each offence.
PART VI.

RIGHTS-OF-WAY.

32. For the carriage and transport of timber and products of the forest, any land may be taken and used for a right-of-way for, or by, or on behalf of any person desiring to transport any timber or product of the forest, without the consent of the owner of such land, or of any person having or claiming any estate, right, title, or interest in to or out of such land, subject always to the provisions of this Part of this Act. With the consent of the Minister, Crown land may be taken and used under this Part of this Act.

33. Any person desiring to transport any timber or product of the forest may avail himself of and may obtain a right-of-way for a logging-railroad or other method of transportation under the provisions of this Part of this Act from and as against the owner of the land across, through, or over which a right-of-way is desired; and the owner of any land shall be deemed to be the person who is, by means of being the registered owner of the legal estate, enabled to sell and convey such land, or, as a purchaser of Crown lands or a pre-emptor of Crown lands, is in possession of such land; and the person seeking a right-of-way shall not be affected by a notice of and shall not be bound by any trust, and shall not be impeded in the securing of a right-of-way by any trust.

34. The land which may be taken without the consent of the owner for a right-of-way shall not exceed forty feet in breadth, except in places where the grade-level of the right-of-way is proposed to be more than five feet above or below the surface of the adjacent land, when such additional width may be taken as shall suffice to accommodate the slope and side-ditches.

35. Before entering upon any land for use as a right-of-way, the person desiring to obtain the right-of-way shall serve upon the owner of the land a notice of desire to obtain the right-of-way, together with a plan showing the intended location and direction of the desired right-of-way.

36. The notice served upon the owners of lands, or persons empowered to convey lands or interested in lands, shall contain——

(a.) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands therein described; and

(b.) A declaration of readiness to pay a certain sum or rent, as the case may be, as compensation for such lands or for damages.
37. Such notice shall be accompanied by the statutory declaration of a British Columbia land surveyor, who is a disinterested person, stating—

(a.) That the land, if the notice relates to the taking of land, is required for the right-of-way, or is within the limit of deviation allowed by this Act:
(b.) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and
(c.) That the sum so offered is, in his opinion, a fair compensation for the land and damages aforesaid.

38. (1.) If any owner or party is absent from the district or county in which the lands lie, or is unknown, an application for service by advertisement may be made to the Supreme Court of British Columbia or to the Judge of the County Court of the county wherein the lands lie; and the expression “the Court,” wherever used and occurring in this Part of this Act, shall mean and include the Supreme Court of British Columbia and any Judge of such Supreme Court, and the Judge of the County Court wherein the lands lie.

(2.) Such application shall be accompanied by such statutory declaration as aforesaid, and by an affidavit of some officer of the person desiring the right-of-way, that the opposite party is so absent, or that after diligent inquiry the person on whom the notice ought to be served cannot be ascertained.

(3.) The Court or the County Court Judge may order service by advertisement in such manner as may be specified in the order, and compliance with the terms of the order shall have the effect of personal service.

39. (1.) If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not give notice to the person desiring the right-of-way that he accepts the sum offered by him, the Court shall, on the application of the person desiring the right-of-way or of the opposite party, appoint a person to be sole arbitrator for determining the compensation to be paid as aforesaid: Provided that the Judge shall, at the request of either party on such application, appoint three arbitrators to determine such compensation, one of whom may be named by each party on such application.

(2.) Six days' notice of such application shall be given by the person desiring the right-of-way to the opposite party, or vice versa.

(3.) If the opposite party is absent from the district or county in which the lands lie, or is unknown, service of such six days' notice may be made by advertisement as in the last preceding section authorized: Provided that the Court may dispense with or shorten the time or times for the publication of the notice in any such case in which he deems it proper.
40. (1) The arbitrators or the sole arbitrator, as the case may be, shall be sworn before a Justice of the Peace faithfully and impartially to perform the duties of their or his office, and shall proceed to ascertain such compensation in such way as they or he, or the majority of them, deem best.

(2) The award of such arbitrators or of any two of them, or of the sole arbitrator, shall, except as hereinafter provided, be final and conclusive.

(3) If there be three arbitrators, no such award shall be made nor shall any official act be done by a majority of the arbitrators except at a meeting held at a time and place of which the other arbitrator has had at least two clear days' notice, or to which some meeting at which the third arbitrator was present has been adjourned.

41. The arbitrators or the sole arbitrator, in deciding on such value or compensation, shall take into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to any lands of the opposite party through or over which the right-of-way will pass, by reason of the passage of the right-of-way through or over the same, or by reason of construction of the right-of-way, and shall set off such increased value that will attach to the said lands against the inconvenience, loss, or damage that might be suffered or sustained by reason of the person desiring the right-of-way taking possession of or using the said lands.

42. (1) If by any award of the arbitrators or of the sole arbitrator made under this Act the sum awarded exceeds the sum offered by the person desiring the right-of-way, the costs of the arbitration shall be borne by the person desiring the right-of-way; but, if otherwise, they shall be borne by the opposite party and be deducted from the compensation.

(2) The amount of the costs, if not agreed upon, may be taxed in such a manner as may be directed by the Court, upon application in a summary manner by any party in interest upon two days' notice to the other party in interest.

43. The arbitrators or a majority of them, or the sole arbitrator, shall examine on oath or solemn affirmation the parties or such witnesses as appear before them or him.

44. (1) Such arbitrators or arbitrator may, with respect to such arbitration,—

(a) Enter upon and inspect any place, building, or works being the property of or under the control of the person desiring the right-of-way or the opposite party, the entry or inspection of which appears to them or him requisite:
(b.) Inspect any works, structure, rolling-stock, or property of the person desiring the right-of-way:

(c.) Require the production of all books, papers, plans, specifications, drawings, and documents relating to the matter before them or him; and

(d.) Administer oaths, affirmations, or declarations.

(2.) And shall have the like power in summoning witnesses and enforcing their attendance and compelling them to give evidence and produce books, papers, or things which they are required to produce as is vested in the Court in civil cases.

(3.) The persons attending and giving evidence at any such arbitration shall be entitled to the like fees and allowances for so doing as if summoned to attend a trial in the Court.

45. (1.) The arbitrators or the sole arbitrator shall take down in writing the evidence brought before them or him, unless either party requires that it be taken by a stenographer; in which case a stenographer shall be named by the arbitrators or arbitrator, unless the parties agree upon one.

(2.) The stenographer shall be sworn before the arbitrators, or before any one of them, before entering upon his duties.

(3.) The expense of such stenographer, if not determined by agreement between the parties, shall form part of the costs of the arbitration.

46. (1.) If there be three arbitrators, any award concurred in by any two of them shall be valid and binding upon all parties in interest.

(2.) After making the award, the arbitrators or the sole arbitrator shall forthwith deliver or transmit by registered letter, at the request of either party in writing, the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the nearest registry of the Court, to be filed with the records of the Court.

47. (1.) If there be three arbitrators, a majority of the arbitrators, at the first meeting after their appointment, shall fix a day on or before which the award shall be made; and if the same is not made on or before such day, or some other day to which the time for making it has, either by the consent of the parties or by resolution of the arbitrators, been prolonged, then the sum offered by the person desiring the right-of-way as aforesaid shall be the compensation to be paid by the said person desiring the right-of-way.

(2.) A sole arbitrator shall make his award within a reasonable time, and the Court shall have power to and shall, on the application in a summary manner of any party in interest, make an order fixing the time within which the award shall be made.
48. (1) No award shall be invalidated by reason of any want of form or other technical objection if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the lands or other property, right, or privilege for which such sum is to be the compensation.

(2) The person to whom the sum is to be paid need not be named in the award.

49. (1) If any arbitrator dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, the Court, upon the application of either party, of which application four days' notice shall be given to the opposite party, and upon being satisfied by affidavit or otherwise of such death, disqualification, refusal, or failure, shall appoint another arbitrator in the place of such arbitrator: Provided that, if any arbitrator named by one of the parties and appointed by the Court shall die or refuse or fail to act, such party may, upon such application, name the arbitrator who shall be appointed by the Court in the place of the arbitrator so deceased or not acting.

(2) The arbitration proceedings shall not in any such case require to be recommenced or repeated.

50. (1) Where the notice given improperly describes the lands or materials intended to be taken, or where the person desiring the right-of-way decides not to take the lands or materials mentioned in the notice, he may abandon the notice and all proceedings thereunder, but shall be liable to the person notified for all damages or costs incurred by him in consequence of such notice and abandonment, which costs shall be taxed in the same manner as costs after an award.

(2) The person desiring the right-of-way may, notwithstanding the abandonment of any former notice, give to the same or any other person notice for other lands or materials, or for lands or materials otherwise described.

51. (1) If a person nominated or appointed as a valuator, or as an arbitrator, or as sole arbitrator is not himself personally interested in the amount of the compensation, he shall not be disqualified because he is professionally employed by either party, or has previously expressed an opinion as to the amount of compensation, or because he is related or of kin to the person desiring the right-of-way.

(2) No cause of disqualification shall be urged against any arbitrator appointed by the Court after his appointment, but the objection shall be made before the appointment, and its validity or invalidity shall be summarily determined by the Court.

52. (1) Whenever the award exceeds six hundred dollars, any party to the arbitration may, within one month after receiving a
written notice from any one of the arbitrators or the sole arbitrator, as the case may be, of the making of the award, appeal therefrom upon any question of law or fact to the Court; and upon the hearing of the appeal the Court shall decide any question of fact upon the evidence taken before the arbitrators, as in a case of original jurisdiction.

(2.) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from the decision of an Inferior Court to the Court, subject to any general rules or orders from time to time made by the Court in respect to such appeals.

(3.) Such general rules and orders may, amongst other things, provide that any such appeal may be heard and determined by a single Judge.

(4.) There shall be an appeal from any decision of the Court under this section to the Court of Appeal in the same manner and subject to the same procedure as in the case of an appeal from any judgment of the Court upon the trial of an action.

53. (1.) If the person desiring the right-of-way has reason to fear any claim, mortgage, or encumbrance; or—

(a.) If any person to whom the compensation or annual rent or any part thereof is payable refuses to execute a proper conveyance and guarantee; or

(b.) If the person entitled to claim the compensation or annual rent cannot be found, or is unknown to the person desiring the right-of-way; or

(c.) If for any other reason the person desiring the right-of-way deems it advisable,—

the person desiring the right-of-way may pay such compensation into Court, with the interest thereon for six months, and may deliver to the Registrar or District Registrar of the Court an authentic copy of the conveyance, or of the award or agreement if there is no conveyance, and may register such conveyance, award, or agreement in the proper Land Registry Office.

(2.) Such conveyance or award or agreement shall thereafter be deemed to be the title of the person desiring the right-of-way to the land mentioned therein.

54. (1.) Notice of such payment and delivery, in such form and for such time as the Court appoints, shall be published in the British Columbia Gazette and in a newspaper published in the county in which the lands are situated, or if there is no newspaper published in the county, then in a newspaper published in the nearest county thereto in which a newspaper is published.

(2.) Such notice shall state that the conveyance, agreement, or award constituting the title of the person desiring the right-of-way is obtained under the authority of this Act, and shall call upon all
persons claiming an interest in or entitled to the lands or any part thereof to file their claims to the compensation or any part thereof.

55. The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or encumbrance upon the said lands or any portion thereof shall, as against the person desiring the right-of-way, be converted into a claim to the compensation, or to a like proportion thereof; and the person desiring the right-of-way shall be responsible accordingly whenever he has paid such compensation or any part thereof to a person not entitled to receive the same, saving always his recourse against such person.

56. (1.) All such claims filed shall be received and adjudicated upon by the Court, and the adjudication thereon shall for ever bar all claims to the lands or any part thereof, including any dower, mortgage, or encumbrance upon the same.

(2.) The Court shall make such order for the distribution, payment, or investment of the compensation and for the security of the rights of all persons interested as to right and justice and to law appertains.

(3.) If the order for distribution, payment, or investment is obtained within less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the person desiring the right-of-way.

(4.) If from any error, fault, or neglect of the person desiring the right-of-way such order is not obtained until after six months have expired, the Court shall order the person desiring the right-of-way to pay into Court, as part of the compensation, the interest for such further period as is right.

(5.) The costs of the proceedings in whole or in part, including the proper allowances to witnesses, shall be paid by the person desiring the right-of-way, or by any other person, as the Court orders.

57. Upon payment or legal tender of the compensation or annual rent awarded or agreed upon to the person entitled to receive the same, or upon the payment into Court of the amount of such compensation in the manner hereinbefore mentioned, the award or agreement shall vest in the person desiring the right-of-way the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon.
PART VII.

ROYALTIES, TAXES, AND CHARGES; COLLECTIONS, ACCOUNTS, AND RETURNS.

58. (1.) There is reserved to and for the use of His Majesty, his heirs and successors, upon and in respect of timber cut upon land specified in any special or hand-logger's licence, or in any timber, pulp, or tan-bark lease heretofore granted or renewed, or upon patented land and land granted subsequent to the twenty-eighth day of April, 1888, and upon any lands hereafter granted:—

(a.) Upon all timber suitable for the manufacture of lumber and shingles, a royalty of fifty cents for each thousand feet, board measure, one cord of bolts being taken as equivalent to five hundred feet, board measure:

(b.) Upon all timber suitable for spars, piles, and poles cut as aforesaid, a royalty of one cent for each and every four feet of running length:

(c.) Upon all timber suitable for railway-ties or mining-props cut as aforesaid, a royalty of fifty cents per thousand feet, board measure, or per cord of ties or props:

(d.) Upon all timber suitable for the manufacture of pulp-wood or paper cut as aforesaid (except in so far as may otherwise be provided in any existing pulp lease), a royalty of twenty-five cents per cord, or, when the Minister may so decide, an equivalent royalty per ton of pulp or paper.

Provided that a number of feet, board measure, to be established by Order in Council, shall be taken as equal to a cord of pulp-wood; and that until such Order be issued seven hundred feet, board measure, shall be so taken; but in any case in which he may deem it desirable the Minister may require pulp-wood logs to be measured by the cubic foot, or alternatively may require the scale of such logs to be computed on the mean diameter or diameter at the middle of each log, one thousand feet, board measure, of such scale being taken as the equivalent of a cord:

Provided also that a weight of ground-wood pulp and a weight of chemical pulp, to be established by Order in Council, shall be taken as equivalent to a cord of pulp-wood, and that until such Order in Council be issued one short ton of air-dry ground-wood pulp or half that quantity of air-dry chemical pulp shall be so taken:

(e.) Upon all other wood or bark cut as aforesaid, a royalty of twenty-five cents a cord:

Provided that all merchantable timber left uncut, or cut and not removed, in any logging operations upon any such land, which
timber, according to the regulations of the Department, should have been cut and removed, shall be subject to royalty payable upon demand to the Department.

(2.) There shall be due and payable to His Majesty, his heirs and successors, a tax upon all timber cut within the Province, save and except that upon which a royalty is reserved by this section, or that upon which any royalty or tax is payable to the Government of the Dominion, which tax shall be in accordance with the following Schedules:—

### Schedule No. 1

<table>
<thead>
<tr>
<th>Timber</th>
<th>Length, not over</th>
<th>Diameter, not over</th>
<th>Rate per M. Feet, Board Measure, on Grade</th>
<th>Additional Rate to be added for Increased Size</th>
<th>The following relate on the tax shall be allowed when the timber upon which it is due, or payable, is manufactured or used in the Province.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>No. 1</td>
<td>No. 2</td>
<td>No. 3</td>
<td>No. 1</td>
</tr>
<tr>
<td>40</td>
<td>24</td>
<td>2 00</td>
<td>1 50</td>
<td>1 00</td>
<td>25</td>
</tr>
<tr>
<td>50</td>
<td>24</td>
<td>2 50</td>
<td>2 00</td>
<td>1 50</td>
<td>30</td>
</tr>
<tr>
<td>60</td>
<td>24</td>
<td>3 00</td>
<td>2 50</td>
<td>2 00</td>
<td>40</td>
</tr>
<tr>
<td>70</td>
<td>24</td>
<td>3 50</td>
<td>3 00</td>
<td>2 50</td>
<td>50</td>
</tr>
<tr>
<td>80</td>
<td>24</td>
<td>4 00</td>
<td>3 50</td>
<td>3 00</td>
<td>60</td>
</tr>
</tbody>
</table>

All the tax over and above one cent per M. feet, board measure.

### Schedule No. 2

<table>
<thead>
<tr>
<th>Timber</th>
<th>Length, not over</th>
<th>Diameter, not over</th>
<th>Rate per Principal Foot</th>
<th>All Piles or Poles over 20 ft. in Length, Diameter shall be sealed, graded No. 2, and taxed at Rates as under.</th>
<th>The following relate on tax shall be allowed when the timber upon which it is due, or payable, is manufactured or used in the Province.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feet</td>
<td>Inches</td>
<td>$ cts.</td>
<td>Length</td>
<td>p. M. B.M.</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>11</td>
<td>91</td>
<td>40</td>
<td>60</td>
<td>30</td>
</tr>
<tr>
<td>50</td>
<td>11</td>
<td>01</td>
<td>50</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>60</td>
<td>11</td>
<td>01</td>
<td>50</td>
<td>2 35</td>
<td>2 35</td>
</tr>
<tr>
<td>70</td>
<td>11</td>
<td>01</td>
<td>50</td>
<td>2 75</td>
<td>2 75</td>
</tr>
<tr>
<td>80</td>
<td>11</td>
<td>02</td>
<td>50</td>
<td>3 00</td>
<td>3 00</td>
</tr>
</tbody>
</table>

All the tax over and above one thousandth of one cent per linear foot.

Provided always that the Lieutenant-Governor in Council may allow such rebate on piles, telegraph-poles, and crib timber not manufactured or used in the Province as may be deemed advisable.

### Schedule 3

Mining-props and lagging .................................... Fifty cents per cord:
Railway-crib ................................................. Fifty cents per cord:
Cordwood ......................................................... Twenty-five cents per cord.

A rebate will be allowed of all the tax over and above one cent per cord on all railway-crib and mining-props and lagging and cordwood used in the Province.

106
SCHEDULE 4.

Shingles or other bolts of cedar, fir, or spruce ........ One dollar per cord.
A rebate shall be allowed thereon, when manufactured or used in the Province, of all over and above one cent per cord.

(3.) All timber upon which any royalty or tax is payable to the Crown shall be scaled and graded in accordance with the provisions of Part VIII. of this Act.

(4.) Actual settlers who are pre-emptors of Crown lands, who have occupied their pre-emption claim for two years, who have had the said claim surveyed, and who have taken out certificates of improvement, shall be exempt from payment of royalty or tax upon cordwood cut upon their pre-emption claims for sale: Provided that such exemption shall cease when a Crown grant is issued for the land.

(5.) The Lieutenant-Governor in Council may, by Order in Council, remit the royalty upon wood actually consumed for experimental purposes by any company engaged in the manufacture of distillates and other by-products from wood.

59. All timber or wood upon which a rental, royalty, or tax is reserved shall be liable for the payment of the rental, royalty, or tax by this Act imposed, so long and wheresoever the timber or any part of it may be found in the Province, whether in the original logs or manufactured into deal boards or other stuffs; and in case such timber or wood has been made up with other timber or wood into a crib, dam, or raft, or in any other manner has been so mixed up as to render it impossible or difficult to distinguish the timber liable to the payment of rental, royalty, or tax from timber or wood not so liable, such other timber or wood shall also be liable for all rental, royalty, or tax imposed by this Act; and all officers or agents entrusted with the collection of the rental, royalty, or tax may follow all such timber or wood and seize and detain the same wherever it is found until such rental, royalty, or tax, and the reasonable costs and expenses of seizure and detention, are paid or secured.

60. The Crown shall have a lien upon all sawmills or other factories, steamships, railway and stationary engines, smelters, concentrators, and all furnaces or machinery in or for which any timber or wood upon which a royalty or tax is reserved or payable in any way or manner, or for any purpose, has been or is being manufactured, used, or consumed; also upon all steamships, tow boats, scows, or other vessels, upon all engines, logging plant or material, and upon all railway-trains, teams, and wagons in any way engaged in taking out or in transporting such timber; such lien to confer the same rights and to be enforceable in the same
manner as the lien and rights of recovery of royalties conferred by
the provisions in that behalf of this Act, including an absolute,
unconditional power to sell.

61. It shall be lawful for any person owning or operating any
mill to collect the royalties due to the Crown in respect of any logs
which may be brought to his mill, and to give receipts therefor. All
moneys so received shall be accounted for and paid over to the
Crown. The Crown shall have a lien upon the mill and all timber
thereat, or on any lands or waters appurtenant thereto, for all
royalties collected under this section; such lien to confer the same
rights and to be enforceable in the same manner as the lien held
under section 50 of this Act may from time to time be.

62. Every grantee of lands liable to any royalty or tax by this
Act imposed, or lessee or licensee of timber lands liable to the said
royalty or tax, and every person operating a mill or other industry
which may cut or use timber or cordwood upon or in respect of
which any royalty or tax is by this Act reserved or imposed, shall
keep correct books of account of all timber or cordwood cut or
received by or for them, and shall render monthly statements thereof,
or, if demanded, shall furnish a true copy of the tallyman or scaler's
daily work, duly sworn to, which shall contain all such particulars
as the Minister may require; and such books of account shall be
open at all reasonable hours for the inspection of any person
appointed for carrying out the provisions of this Act, and such
lessee or licensee, or person operating a mill or other industry,
shall pay monthly all sums of money, as are shown to be due, to
the Minister:

(a.) Provided that if, after said inspection of such books of
account, it shall be found that in any previous statement
there is still an amount of timber not reported, and which
is subject to royalty or tax, then the said grantee, lessee,
or licensee, and every person operating a mill or other
industry, who is in arrear of such royalty shall forthwith
pay such arrears, and shall be subject to all the provisions
of this Act for non-payment of same.

63. If any person, without authority or otherwise than is per-
mitted by this Act, cuts, or employs or induces any other person to
cut or assist in cutting, any timber of any kind on any of the Crown
lands, patented lands, timber, pulp, or tan-bark leaseholds, or timber
limits, or removes or carries away any merchantable timber of any
kind so cut from any such Crown or patented lands, or timber, pulp,
or tan-bark leaseholds, or timber limits, he shall not acquire any
right to the timber so cut, or any claim to any remuneration for
cutting, preparing the same for market, or conveying the same to
or towards market, nor shall any lien be acquired on such timber,
any other Statute notwithstanding. Any such timber may be seized by the Minister or any Government Agent, or by any agent or person appointed under this Act, or any person acting under the authority or by direction of either of them, and shall, if cut on lands lawfully held from the Crown, be sold for the benefit of the Crown, subject to the claims of the person lawfully entitled thereto:

(a.) When the said timber or the output therefrom has been removed by any such person out of the reach of the Minister, or a Commissioner, or any agent appointed for the purpose of carrying out the provisions of this Act, such first-mentioned person shall, in addition to the loss of his labour and disbursements, forfeit a sum for each tree which he is proved to have cut, or caused to be cut or removed, as follows: West of the Cascade Range, ten dollars; east of the Cascade Range, five dollars:

(b.) Such sum shall be recovered with costs in the name of the Minister or any Government Agent in any Court having jurisdiction in civil matters to the amount of the penalty:

(c.) In such cases it shall be incumbent upon the party charged to prove his authority to cut, and the averment only of the party seizing or prosecuting that he is employed under the authority of this Act shall be sufficient proof thereof, unless the defendant proves the contrary.

64. Where timber has been cut without authority on Crown lands, patented lands, timber, pulp, or tan-bark leaseholds, or timber limits, and has been made up with other timber into a crib, dam, or raft, or in any other manner has been so mixed up as to render it impossible or difficult to distinguish the timber so unlawfully cut on Crown lands, patented lands, timber leaseholds, or timber limits from other timber with which it is mixed up, the whole of the timber so mixed up shall be held to have been cut without authority, and shall be liable to seizure and forfeiture until separated by the holder satisfactorily to the officer making the seizure.

65. The officer making any seizure under this Act may call in any assistance necessary for securing and protecting the timber seized.

66. All timber seized under this Act shall be deemed to be forfeited to the Crown unless the amounts due for rental, royalty, or tax, and the costs and expenses of seizure and detention, be paid within ten days from the day of seizure, or unless the person from whom it was seized, or the owner thereof, within ten days from the day of seizure, give notice to the seizing officer or nearest Government Agent that he disputes the seizure; failing such payment or notice, the Minister may order the sale of the said timber, or of so much thereof as may be sufficient to pay all rental, royalties, or taxes due, and all the costs and expenses of seizure, detention, and sale.
67. Any Judge of the Supreme Court or of a County Court may, upon petition in a summary way, try and determine such seizures, and may order the delivery of the timber to the alleged owner, upon his complying with the following requirements:

(a.) He shall first pay into Court the full amount of the rent, royalty, or tax claimed, together with a sum equal to the costs and expenses up to that time incurred in respect of such seizure, and shall give sufficient and acceptable security for such amount to meet such further costs and expenses as the Judge trying the case may consider requisite for that purpose:

(b.) Such security shall be taken in the name of the Minister to His Majesty's use, and shall be delivered up to and kept by the Minister:

(c.) If the seizure of such timber is approved by the Court or Judge trying the case, the amount paid into Court for the rent, royalty, or tax claimed, and the said costs and expenses, shall forthwith be paid out to the Minister, and the alleged owner shall further pay to the Minister any moneys due for costs and expenses over and above the sum so paid into Court as aforesaid. If the alleged owner fail to make such payment, the Minister shall forthwith proceed to recover the same under the said security.

68. Every person availing himself of any false statement or oath to evade the payment of any rent, royalty, or tax payable under this Act with respect to timber, or endeavouring to convey out of the Province any timber in respect whereof the rent, royalty, or tax by this Act imposed are payable, without first paying such rent, royalty, or tax, shall forfeit the timber in respect of which payment of such moneys is attempted to be evaded, and shall, upon summary conviction before any two Justices of the Peace or any Stipendiary or Police Magistrate, be liable, in addition, to a penalty not exceeding five hundred dollars.

PART VIII.

TIMBER SCALING AND MEASUREMENT.

69. The Lieutenant-Governor in Council shall appoint a Board of Examiners whose duty it shall be to examine and test the ability and knowledge of all applicants desiring to be licensed to scale and measure timber. The subjects in which such applicants shall be examined shall be prescribed by the Minister, who shall make rules and regulations for the conduct of examinations.
70. The Board of Examiners shall sit at such places and at such Examinations, dates as may be appointed by the Minister, due notice thereof being given by advertisement in the public press, and shall examine all candidates who may present themselves for examination: Provided that each such candidate shall pay into the Department a fee of five dollars previous to such examination.

71. The Board of Examiners shall issue a licence to every candidate who passes the said examinations in a satisfactory manner, and who is judged by the Board to be trustworthy and of good character. Said licence shall entitle the holder thereof to act as a scaler and measurer of timber in the manner provided in this Act; and the expression "licensed scaler," wherever used throughout this Part of this Act, shall mean a person possessing a licence issued under the provisions of this section.

72. Whenever timber in excess of five hundred thousand feet, board measure, is cut or being cut during any year in any lumbering operation on land within the jurisdiction of the Legislature of British Columbia, said timber shall be measured in accordance with regulations issued from time to time by the Minister by a scaler duly licensed in the manner provided in the preceding section; such scaler to be employed and paid by the person or persons responsible for such operation, unless otherwise provided by this Act: Provided that, when it is shown to the satisfaction of the Minister that the services of no licensed scaler can be obtained by the person in charge of such lumbering operation, the Minister may appoint an unlicensed person as an acting-scaler temporarily until a duly qualified scaler is available for the purpose.

73. The Lieutenant-Governor in Council shall appoint officers of the Department to be Supervisor and Assistant Supervisors of Scalers, and such officers shall supervise the work of licensed scalers and perform such other duties as may be assigned to them by the Minister.

74. No person shall be licensed as a scaler unless he is a British subject.

75. Every licensed or acting scaler, before entering on his duties, shall make and file in the Department an affidavit in the form following:

I, A. B., do solemnly swear that I will, while acting as licensed scaler, without fear, favour, or affection, and to the best of my ability and judgment, classify correctly, scale and measure, according to law, all saw-logs, spars, plies, poles, railway-ties, cedar bolts, and other cut timber which I may be employed to scale or measure, and
that I will make true returns of the same to the Supervisor of
Scalers or any other officer of the Department of Forestry, as
required.

Sworn before me at the
of
British Columbia, this day
of
, 10 .

A. B.
C. D.
J.P.

76. (1.) When less than five hundred thousand feet, board
measure, is to be cut or is being cut in any year in any lumbering
operation, the person in charge of such operation shall keep due
account of all timber cut thereunder, and shall furnish a true copy
thereof, duly sworn to, upon demand of any officer of the Depart-
ment authorized in that behalf by the Minister.

(2.) It shall be the duty of licensed scalers to measure fairly
and correctly, to the best of their skill, knowledge, and ability, and
to classify all timber and saw-logs cut within the jurisdiction of
the Province, and to enter in their books of record, for the purpose
of return to their Supervisor or Assistant Supervisor, what they
believe to be the proper contents and grades of said timber, noting
the number of saw-logs or other pieces of timber rejected as worth-
less, commonly called “calls.”

(3.) After measuring and classifying any timber as aforesaid,
the licensed or acting scaler, at such times as his Supervisor shall
require, shall transmit to said Supervisor a correct copy of the
record of said measurement and classification as entered in his
book of record, and shall, when called upon to do so, submit said
book of record to the Supervisor, or other officer of the Depart-
ment, and shall give all information asked for in his power to give,
and shall furnish any statement or copies of statements which the
 Supervisor or other officer of the said Department may from time
to time require.

77. A Supervisor shall act as arbitrator in any dispute that may
arise between a vendor or a purchaser and a licensed or acting
scaler as to the measurements and classification of any timber, and
his award shall be final and binding upon all parties without appeal.
Whenever the Supervisor acts as arbitrator as aforesaid, he shall
collect in equal proportions from the persons requiring his services
the following fees, in addition to all reasonable expenses incurred
by him, namely:—

For scaling logs and spars, five cents per one thousand feet,
board measure;

For measuring piles and poles, five cents per two hundred
lineal feet;

For measuring railway-ties, pulp-wood, and cedar bolts, five
cents per cord of one hundred and twenty-eight cubic feet;
and shall immediately transmit such fees and expenses to the Department, to be accounted for as Provincial revenue.

Official Scalers.

78. West of the Cascades and in such other districts of the Province as the Lieutenant-Governor in Council, by Proclamation, may from time to time prescribe, the Lieutenant-Governor in Council shall appoint Official Scalers, who shall be officers of the Department, and shall carry out the provisions of this Act as hereinafter provided.

79. No person shall be appointed as an Official Scaler unless he shall have previously obtained a licence as provided by this Act and be a licensed scaler in good standing:

Provided that whenever the Minister considers that, on account of the remoteness of timber or saw-logs to be scaled, the cost of sending an Official Scaler to carry out the provisions of this Act would be excessive, he may appoint an unlicensed person an Acting Official Scaler, and such appointment may be either for a specified time or to perform specified work, or until the appointment shall be cancelled by the Minister.

80. West of the Cascades and in such other districts of the Province as the Lieutenant-Governor in Council, by Proclamation, may from time to time prescribe, it shall be a term of every sale or other dealing with timber or saw-logs that the sale or other dealing shall be based on the scale of said timber made or to be made under this Act by an Official Scaler or Acting Official Scaler, or by a Supervisor under the provisions of section 77, and any person who shall buy, sell, or otherwise deal with timber or saw-logs contrary to the provisions of this section shall be liable to a penalty not exceeding five hundred dollars and costs.

81. In the event of a vendor or purchaser objecting to any Official or Acting Official Scaler, or to his scaling, then, on application to the Supervisor, another Official or Acting Official Scaler may be selected to scale the timber or saw-logs in question; and in such case the party requiring such services must pay such additional expense or cost as may have been occasioned by the substitution of another Official or Acting Official Scaler:

Provided that, if the original scale made by the Official or Acting Official Scaler shall, in the opinion of the Supervisor, be proved inaccurate, no charge other than the original fees for scaling said timber shall be imposed.

82. An Official or Acting Official Scaler shall deliver a copy of any scale made by him to the vendor or owner of the timber scaled upon demand and upon payment of his fees.
Fees and expenses. 83. The fees and expenses to be charged by a Supervisor, Official Scaler, or Acting Official Scaler for services under this Act shall be the same as those provided by section 77 of this Act. Such fees and expenses shall be a lien upon the timber or saw-logs in respect of which the work was done, or on the sawmill or other factory in or for which the timber or saw-logs has been or is being manufactured, used, or consumed, and may be collected by seizure and detention of such timber or saw-logs or by seizure of such sawmill or factory until paid. Such fees and expenses, when collected, shall be transmitted by the Supervisor, Official Scaler, or Acting Official Scaler to the Department of Forests, to be accounted for as Provincial revenue.

Log-scale to be used. 84. West of the Cascades and in such other districts of the Province as the Lieutenant-Governor in Council may prescribe, the British Columbia log-scale shall be used for the measurement of all timber measured under this Act: Provided that, in any portion of the Province east of the Cascade Range, the Lieutenant-Governor in Council may, by Proclamation, permit the use of such scale as he may consider advisable.

Export of timber not scaled forbidden. 85. No person, firm, or corporation shall export or remove from the Province any saw-logs, spars, poles, railway-ties, or cedar bolts, or other cut timber, in respect of which any royalty, taxes, or revenue is payable to His Majesty, or cause or aid in such exportation or removal, or saw or cause to be sawn any such saw-logs, bolts, or other cut timber, unless or until such saw-logs, spars, piles, poles, ties, or bolts, as the case may be, shall have been scaled or measured in accordance with the provisions of this Act, and the royalty, taxes, or revenue upon the same have been paid.

Every contravention or violation of the provisions of this section shall render the offender liable to forfeit and pay to His Majesty the sum of one thousand dollars, to be recovered, with all costs as between solicitor and client, in an action brought in the name of His Majesty in any Court of competent jurisdiction.

Penalty for sawing unscaled timber. 86. No timber or saw-logs shall be sawn or caused to be sawn until the same has been scaled in accordance with the requirements of this Act, and every person violating this provision shall be liable to a penalty not exceeding five hundred dollars, to be recovered upon summary conviction before a Police Magistrate, Stipendiary Magistrate, or Justice of the Peace, and to have such timber seized and forfeited wholly or in part to the Crown, as the Minister may direct.

Suspension and cancellation of licence. 87. Any Supervisor shall have power to suspend any official, licensed, or acting scaler who in his opinion is not properly performing the duties of his office. Should any Supervisor or licensed
scaler willfully undermeasure or mismeasure or willfully cull or reject any timber, or make a false return thereof for the purpose of deceiving or defrauding, the Minister shall cancel his licence, and he shall not thereafter be eligible to be licensed as a scaler; in addition, he shall be subject to a penalty of not less than fifty dollars and not more than two hundred dollars, to be recovered with costs on summary conviction before any Magistrate or two Justices of the Peace; and in default of payment to be imprisoned for not less than one month nor more than six months.

PART IX.

TINBER-MARKING.

88. No person shall float or raft any timber on the salt or fresh waters of the Province of British Columbia unless each piece of such timber bears in a conspicuous place a mark heretofore registered under the "Timber-mark Act," or hereafter registered under this Act.

89. The timber-mark register and all records heretofore kept under the "Timber-mark Act" shall be transferred to the Forest Branch so soon as possibly may be after the passing of this Act.

90. Every person who engages in the business of lumbering or getting out timber and floating or rafting same upon the waters aforesaid, or any of them, shall, before engaging in such business, select a separate and distinct mark or marks for each parcel of Crown grant, each leasehold tract, and each timber limit which such person may be operating; and, having caused such mark or marks to be registered in the manner hereinafter provided, shall put the proper mark so registered for the parcel, tract, or timber limit aforesaid in a conspicuous place on each log or piece of timber floated or rafted from such parcel, tract, or timber limit.

91. Every person who violates the provisions of the preceding section shall be subject to a fine of five hundred dollars and costs, to be recovered upon summary conviction before any Stipendiary Magistrate or two Justices of the Peace.

92. All timber floated or rafted and not so marked as to comply with the provisions of this Part of this Act may be seized by the Crown, and sold by private sale or public auction, and the proceeds of such sale shall form part of the Consolidated Revenue Fund of the Province.

93. The Minister shall cause to be kept in the Department a book Minister to keep timber-mark register to be called the "timber-mark register," in which any person engaged in the business of lumbering or getting out timber as aforesaid may
have his timber-mark registered by depositing with the Department a drawing or impression and description in duplicate of such timber-mark, together with a statutory declaration that such timber-mark is not and was not in use, to his knowledge, by any other person than himself at the time of his adoption thereof; and the Minister, on receipt of the fee hereinafter provided, shall, if he finds that such mark is not identical with or does not so closely resemble any other timber-mark already registered as to be confounded therewith, register the same in the timber-mark register, and shall return to the person applying for registration one copy of the drawing and description, with a certificate signed by the Minister or Deputy Minister to the effect that the said mark has been duly registered in accordance with the provisions of this Act; and such certificate shall further set forth the day, month, and year of the entry thereof in the register; and every such certificate shall be received in all Courts in the Province as evidence of the facts therein alleged, without proof of the signature.

94. The person who registers such timber-mark shall thereafter have the exclusive right to use the same, and to designate the timber got out by him and floated or rafted as aforesaid.

95. The Minister may, on the petition of any person who is the owner of a registered timber-mark, cause the said mark to be cancelled by entry of such cancellation in the timber-mark register and by notice in the British Columbia Gazette.

96. Every timber-mark registered under this Act shall be assignable in law; and on the production of the assignment and the payment of the fee hereinafter mentioned, the said Minister shall cause the name of the assignee, with the date of the assignment and such other details as he sees fit, to be entered on the margin of the timber-mark register on the folio where such mark is registered.

97. If any person makes application to register as his own any timber-mark which is already registered, the Minister shall give notice to such person of refusal to register, and such person shall then select some other mark and forward the same for registration.

98. Every person other than the person who has registered a timber-mark, or an assignment of the same, who marks any timber of any description with such mark so registered under the provisions of this Act, or with any part of such mark, shall in each case in which a complaint under this section shall be made by the person holding the certificate of registration of the mark wrongfully used, or by some one acting on his behalf and thereunto duly authorized, on summary conviction before a Stipendiary Magistrate or two Justices of the Peace, be liable for each offence to pay damages, not exceeding one hundred dollars and not less than twenty dollars,
to the person holding the certificate of registration of the mark
wrongfully used, together with the costs incurred in enforcing and
recovering the same.

99. The following fees shall be payable and paid into the Depart-
ment, that is to say:

On every application to register a timber-mark, including
$2.00
For each certificate of registration not already provided for 50
For each copy of any drawing, the reasonable expenses of
preparing the same
For recording any assignment 1.00
For recording a cancellation, the cost of advertising in the
British Columbia Gazette and 1.00

And such fees shall be paid over by the said Minister to the
Minister of Finance, and shall form part of the revenue of the
Province.

PART X.

MANUFACTURE WITHIN PROVINCE.

100. All timber cut on Crown lands or on Crown lands granted
since the twelfth day of March, 1906, or on Crown lands which
shall hereafter be granted, shall be used in this Province, or be
manufactured in this Province into boards, deal, joints, lath,
shingles, or other sawn lumber, except as hereinafter provided.

101. Should any lessee of any ungranted lands of the Crown or
any holder of a special or general licence to cut Crown timber or
timber upon ungranted lands of the Crown, or any servant or agent
of such lessee or licensee, or any person acting for such lessee
or licensee, or under the authority or permission of such lessee
or licensee, violate or refuse to keep and observe the provisions
contained in the next preceding section of this Act, then and in
such case the lease or licence of such lessee or licensee shall be
cancelled by the Lieutenant-Governor in Council by Order in Council.

102. (1.) The Minister and the Forest Board may do all things
necessary to prevent a breach of the provisions of this Part of this
Act, and to secure compliance therewith, and may for such purpose
take, seize, and hold all timber so cut or suspected to have been cut
as aforesaid, and to be in course of transit out of this Province
in contravention of the provisions of this Part of this Act, and
may also take, seize, and hold every boat which may be towing
any such timber; and when the Minister decides that it is not
the intention of the lessee, licensee, owner, holder, or person in
possession of such timber to use the same in this Province, or to
manufacture or cause the same to be manufactured into sawn lumber
in this Province as aforesaid, or to dispose of such timber to others who will use the same in this Province, or have the same so manufactured in this Province, then the Minister may sell or cause to be sold such timber and boat by public auction, and the proceeds of such sale shall be the property of His Majesty, and shall form part of the Consolidated Revenue of this Province. In case said boat escapes after having been so seized, it may at any time afterwards be reseized in any of the waters of British Columbia, and sold as above provided.

(2.) Whenever a seizure is made of timber or a boat on account of a suspected contravention of the provisions of this Part of this Act, the onus of proving that no part of the timber seized was Crown timber or cut on ungranted lands of the Crown, or on lands of the Crown granted after the twelfth day of March, 1906, and that no part of the timber seized had been dealt with, or was about to be dealt with, in a manner contrary to the provisions of this Part of this Act, shall be upon the owner, holder, or person in possession of said timber and boat.

103. The Lieutenant-Governor in Council may authorize the export by lessees or licensees of the Crown of the following kinds of timber cut on ungranted lands of the Crown, or on lands of the Crown which shall hereafter be granted, namely: Piles, telegraph and telephone poles, ties, and crib timber, although not manufactured nor to be used in the Province.

PART XI.

FIRE-PREVENTION.

104. The provisions of this Part of this Act shall apply to every railway company and every railway subject to the legislative jurisdiction of the Legislature of the Province of British Columbia: Provided always that the provisions of this Part of this Act shall be deemed to be in extension of any existing statutory provisions applying to the railway companies and railways aforesaid, and not to repeal, abrogate, or derogate from any such other statutory provisions.

105. The provisions of this Part of this Act shall apply to every municipal corporation and shall have force and effect in and throughout the limits of every municipality within the Province of British Columbia: Provided always that the provisions of this Part of this Act shall be deemed to be in extension of any existing statutory provisions applying to municipal corporations and to municipalities, and not to repeal, abrogate, or derogate from any such other statutory provision or any municipal by-law passed or made pursuant to any such other statutory provisions.
106. The period from the first day of May to the first day of October in each year shall be known as the close season in respect to the setting of fire; but when circumstances of unusual danger render it necessary in the public interest, the Lieutenant-Governor in Council may, by Proclamation, extend the said season.

107. During the close season it shall be unlawful for any person to set out, or cause to be set out, started, or kindled, any fire in or near any forests or woodlands except for the purpose of clearing land, cooking, obtaining necessary warmth, or for some necessary industrial purpose permitted by the Minister, and unless the obligations and precautions imposed in the following sections shall be observed.

108. During the close season no person, firm, or corporation shall set out, or cause to be set out, fires in or near slashings or forest debris, standing or fallen timber, or bush land for the purpose of burning slashings, brush, grass, or other inflammable material, or for any industrial purpose, without first obtaining a permit therefor: Provided that no person shall be convicted who shall have set in good faith and with reasonable care a back-fire for the purpose of stopping the progress of a fire then actually burning.

109. The Provincial Forest Board is hereby empowered to issue and may issue permits authorizing the use of fire for the purposes set forth in the preceding section. Every such permit shall be subject to every regulation for the time being in force under this Act, and also to every condition, provision, restriction, and regulation which in the case of any permit the Provincial Forest Board may deem necessary or expedient and may incorporate in such permit. Any person obtaining or acting under any such permit and contravening or committing any breach of any condition, provision, restriction, or regulation incorporated into such permit by the Provincial Forest Board shall be guilty of an offence against this Act:

Provided that the Lieutenant-Governor in Council may, by Order in Council, prohibit the issuing of permits, and the setting of fires thereunder, in any portion of the Province for such period as he may think fit.

110. The Provincial Forest Board is hereby empowered to issue regulations concerning campers, travellers, etc., and may issue regulations governing the use of fire for the purpose of preparing food and affording necessary warmth to travellers, campers, or workmen. Any person contravening or committing any breach of such regulations shall be guilty of an offence against this Act.

111. During the close season every person who throws or drops any burning match, ashes of a pipe, lighted cigarette or cigar,
or any other burning substance, or who blasts wood with any explosive in any forest or brush land, or at a distance of less than half a mile therefrom, shall completely extinguish the fire of such match, ashes of a pipe, or other burning substance before leaving the spot.

The Operation of Railways.

112. When in the judgment of the Minister there is danger of the setting and spreading of fires from locomotive engines, the Minister may order any railway company to provide such patrolmen for the following of trains and the prompt extinguishing of fires as he may deem necessary. When the Minister has given any railway company notice to provide such patrol, the said company shall immediately comply with such instructions throughout the territory designated; and upon any failure so to do, the Minister may employ patrolmen with the necessary equipment to patrol the right-of-way of said company, and the expense of the same shall be charged to said company, and may be recovered at the suit of the Crown in any Court of competent jurisdiction: Provided that the Minister may appoint officers of the Department to act as supervisors of railway patrols, and the expense of any such supervision shall be chargeable to the company concerned as aforesaid.

113. Any fire burning within two hundred feet of the right-of-way of any railway company operating within the jurisdiction of the Province shall be presumed to have been caused by said company, and all expenses incurred in preventing the spread of and extinguishing said fire shall be chargeable to and shall be paid by said company, and said company shall have the right to enter upon any lands adjoining its right-of-way for the purpose of extinguishing said fire: Provided that if it can be proved to the satisfaction of the Provincial Forest Board that any fire so burning was not caused by the railway company or its employees, then the company concerned shall be entitled to a refund from the person responsible for said fire, or from the Crown, of any moneys paid by it in accordance with this section.

114. No railway company completing the construction of any line after the passage of this Act shall operate locomotives on said line for passenger or freight traffic until a certificate has been obtained by said company from the Minister, to certify that the right-of-way in question has been cleared of inflammable material, in accordance with this Act, the "Railway Act," and the regulations issued thereunder by the Lieutenant-Governor in Council, and that all debris caused by construction of said line on adjoining lands has been removed and destroyed to the satisfaction of the Minister.
115. For the enforcement of any provisions of the "Railway Act" or any regulations issued thereunder governing the construction of railways in the matter of the prevention of fire, the Minister may appoint such number of Fire Wardens as he may deem necessary, under a Chief Warden, to supervise any railway-construction.

116. The railway company and their contractors shall at any time, upon demand, place at the disposal of said Chief Warden as many of their employees as he may need for the extinguishing of any fire or the protection from fire of any forest or woodland along or adjacent to the line under construction, and the expense incident to and connected with such appointment of Wardens and protection of the forests from fire shall be a debt due to the Crown from the person or company constructing such railway, payable upon demand to the Minister, and may be recovered at the suit of the Crown in any Court of competent jurisdiction.

117. For each and every case in which a fire is started by sparks or hot or burning material from a railway locomotive or carriage, and either begins outside of the right-of-way or spreads therefrom to the adjoining land, the company which is operating the railway at the time shall be liable to a fine not exceeding one thousand dollars, to be recovered by summary prosecution before a Stipendiary Magistrate or two Justices of the Peace: Provided that it shall be a sufficient defence against any such prosecution if it be shown by the railway company—

(a.) That the company has used upon the locomotive the best available modern appliance for the purpose of preventing sparks and burning material spreading therefrom, and upon the carriage such appliance as the Minister may have prescribed:

(b.) That no negligence conducing to the starting or spreading of the fire has been shown by the engineer or fireman of the locomotive or by any other servant of the company, and that the regulations issued by the Minister and governing the actions of such persons have been obeyed:

(c.) That the company has maintained in accordance with the requirements of the Minister an efficient staff of fire wardens properly equipped with all suitable appliances for fighting fires, and provided with proper and efficient means of travelling from place to place along the line of railway, and that said staff has been prompt and diligent in taking all possible means to prevent the fire from spreading.

118. Except as provided in the preceding section, any railway company committing an offence against the Act, or violating any regulations governing the operation of railways in the matter of
prevention of fire issued by the Minister, shall be liable, upon
summary conviction before a Justice of the Peace, to a penalty
of two hundred dollars for each offence. It shall not be necessary
in any such action for penalty or damages to prove the name or
number of the locomotive, or the name of the engineer or fireman
in charge of the same.

119. Debris alongside the track of any logging-railway or other
railway not under charter as a common carrier shall be piled and
burned or otherwise dealt with by the person or company operating
such railway in accordance with the orders of the Minister, and
such patrol as the Minister may deem necessary shall, at the expense
of the person or company aforesaid, be maintained after the passage
of any locomotive along such railway. Provided that, should any
such person or company fail when notified immediately to comply
with the provisions of this section, the Minister may by his officers
deal with such debris or maintain such patrol, and the expense of
so doing shall be a debt due to the Crown from the person or
company concerned, and may be recovered at the suit of the Crown
in any Court of competent jurisdiction.

120. During the close season a watchman shall be maintained
at the point where any stationary or portable engine is located
in or near any forest or woodland for at least two hours following
any time when said engine shall have ceased operation, to prevent
the escape of fire therefrom.

121. (1.) During the close season in each year it shall be unlawful
for any person or corporation—

(a.) To use or operate any locomotive, logging-engine, portable
engine, traction-engine, or stationary engine using fuel
other than oil within a quarter of a mile of any forest
slashings or bush land which is not provided with a
practical and efficient device for arresting sparks, together
with an adequate device for preventing the escape of fire
or live coals from all ash-pan and fire-boxes, and which
does not comply in every respect with any regulations for
the time being made and in force under and by virtue of
the provisions of this Act:

(b.) To operate any river steamboat using fuel other than oil
on any of the rivers or lakes within the Province of British
Columbia which is not provided with a safe and suitable
device for the arrest of sparks from the smoke-stack thereof,
complying in all respects with any regulations for the time
being made and in force under and by virtue of the provi-
sions of this Act:

(c.) To destroy any wood-waste material by fire within any
burner or destructor operated at or near any mill or
manufactory, or to operate any power-producing plant
using in connection therewith any smoke-stack, chimney, or other spark-emitting outlet, without installing and maintaining on such burner or destroyer or on such smoke-stack, chimney, or other spark-emitting outlet a safe and suitable device for arresting sparks, complying in all respects with any regulations for the time being made and in force under and by virtue of the provisions of this Act:

(d.) Being engaged in the manufacture of lumber or shingles or other forest products, to destroy wood-waste material by burning the same at or near any mill without properly confining the place of said burning, and without further safeguarding the surrounding property against danger from said burning by such additional devices as may be requisite in order to comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act.

(2.) It shall be the duty of every person or corporation operating any engine referred to in this section to provide equipment in the way of tools, hose, and other fire-fighting appliances in accordance with any regulations for the time being made and in force under and by virtue of the provisions of this Act.

(3.) During the close season no deposit of fire or live coals shall be made from any locomotive or engine within one-quarter of a mile of any forest, woodland, or hay land upon any railway right-of-way outside of yard limits, unless said deposit be immediately extinguished.

(4.) Any person or corporation committing any breach of any or either of the provisions of this section of this Act shall be guilty of an offence against this Act.

(5.) Upon proof that any prosecution has been instituted under this section by any duly authorized officer of the Department, any Court of competent jurisdiction shall enjoin the further use of the locomotive, engine, steamboat, burner, or destructor in question until the defendant has been acquitted of the charge preferred, unless said locomotive, engine, steamboat, burner, or destructor shall have been equipped with safety appliances to the satisfaction of said officer.

122. It shall be the duty of every engineer in charge of any locomotive, steamboat, or engine upon which safety appliances are required to be maintained under the preceding section to see that all such appliances are properly used and applied. Any person neglecting or refusing to perform or fulfill any duty imposed upon him by this section of this Act shall be guilty of an offence against this Act.

123. The Minister or the Provincial Forest Board shall have power to declare any inflammable material which endangers life or
property a public nuisance, and upon receipt of notice to this effect
the owner or occupier of or the person conducting any operations
for the cutting and removal of forest material from the land upon
which any such nuisance exists shall immediately remove or abate
such nuisance to the satisfaction of the Minister or the Provincial
Forest Board: Provided that due notice shall be held to have been
given to said owner or occupier when a copy of such notice has been
mailed to him at his last-known place of address, and a copy has
been posted in a conspicuous position upon said land. Any person
neglecting or refusing to perform and fulfill any duty imposed upon
him by or pursuant to the provisions of this section shall be guilty
of an offence against this Act.

124. (1.) When the safety of any forest or woodland or cut
timber is endangered by the debris caused by any lumbering or
other industrial operations, the Minister or the Provincial Forest
Board may require the person or corporation conducting such
operations, or the owner or occupier of the land on which such
debris exists, to cut down dead trees and stubs within such area,
and to establish a safe fire-line around the area or areas covered
by such debris. Said fire-line to be cleared of inflammable material
and to be of a width and character satisfactory to the Minister or
to the Provincial Forest Board. Any person neglecting or refusing
to perform and fulfill any duty imposed upon him by or pursuant
to the provisions of this section shall be guilty of an offence against
this Act.

(2.) Every camp, mine, sawmill, portable or stationary engine
using any fuel other than oil and located within a quarter of a
mile of any forest or woodland shall, by the person in charge thereof,
have such space surrounding said camp, mine, sawmill, or engine
cleared of inflammable material as the Minister or the Provincial
Forest Board may direct. Any person neglecting or refusing to
perform and fulfill any duty imposed upon him by or pursuant
to the provisions of this section shall be guilty of an offence against
this Act.

(3.) Every person, persons, or corporation clearing right-of-way
for any road, trail, telephone, telegraph, power, or pipe line, tote-
road, ditch, or flume shall pile and burn on such right-of-way all
refuse timber, slashings, choppings, and brush cut thereon as rapidly
as the clearing or cutting progresses and the weather conditions
permit, or at such other times as the Provincial Forest Board may
direct, and during the close season shall obtain, before burning
said material, a permit from said Board. Any person neglecting
or refusing to perform and fulfill any duty imposed upon him by
or pursuant to the provisions of this section shall be guilty of an
offence against this Act.

(4.) No one slashing brush or timber for the purpose of clearing
land, or in the conduct of any lumbering operation, or in the cutting
of
of any road or right-of-way shall fell or permit to be felled trees or brush in such a manner that said trees or brush shall fall and remain on land not owned by the one felling or permitting the felling of such trees or brush. Any person neglecting or refusing to perform and fulfill any duty imposed upon him by or pursuant to the provisions of this section shall be guilty of an offence against this Act.

(5.) Any person who within two hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris shall immediately pile and, subject to the requirements of this Act concerning permits, burn the same. Any person neglecting or refusing to perform and fulfill any duty imposed upon him by or pursuant to the provisions of this section shall be guilty of an offence against this Act:

Provided that when, after sufficient notice, any person or persons shall fail to carry out the requirements of this section to the satisfaction of the Minister or of any officers appointed by him for the purpose of this section, he shall be guilty of an offence against this Act. In addition to any penalty, the Minister may by his officers enter upon the land on which the debris, dead trees, or stubs in question exist and carry out the requirements of this section and the orders of the Minister issued thereunder; and the expense of conducting such work shall be a lien upon the said land or upon the lease or licence under which the timber on said land is held, and such expense shall be a debt due to the Crown in right of the Province of British Columbia that may be recovered by action in any Court of competent jurisdiction from the person or corporation who cut the timber or wood from which the said slashings and debris were made.

Forest Protection Fund.

125. (1.) There shall be created a fund for the protection of forests and woodland against fire. From the owner of any land sought to be classified as timber land under section 25 of the "Taxation Act" there shall be payable and paid to His Majesty in right of the Province of British Columbia, on the first day of February in each and every year, upon demand by the Minister of Lands, an annual tax at the rate of one cent for each and every acre of such land; and from the holder of every timber, pulp, or tan-bark lease or special timber licence one cent for each and every acre comprised in such lease or licence.

(2.) To the amounts thus receivable by the Crown in any year there shall be added equal amounts from "revenue" as defined in and by the "Revenue Act," and the total sum thus obtained shall be placed to the credit of a Forest Protection Fund in the books of the Treasury Department of the Province of British Columbia, and, upon certification of the Minister of Lands, the Minister of Finance may make payments out of the said fund.
(3.) The Minister, through the Department, by means of said fund shall maintain and equip a patrol and fire-prevention force, the membership wherein shall consist of such Fire Wardens, constables, and other officials as may from time to time be fixed and appointed by the Lieutenant-Governor by Order in Council; shall construct necessary trails, look-out stations, telephone-lines, and other permanent improvements; and shall authorize the employment of such assistance as the Department may require in the controlling and extinguishing of fires: Provided that the expenses incurred in carrying out the provisions of this subsection and those of section 126 shall be a charge upon the Forest Protection Fund:

Provided that if in any year the total amount available by means of said fund be less than the amount needed for the work required to be done, then the deficiency so created shall be met by special warrant under direction of the Lieutenant-Governor in Council, refund of half such deficiency being made to the Crown in the following year by a suitable pro rata increase in the amount per acre payable by the persons aforesaid and by the Crown to the Forest Protection Fund:

Provided also that if any surplus shall at the end of any calendar year have accumulated in said fund sufficient, in the opinion of the Lieutenant-Governor in Council, to provide for all expenses in connection with said fund during the ensuing twelve months, then the Lieutenant-Governor in Council may, by Order in Council, relieve all persons and the Crown from making any payment imposed by this section to said fund during the said period of twelve months, or may authorize the collection, pro rata, of an amount less than the amount otherwise payable under the provisions of this section:

Provided that for the purposes of this section every special timber licence heretofore issued shall be taken to be six hundred and forty acres in area.

Method of sharing cost of extinguishing.

126. When any fire other than a fire set under permit under the provisions of this Act originates on any land upon which any operation is being carried on for the cutting or removal of forest material, brush, or debris, the person, persons, or corporation conducting such operation by themselves or their agents or contractors shall diligently attend to the controlling and extinguishing of said fire, and for that purpose shall employ the services of as many of the men employed by them, up to the total number of such men, as may be necessary, and shall himself or themselves pay for the services of such men employed: Provided that if the land in question be certified as Crown-grant timber land in accordance with the provisions of the "Assessment Act," or be comprised in any timber, pulp, or tan-bark lease or special licence, and that all charges authorized by this Act in respect of said land and said operation have been duly paid to the Forest Protection Fund; and—
(a.) That the provisions of this Act and the regulations of the Minister in respect to the operation of spark-emitting engines, the disposal of debris, and the maintenance of patrol and watch men have been complied with;

(b.) That proof has been submitted showing that immediate notice of the fire was dispatched to the nearest Fire Warden by the best available means of communication;

(c.) That proper proof sworn to by the person in charge of said operation has been submitted showing where the fire started, accompanied by a tracing from a blue-print showing the lot number and location of the point where the fire started;

(d.) That a receipt has been produced from each man employed for the amount paid him by the operator for fire-fighting;

(e.) That the time-sheet showing the number of hours worked each day by each man employed in fighting the fire has been produced, and that both this time-sheet and an itemized statement of the expense of fighting the fire has been sworn to by the man in charge of said operation;

(f.) That one copy of each of the above documents has been mailed to the Fire Warden, another copy to the Supervisor of Fire Wardens for that section of the Province, and a third copy to the Minister, within fifteen days of said fire having been brought under control,—

then half the total expense of controlling and extinguishing said fire shall be borne by the Forest Protection Fund; and the Minister shall pay from said fund to the person entitled to receive it, or shall receive from said person, such amount as will cause the total expense aforesaid to be equally divided between the said fund and the person in charge of the said operation. Any money due to the Forest Protection Fund under the provisions of this section shall be payable upon demand of the Minister, and in default of payment shall be a lien on the land or leasehold on which said fire occurred, and in the case of land included in any special timber licence shall be paid before the next renewal thereof, and may be recovered at the suit of the Crown in any Court of competent jurisdiction.

127. Any person who wilfully neglects to do his utmost to prevent the spread of any fire or fires burning on his own property or on property on which he is conducting any land-clearing or lumbering operation, or who refuses to place at the disposal of a Fire Warden, for the purpose of preventing such fire from spreading from said property, and at his own expense, his services and those of any men employed by him, shall be guilty of an offence against this Act, and shall be liable for all expenses incurred by the Department or by another in controlling and extinguishing said fire should it spread beyond the boundaries of said property, or should it threaten so to do.
128. Where from any report made to the Provincial Forest Board by any member of the patrol and fire-prevention force it shall appear that there is danger of injury from fire by reason of any failure, neglect, or refusal to comply with any statutory provision or any regulation for the prevention of fires, the Provincial Forest Board may cause to be served upon any person or corporation a notice requiring compliance, within such time as in and by such notice may be fixed, with any Statute, provision, or with any regulation for the prevention of fires; and any person or corporation upon whom by such notice any duty shall be imposed, who shall fail or neglect to perform or fulfil such duty pursuant to the tenor of and within the time fixed in and by such notice, shall be guilty of an offence against this Act.

129. Every person employed in any capacity in connection with the patrol and fire-prevention force shall have lawful right, while in performance of his duties in connection with said prevention of fire, to enter into and upon any lands and premises other than dwelling or other houses; and any person hindering, obstructing, or impeding the performance of any duty in connection with the patrol and fire-prevention force shall be guilty of an offence against this Act.

130. Such officers and employees of the Department as the Lieutenant-Governor in Council shall deem necessary shall be appointed constables for the enforcement of the provisions of this Act, and as such may arrest without warrant any person found violating any provisions of this Act, and take him before a Justice or Justices of the Peace or a Magistrate and there make complaint. Such officers or employees of the Department may in emergencies employ or summon the assistance of any male person between the ages of eighteen and sixty, excepting only trainmen, telegraphers, and dispatchers on duty, doctors, and persons physically unfit, for the purpose of controlling and extinguishing any fire, and the compensation for such voluntary or compulsory assistance shall be such as the Lieutenant-Governor in Council by Order in Council may provide:

Provided that any person refusing or failing to render assistance when called upon by any Justice of the Peace or constable appointed in virtue of this Act shall be guilty of an offence against this Act, and shall, upon summary conviction, be punished by a fine of not less than ten dollars and not exceeding twenty-five dollars, and, in default of payment, to imprisonment for not exceeding thirty days.

131. Any person who shall unlawfully destroy, deface, or remove any notice posted under this Part of this Act shall be guilty of an offence against this Act.
132. In any prosecution or action brought against any person or body corporate for any contravention of this Act, the burden of proving that the requirements and provisions of this Part of this Act have been complied with shall be upon the defendants in such prosecution or action.

133. Nothing in this Part of this Act contained shall be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire.

PART XII.

RULES AND REGULATIONS.

134. (1) The Lieutenant-Governor in Council may from time to time, by Order or Orders in Council, make, amend, vary, or repeal rules and regulations for carrying out the purpose and provisions of this Act, including matters in respect whereof no express or only partial or imperfect provision has been made.

(2) Any person contravening or committing any breach of or committing any offence against any of the provisions of any rule or regulation made under this Part of this Act shall be guilty of an offence against this Act.

PART XIII.

PENALTIES AND PROCEDURE.

135. (1) Any person contravening or committing any breach of or committing any offence against any of the provisions of this Act for which no specific penalty is otherwise provided by this Act shall be liable, upon summary conviction, to a penalty of not less than twenty-five dollars and not more than three hundred dollars, in addition to costs; Provided that for any offence against any of the provisions of Part XI of this Act the penalty, unless otherwise provided by said Part of this Act, shall be not less than fifty dollars.

(2) Every person upon whom the performance of any act or the fulfilment of any duty shall be imposed by any provision of this Act, and whether by express words or necessary intendment, who shall refuse, neglect, or omit to perform such act or to fulfil such duty, as the case may be, shall be guilty of an offence against the provisions of this Act.

136. Every such penalty shall be recoverable by distress and sale of the goods and chattels of the person against whom the same is adjudged and on whom the same is imposed; and in default of
payment and in default of distress, every such penalty shall be enforced by imprisonment, with or without hard labour, for any period not exceeding nine months.

137. Any information for or in respect of any offence against the provisions of this Act shall be laid before the expiration of six months from the time of the happening of such offence.

138. The description of any offence under this Act in the words of this Act, or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; but if it be so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

139. Every offence against any of the provisions of Part IX. of this Act, or against any of the provisions of Part X. of this Act, or against any of the provisions of Part XI. of this Act, other than the provisions of section 111, committed by the employee, servant, agent, or workman of any person holding or owning or occupying a timber, pulp, or tan-bark leasehold or timber limit, shall be deemed to be the offence of the person so owning, holding, or occupying the timber, pulp, or tan-bark leasehold or timber limit; and such person owning, holding, or occupying such timber, pulp, or tan-bark leasehold or timber limit shall be answerable for and shall be punished for such offence: Provided that nothing herein shall absolve the actual offender from guilt and punishment, but he shall be punished also.

140. The Attorney-General of British Columbia, acting in the name of His Majesty, may bring, maintain, and recover judgment in His Majesty's Supreme Court of British Columbia in an action against any person who has obtained or who may obtain any timber leasehold or timber limit or Crown timber by fraud, or in contravention of, or by means of any breach of, or in derogation of any of the provisions of this Act.

141. (1) The said Attorney-General may, by leave of a Judge of His Majesty's Supreme Court of British Columbia, bring any action under the provisions of the next preceding section of this Act, on behalf or at the instance of any relator, upon such terms as to security for costs by such relator and otherwise as to the said Court shall seem just.

(2) Upon application made to the Court for leave to so bring any such action, the Court may direct notice to be given to the defendant, and may allow the defendant to show cause why such leave should not be granted.

139
(3.) If it appear to the Court on any such application that the rights of several persons affecting or relating to the timber or timber leasehold or timber limit or Crown timber or matter in respect of which such application is made may be tried and determined in one action, the Court may direct notice of the application to be given to all such persons, and may allow or cite such persons to appear and show cause for or against such application, and may make such order in respect of such application, and if leave be given to bring an action as to the joinder of parties therein, as to the Court shall seem meet.

142. (1.) In any action brought under the provisions of this Part of this Act, the said Supreme Court may adjudge that any defendant has obtained any timber, pulp, or tan-bark leasehold or timber limit or Crown timber in question in such action by fraud or in contravention of, or by means of any breach of, or in derogation of any of the provisions of this Act, and that such timber, pulp, or tan-bark leasehold or timber limit be cancelled or assigned to the party equitably entitled thereto, if the rights of such party are before the Court in such action for determination, and may deliver such Crown timber to be dealt with in such manner as to the Court may seem just and equitable, having regard to the rights of the parties which are before the Court for determination in such action.

(2.) Every adjudication made in an action brought under this Part of this Act shall, as to all interlocutory orders made therein, and as to the final order, judgment, and decree pronounced therein, be subject to the same right of appeal as exists and is given in the case of civil actions brought in the said Supreme Court, and the rules of the said Court for the time being in force shall apply to and regulate all proceedings in every action in said Court brought or taken under this Part of this Act.

—

PART XIV.

REPEAL.

143. The following Acts and provisions are hereby repealed:—

(a.) Part V., containing sections 85 to 126, both inclusive, of chapter 129 of the “Revised Statutes of British Columbia, 1911,” intituled “An Act respecting the Land of the Crown”;

(b.) Chapter 91 of the “Revised Statutes of British Columbia, 1911,” intituled “An Act to preserve the Forests from Destruction by Fire”:

131
(e.) Chapter 224 of the "Revised Statutes of British Columbia, 1911," intituled "An Act respecting the Use and Manufacture within British Columbia of Timber cut on Lands of the Crown":

(d.) Chapter 225 of the "Revised Statutes of British Columbia, 1911," intituled "An Act respecting the Marking of Timber":

(e.) Chapter 226 of the "Revised Statutes of British Columbia, 1911," intituled "An Act respecting the Measurement of Timber":

Provided that every lease or instrument concerning or affecting timber or Crown timber land heretofore made subject to the provisions of the "Land Act" or of any Act by this Act repealed, and amending Acts, shall hereafter be subject to the provisions of this Act and of any Act passed in amendment of this Act:

Provided further that nothing in this section shall be deemed to cancel any existing reserve of Crown land or Crown timber, but every such reserve shall continue in force subject to Order in Council.

---

VICTORIA, B.C.:  
Printed by WILLIAM H. CULLIN, Printer to the King's Most Excellent Majesty, 1912.