CHAPTER 128.


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

Preliminary.

1. This Act may be cited as the “Forest Act.” R.S. 1936, c. 102, s. 1.

Interpretation.

2. In this Act, unless the context otherwise requires:
   “Crown lands” means such ungranted Crown or public lands or Crown domain as are within and belong to His Majesty in right of the Province, and whether or not any waters flow over or cover the same, and lands forfeited to and vested in the Crown under the provisions of the “Taxation Act,” and lands given or devised to the Crown by any person, and lands purchased or acquired by the Crown;
   “Crown timber” includes any trees, timber, and products of the forest in respect whereof His Majesty in right of the Province is entitled to demand and receive any royalty or revenue or money whatsoever;
   “Deputy Minister” means the Deputy Minister of Forests;
   “Forest land” means land that in the opinion of the Minister will find its best economic use under forest crop;
   “Minister” means the Minister of Lands and Forests;
   “Sawlogs” includes all logs of pine, fir, cedar, spruce, or other timber of whatever length, whether round or flattened;
   “Saw-timber” includes all timber cut on any area held under a pulp licence that is used or disposed of for purposes

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other than manufacture into wood-pulp or paper in a pulp or paper mill situate within the Province of British Columbia, and all timber cut on any area held under a wood-pulp lease that is used or disposed of for purposes other than manufacture into wood-pulp or paper in the pulp or paper mill of the said lessee to which the wood-pulp lease is appurtenant or in the manufacture of lumber or wood cores for use in the shipment of the aforesaid products:

"Stumpage" includes every sum reserved or made payable to the Crown in right of the Province, whether by Statute or by contract, in respect of any timber, and in addition to rentals and royalties and taxes:

"Timber" includes sawlogs, spars, piles, poles, railway-ties, shingle-bolts, pulp-wood, and other cut timber:

"Timber lease" means any lease for the cutting and removal of Crown timber for any purpose, granted under this or any former Act of the Legislature:

"Timber leasehold" means the lands specified and comprised in any timber lease:

"Timber licence" means any special timber licence, pulp licence, hand-logger's licence, or other licence for the cutting and removal of Crown timber for any purpose, granted under this or any former Act of the Legislature:

"Timber limit" means the lands specified and comprised in any timber licence. R.S. 1936, c. 102, s. 2; 1938, c. 18, s. 2; 1940, c. 18, s. 2; 1945, c. 31, ss. 2, 7; 1946, c. 29, s. 2; 1947, c. 38, s. 2; 1948, c. 25, s. 2.

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

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PART I.

FOREST SERVICE OF DEPARTMENT OF LANDS AND FORESTS.

4. For the purpose of administering and carrying out the provisions of this Act, there shall be in the Department of Lands and Forests a service to be known as the "Forest Service." R.S. 1936, c. 102, s. 4; 1945, c. 31, ss. 3, 8.

5. The Forest Service shall have jurisdiction over and shall control and administer all matters relating to or in anywise connected with forestry and parks, 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 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 in Crown timber and parks:

(b) All revenues and moneys of the Crown in right of the Province arising from forestry, Crown timber, grazing, and parks:

(c) Conservation of forests:

(d) Reforestation:

(e) Prevention of forest fires:

(f) Sales and dispositions of Crown timber:

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

(h) Statutes, rules, and regulations relating to the regulation of forestry, the protection of forests, the grazing of Crown lands, and management and administration of parks. R.S. 1936, c. 102, s. 5; 1939, c. 20, s. 3.

6. A Chief Forester, a Supervisor of Scaleers, and such District Foresters and other officers, clerks, and servants as are required for the proper conduct of the Forest Service may be appointed pursuant to the provisions of the "Civil Service Act," all of whom shall hold office during pleasure. R.S. 1936, c. 102, s. 6; 1945, c. 31, s. 8.
7. No officer, clerk, or servant of the Forest Service shall have, acquire, or hold, directly or indirectly, any property or interest in any park or in any timber lease or timber licence, or hold any licence or authority from the Crown in right of the Province to utilize or deal with any timber or product of the forest, or engage or have any interest in any business carried on in the Province having as its object the utilization or dealing in any timber or product of the forest or in the development of any park. R.S. 1936, c. 102, s. 7; 1939, c. 20, s. 4; 1945, c. 31, s. 8.

8. It shall be the duty of the Minister to make a report to the Lieutenant-Governor of the conduct of the Forest Service up to the thirty-first day of December in each year, which report shall be laid before the Legislative Assembly. R.S. 1936, c. 102, s. 8; 1945, c. 31, s. 8.

9. The Lieutenant-Governor in Council may constitute any portion of the Province a forest district, and declare by what local name it shall be known, and may from time to time extend, reduce, subdivide, or annul any existing forest district or merge it in whole or in part in the consolidation of two or more forest districts. R.S. 1936, c. 102, s. 9.

PART II.

PREVENTION OF TRESPASS UPON CROWN TIMBER LANDS.

10. (1) It shall be unlawful for any person, without a timber lease or a timber licence in that behalf, to cut or remove any trees, timber, or products of the forest upon or from any Crown lands.

(2) Every person who violates the provisions of subsection (1) shall be liable, on summary conviction, to a penalty of not less than twenty-five dollars and not more than five hundred dollars. R.S. 1936, c. 102, s. 10.

11. This Act shall not be construed to inflict penalties upon travellers or upon persons engaged in scientific pursuits or exploration in respect of cutting timber for actual bona-fide needs. R.S. 1936, c. 102, s. 11.

12. (1) If any person, unlawfully or otherwise than is permitted by this Act, cuts, or employs or induces any other person to cut or assist in cutting, any trees or timber on any Crown lands, or removes any trees or timber so cut, or any products of the forest from any Crown lands, he shall not acquire any right
to such trees, timber, or products of the forest 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 trees, timber, or products of the forest, any other Statute notwithstanding.

(2) Any such trees, timber, or products of the forest may be seized by the Minister or by any officer of the Forest Service, or by any person acting under the authority or by direction of either of them, and may be sold for the benefit of the Crown, and if cut on or removed from any timber leasehold, wood-pulp lease, or timber licence may be sold for the benefit of the Crown, subject to the lawful claims of the lessee or licensee. R.S. 1936, c. 102, s. 12; 1940, c. 13, s. 3; 1945, c. 31, s. 3.

13. Where timber has been cut unlawfully or otherwise than is permitted by this Act on Crown lands, and has been made up with other timber into a crib or raft, or in any manner has been so mixed up as to render it impossible or difficult to distinguish the timber so cut from other timber with which it is mixed up, the whole of the timber so mixed up shall be held to have been cut unlawfully, and shall be liable to seizure and forfeiture unless the timber so cut is separated by the holder satisfactorily to the officer making the seizure. · R.S. 1936, c. 102, s. 13.

14. (1) Where any trees or timber or products of the forest, cut or removed as mentioned in section 12, have been removed or dealt with in such a manner that, in the opinion of any officer of the Forest Service, a seizure of the same under the provisions of this Part is impossible, inconvenient, or inadvisable, the person who cut or removed the same, or caused the same to be cut or removed, shall pay to the Crown such sum in lieu of stumpage and royalty on the same as the Minister may determine. The certificate of the Minister stating the amount so determined shall be conclusive evidence of the sum payable.

(2) The sum so payable may be recovered with costs by action as for a debt due to the Crown in any Court of competent jurisdiction.

(3) The Crown shall also have a lien for the sum so payable, and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon all sawmills and other factories and lands appurtenant thereto; and upon all steamships, railway and stationary engines, smelters, concentrators, furnaces, and machinery in or for which any trees, timber, or products of the forest cut or removed as mentioned in section 12 have been or are being manufactured, used, or consumed, or that belong to the person by whom the trees, timber, or products of the forest were cut or removed, and upon all cut timber and wood and lumber.
and other manufactured wood products belonging to that person; and also upon all steamships, tow-boats, scows, vessels, engines, logging plant and material, railway-lines, teams, wagons, and motor-vehicles in any way engaged or that have been engaged in taking out or in transporting such trees, timber, or products, or that belong to the person by whom the trees, timber, or products of the forest were cut or removed. Such lien shall constitute a first charge in priority to all other liens and to all encumbrances or charges created by any contract or arising under any Statute or otherwise howsoever, and shall confer the same rights and be enforceable in the same manner as the lien and rights of recovery of royalty conferred by the provisions of this Act in that behalf, including an absolute unconditional power to sell. R.S. 1936, c. 102, s. 14; 1940, c. 12, s. 4; 1941-42, c. 12, s. 2; 1948, c. 31, s. 8; 1946, c. 29, s. 3.

15. In all cases arising under this Part it shall be incumbent upon the defendant to prove his authority to cut or remove, and the averment only of the person seizing or prosecuting that he is employed or acting under the authority of this Act shall be sufficient proof thereof, unless the defendant proves the contrary. R.S. 1936, c. 102, s. 16.

PART III.

DISPOSITION OF TIMBER BY THE CROWN.

16. Crown timber which is subject to disposition by the Crown shall be disposed of only by the Minister pursuant to the provisions of this Act and the regulations. R.S. 1936, c. 102, s. 16.

17. (1) The Minister or any officer of the Forest Service authorized so to do by the Minister may from time to time, at the instance of any applicant, or otherwise, advertise for sale and sell by public competition in the manner prescribed in the regulations a licence to cut and remove any Crown timber which is subject to disposition by the Crown.

(2) Every offer to purchase a licence under this section shall include an offer on behalf of the person making the same to pay to the Crown, in addition to taxes imposed by Statute: —

(a) The cost incurred by the Forest Service in cruising, surveying, and advertising the proposed timber limit:

(b) An annual rental based on the acreage contained in the lands covered by the licence and bearing the same ratio to the area of those lands as the fee for renewal of special timber licences in that part of the Province
bears to six hundred and forty acres, subject to reduction each year in the computation of the rental by eliminating from the acreage each area of not less than six hundred and forty acres actually logged off to the satisfaction of the Minister during the preceding year:

(c) Such stumpage inclusive of royalty or additional sum, being not less than the upset price fixed by the Minister as the person making the offer is willing to pay for the privileges of the licence.

(3) The cost of cruising payable under subsection (2) may be fixed by the Minister, in his discretion, to include a reasonable sum to cover the actual and necessary expenses incurred by the original applicant for the licence in the preliminary cruising of the timber, such sum not to exceed the cost of cruising ordinarily incurred by the Forest Service under similar circumstances, which sum shall be paid over to the original applicant in the event of his making a bona-fide offer to purchase the licence and failing to obtain the same by reason of the acceptance of another offer therefor, or, in the event of the acceptance of the offer of the original applicant, shall be allowed to him as a deduction from the purchase-moneys payable by him.

(4) Where the stumpage value to the Crown of the timber comprised in the licence proposed to be sold is less than two thousand dollars, the Minister may remit all or any part of the charges specified in clauses (a) and (b) of subsection (2), and the annual tax specified in subsection (1) of section 124, and may make the sale without advertisement and in such manner as he may prescribe.

(5) The Minister may, in his discretion, reject any or all offers made for the purchase of the licence.

(6) Upon the acceptance of an offer for the purchase of the licence, a contract, in writing, which shall constitute the licence, shall be entered into in a form approved by the Minister.

(7) In the case of Crown timber situated east of the Cascade Mountains and sold under the provisions of this Part, the Minister may determine an amount of money that would be necessary to pay the cost of taking measures to reduce the hazard created by the removal of the timber, or to ensure or to promote the growth of a second crop, or of silvicultural treatment incident to removing the existing stand; and such amount shall be included in the upset price fixed by the Minister under this section.

(8) The amount determined under subsection (7) shall not exceed fifty per centum of the total stumpage collected under the contract of purchase.

(9) The amount determined under subsection (7) shall not be deemed to be revenue and shall be credited to the appropriate
funds administered by the Forest Service and used for the purpose of protection, reduction of fire risks, and promotion of new growth on Crown lands. R.S. 1930, c. 102, s. 17; 1945, c. 31, s. 8; 1946, c. 29, s. 4; 1947, c. 38, ss. 4–6; 1948, c. 25, s. 3.

18. Where a licence has been advertised for sale by the Minister and no offer to purchase is received, or no sale is made, the Minister may at any time, without further advertisement, sell the licence upon the terms and conditions previously advertised and applying to the licence, except that the amount payable by the purchaser shall not include any sum in respect of expenses incurred by the original applicant for the licence in the preliminary cruising of the timber. R.S. 1930, c. 102, s. 18.

19. (1) In the case of a bona-fide farmer in the Province who is not possessed of any forest land, or whose forest land is not capable of producing ten thousand cubic feet of wood per year, the Minister, subject to the further provisions of this section, may reserve for the sole use of the farmer an area of forest land not to exceed six hundred and forty acres, or an area of productive capacity of not more than ten thousand cubic feet of wood per year, or an area sufficient to bring the combined capacities of the farmer’s privately owned land and the proposed additions to ten thousand cubic feet per year, whichever is the lesser acreage, for use as a farm wood-lot, and may issue a licence to the farmer to manage and use the said wood-lot.

(2) Where an applicant farmer is possessed of privately owned forest lands, no farm wood-lot licence shall be issued unless the privately owned lands are combined with the Crown lands and the whole managed to produce an annual or periodic harvest in accordance with the terms of this section and of the licence.

(3) A farm wood-lot shall be appurtenant to the farm property in respect of which the wood-lot is reserved. It shall not be sold, transferred, assigned, or otherwise disposed of by the licensee, and in the event of the sale or other disposal of the farm the appurtenant farm wood-lot shall revert unconditionally to the Crown, but in the case of such sale or other disposal the Minister may reallocate the same wood-lot to the new farm-owner.

(4) It shall be a condition of every farm wood-lot licence that:

(a) The lands shall be kept stocked with forest-growth of saleable commercial species;

(b) The lands shall be managed by the licensee for the perpetual yield of an annual or periodic harvest of wood;

(c) The estimated yield shall be harvested annually or periodically.
Management plan in respect of each farm wood-lot.

(5) No wood-lot licence shall be issued until a management plan has been prepared for the area and approved by the Chief Forester. The management plan may be prepared either by the applicant, by his agent, or by the Forest Service without cost to the applicant. The management plan will be revised from time to time in accordance with the terms of the licence.

Deposit in respect of each farm wood-lot.

(6) At the time a licence is issued, the licensee shall deposit with the Minister the sum of fifty dollars, and shall add to this deposit such sum per unit of materials removed from the licence as is specified in the licence document, but the total sum of such deposits shall not at any time exceed two hundred and fifty dollars. The Minister may recover from deposits so held such penalties for non-compliance with the terms of the licence as may be specified in the licence.

Stumpage inclusive of royalty let no other dues payable.

(7) In respect of Crown lands in a farm wood-lot, no ground-rental, forest-protection tax, or other annual dues, fees, or taxes shall be payable, but the licensee shall pay stumpage, inclusive of royalty, in such sum per unit of wood products removed, destroyed, or wasted as is appraised and assessed by the Forest Service.

Holder of lot ineligible for other Crown timber if not utilizing farm wood-lot.

(8) The holder of a farm wood-lot licence shall not be eligible to compete for, to buy from the Crown, or to enter into any contract with the Crown for the use of other Crown timber unless the approved annual or periodic capacity of his farm wood-lot is being harvested and used to the satisfaction of the Chief Forester. 1948, c. 26, s. 4.

Reduced rental in certain cases.

20. Where the Crown timber, the licence to cut and remove which is proposed to be sold, consists only of dead timber, stump-wood, or wood suitable for the manufacture of turpentine and other distillates, the Minister may permit the annual rental payable under subsection (2) of section 17 to be varied so that reduced rental, to be in no case less than half the amount otherwise payable, may be payable in respect of the licence. R.S. 1938, c. 102, s. 20.

Half-rental where lands are not timber lands.

21. Where the lands comprised in any licence sold under the provisions of this Part, other than a pulp licence, are not timber lands as defined in section 45 of the "Land Act," the rental payable in respect of the licence shall be one-half of the rental otherwise payable. R.S. 1938, c. 102, s. 21.

Hand-loggers' licences.

22. (1) The Minister may from time to time grant hand-loggers' licences to cut Crown timber which is subject to disposition by the Crown upon the following conditions:

(a) A hand-logger's licence shall be personal and shall only grant authority to the person named therein (who must either be the holder of a registered timber-mark or have
made application for a timber-mark as provided under Part IX) to cut timber as a hand-logger, and the 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 whose name is not on the Provincial voters list, unless the person is an Indian as defined in section 2 of the "Provincial Elections Act":

(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 Forest Service:

(d) The holder of a licence granted under this section shall not use machinery propelled or operated otherwise than by muscular power in carrying on lumbering operations under the licence:

(e) The holder of a licence granted under this section shall be subject to the regulations governing the disposal of debris and the prevention of fire:

(f) The fee in respect of each licence shall be twenty-five dollars.

(2) Every person being the holder of a licence granted under this section who violates any condition upon which the licence is granted shall be liable to have his licence cancelled by the Minister, in his discretion, and shall in addition be liable, on summary conviction, to a penalty of not less than twenty-five dollars and not more than one hundred dollars. R.S. 1936, c. 102, s. 22; 1939, c. 20, s. 5; 1945, c. 31, s. 8.

23. Where any pre-emptor or any purchaser of Crown land is desirous of cutting and removing or disposing of the timber standing on the land in a manner or to an extent which, except for this section, he is not entitled by law, the Minister may, subject to the payment of the timber royalty reserved, grant to the pre-emptor or purchaser a permit to cut and remove or dispose of the timber standing on the land, on such terms and conditions as the Minister may prescribe; and the pre-emptor or purchaser may thereupon cut and remove or dispose of the timber in accordance with the provisions of the permit. R.S. 1936, c. 102, s. 23.

24. (1) Notwithstanding anything contained in this Act, the Minister may from time to time grant a free-use permit which will entitle the holder to cut timber free of stumpage or royalty on the following conditions:

(a) A free-use permit shall be personal and shall grant authority to the person named therein and his servants.
to cut timber for the purposes specified in the permit only:

(b) A free-use permit shall be limited to an area not to exceed one hundred and sixty acres in extent and shall be for a term not exceeding one year:

(c) The holder of a free-use permit shall be subject to all the regulations issued from time to time governing the disposal of debris and the prevention of fire pursuant to Parts XI and XII:

(d) A free-use permit for cutting timber from vacant Crown lands shall be issued only when the person applying for it has not sufficient timber on land owned or occupied by him for the purposes specified in the permit.

(2) The following persons only may be permitted to obtain a free-use permit under this section, and for the following purposes respectively:

(a) Free miners within the meaning of the term "free miner" as defined in the "Mineral Act," for the purpose of cutting timber for actual bona-fide needs while engaged in prospecting or preliminary development-work on any mineral or placer claim, if the free miner gives satisfactory proof to the Forest Service that the mineral or placer claim is not being operated so that any income or profit is derived therefrom:

(b) Actual settlers who are occupiers of agricultural lands, for use in the development for agricultural purposes of lands occupied by them:

(c) Persons cutting cordwood for personal use for fuel for domestic purposes and not for sale:

(d) Boards of School Trustees cutting cordwood for school purposes:

(e) Actual settlers who for a period of six months have made bona-fide use of lands for which payments to the Crown have been completed, and pre-emptors who are complying with the provisions of the "Land Act" under which their records were issued, cutting cordwood, pulp-wood, as defined by or under section 57, or fence-posts upon the said lands for sale:

(f) Persons cutting trees or other forest-growth for purposes of scientific investigation.

(3) Every holder of a free-use permit granted under this section who violates any of the conditions on which the permit is granted shall be guilty of an offence against the provisions of this Act, and in addition to all other penalties to which he may be liable shall be liable to the cancellation of his permit by the
Minister. R.S. 1936, c. 102, s. 24; 1945, c. 31, s. 8; 1947, c. 38, s. 9.

25. Notwithstanding anything contained in this Act, the Minister may from time to time grant a free-use permit to any municipality or organization charged with the care of unemployed and needy persons which will entitle the holder to cut timber free of stumpage or royalty for the purpose of sale as cordwood, on the conditions that only those persons who are otherwise unemployed and in need of relief shall be employed in the cutting thereof, and that the proceeds from the sale thereof shall be used only for the purposes of unemployment relief. R.S. 1936, c. 102, s. 25.

26. (1) In the case of any Crown lands which are not comprised in any application to purchase, or in any timber lease or timber licence, the Minister may from time to time offer for sale and sell by public competition a licence to tap the trees standing on those lands for the purpose of obtaining resin, on terms and conditions prescribed by this section and by the regulations, which licence shall be known as a "resin licence."

(2) The annual rental in respect of every resin licence shall be not less than two cents per acre.

(3) No resin licence shall in any way limit or affect the disposition of any lands comprised in the resin licence by pre-emption, sale, lease, or other alienation by the Crown under any Act of the Legislature, nor in any way limit or affect the disposition of any timber on the lands comprised in the resin licence by sale, licence, or otherwise under this Act; except that during the term of the resin licence, and until a Crown grant is issued of the lands in respect of which any such alienation or disposition is made, the holder of the resin licence may continue to obtain resin under the licence from the trees on those lands so long as any trees are left standing thereon.

27. Subject to the payment of royalty at the rate provided in section 60, the Minister may grant to the holder of any timber lease or timber licence a permit to tap the trees standing on the lands covered by or included in the lease or licence for the purpose of obtaining resin therefrom, on such terms and conditions as the Minister may prescribe; and the holder may thereupon obtain and dispose of the resin in accordance with the provisions of the permit. R.S. 1936, c. 102, s. 27.

28. Where any pre-emptor is desirous of obtaining or disposing of resin from the trees standing on his pre-emption in a manner or to an extent which, except for this section, he is not entitled by law, the Minister may, subject to the payment of
royalty at the rate provided in section 60, grant to the pre-emptor a permit to tap the trees standing on his "pre-emption for the purpose of obtaining resin therefrom, on such terms and conditions as the Minister may prescribe; and the pre-emptor may thereupon obtain and dispose of the resin in accordance with the provisions of the permit. R.S. 1936, c. 102, s. 28.

29. Where the applicant under any application for purchase of lands pursuant to any Act relating to Crown lands is destitute of obtaining or disposing of resin from the trees standing on the lands in a manner or to an extent which, except for this section, he is not entitled by law, the Minister may, subject to the payment of royalty at the rate provided in section 60, grant to the applicant a permit to tap the trees standing on the lands for the purpose of obtaining resin therefrom, on such terms and conditions as the Minister may prescribe; and the applicant may thereupon obtain and dispose of the resin in accordance with the provisions of the permit. R.S. 1936, c. 102, s. 29.

30. (1) The Minister shall cause an examination of Crown lands to be made by the Forest Service for the purpose of delimitating the area of such lands that it is desirable to reserve for the perpetual growing of timber, and as a result of the examination the Lieutenant-Governor in Council may, by Proclamation, constitute any such area a permanent forest reserve; and upon such Proclamation all Crown land included within the boundaries of the area, including land that becomes Crown land subsequent to the date of the Proclamation, shall be withdrawn from sale, settlement, and occupancy under the provisions of the "Land Act" or "Taxation Act," and in respect of the "Mineral Act," "Placer-mining Act," "Coal Act," and "Petroleum and Natural Gas Act" shall be subject to such conditions as the Lieutenant-Governor in Council imposes. After such Proclamation no Crown land within the boundaries of the forest reserve 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 except under the provisions of this Act or of the regulations.

(2) Forest reserves except lands included in a forest management licence shall be under the control and management of the Minister for the maintenance of the timber growing thereon, for the protection of the water-supply, and for the prevention of trespass thereon.

(3) Any forest reserve may from time to time be cancelled in whole or in part by Order in Council. R.S. 1936, c. 102, s. 30; 1945, c. 31, s. 8; 1946, c. 29, s. 5; 1947, c. 38, s. 10.

31. The Lieutenant-Governor in Council may, with the consent of the owner of the land, exchange for any land enclosed in
whole or in part by the boundaries of any forest reserve, the
title to which is not vested in the Crown in right of the Province,
available Crown lands situate without the reserve, other than
timber lands; and may, with the consent of the holder of the
timber leasehold or timber limit, exchange for any timber lease-
hold or timber limit enclosed in whole or in part by the bound-
aries of any forest reserve available Crown timber on corre-
sponding areas of Crown lands situate without the reserve, and
when necessary may make compensation upon the 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. R.S. 1936,
c. 102, s. 31.

32. (1) For the purpose of meeting the cost of the develop-
ment and protection of forest reserves, and the planting of
denuded areas and maintaining the growth of continuous crops
of timber in forest reserves, there shall be established in the
Treasury an account to be known as the "Forest Reserve
Account."
(2) Before closing the books of the Treasury at the end of
each fiscal year there shall be paid into the Forest Reserve
Account from the Consolidated Revenue Fund an amount equal
to three per centum of the gross receipts for that year from
timber royalty or tax and stumpage.
(3) The Minister of Finance shall make payments out of the
Forest Reserve Account for the purpose of subsection (1) upon
vouchers certified by the Minister of Lands and Forests.
(4) Expenses incurred in any experimental or demonstration
cutting or removal of trees, timber, forest products, brush, or
debri s in forest reserves shall be payable out of the Forest
Reserve Account, and all moneys received by the Crown from the
sale of such trees, timber, or forest products shall be placed to
the credit of the Forest Reserve Account. R.S. 1936, c. 102,
s. 32; 1945, c. 31, s. 7; 1947, c. 38, s. 11.

33. (1) In this section, unless the context otherwise
requires:—
"Management licence" means a forest management licence
given pursuant to the provisions of this section:
"Licence area" means the area of land in respect of which
a management licence is given:
"Licensee" means a person to whom a management licence
has been given:
"Other tenure" means any title, licence, lease, or berth
whereby a person has the right to cut timber, but does
not include a management licence.
(2) The Minister may enter into an agreement, to be described as a forest management licence, with any person for the management of Crown lands specified in the agreement and reserved to the sole use of the licensee for the purpose of growing continuously and perpetually successive crops of forest products to be harvested in approximately equal annual or periodic cuts adjusted to the sustained-yield capacity of the lands in the area covered by the licence, or may enter into an agreement, to be known as a forest management licence, with the owner of other tenures to combine such other tenures and Crown forest lands into a single unit reserved by mutual consent and contract to the sole use of the licensee for the like purpose.

(3) A person intending to apply for a management licence shall notify the Minister of that intention in writing, in a form to be prescribed. The notice of intent shall embody a description of the lands desired, together with such other details as the Minister may require.

(4) (a) If the lands applied for appear to be available for management licence purposes, the Minister shall instruct the applicant to publish in one issue of the Gazette, and in specified newspapers, in a form to be approved by the Minister, a notice of the application, with a description of the area applied for.

(b) Not less than sixty days after publication of notice of application, the Minister may place the lands applied for under reserve to enable preparation by the applicant of a management and working plan, and direct the applicant to prepare and submit a management and working plan for the proposed licence area designed to maintain perpetual yield and operation.

(5) The management and working plan prepared under the provisions of subsection (4) shall be submitted for the approval of the Chief Forester, and no management licence shall be issued until the management and working plan has been approved.

(6) Every application for a management licence under this section shall include an offer on behalf of the applicant to pay to the Crown:

(a) The cost incurred by the Forest Service in cruising, surveying, and investigating the lands applied for, and their productive capacity and the management and working plan;

(b) A cash deposit in such sum as the Minister shall determine, to be held by the Forest Service for such time and under such conditions as the Minister may determine;

(c) A deposit in such sum per unit of wood harvested from the management licence lands to such total sum, and to
be held for such time and under such conditions as the
Minister may determine:

(d) A cash deposit in such sum as the Minister requires,
but not to exceed five hundred dollars per million feet,
board-measure, of the estimated annual-yield capacity
of the proposed licence area, which deposit shall be
repayable to the applicant when, in the opinion of the
Minister, the working-plan is being implemented and
an appurtenant manufacturing plant is in operation.

Deposits under this subsection shall be for the purpose of ensur-
compliance on the part of the licensee with the terms of this
Act, the regulations, the licence, and the management and work-
the applicant, together with any information relating
thereunto that the Minister may require.

(8) A management licence shall have included therein, as an
integral part of the licence area, all lands of other tenure owned
by the applicant that are located within any watershed or
drainage-basin or part thereof as defined in the management
licence on which the licence area encroaches.

(9) If a licensee acquires any additional forest land subse-
quent to the issuance of a management licence, he shall, within
thirty days of acquisition, advise the Minister that he has
acquired such lands, and such lands, if they are located within
the boundaries of the licence area, or within any watershed or
drainage-basin or part thereof as defined in the management
licence on which the management licence encroaches, shall forth-
with be included in the licence area and shall be subject to the
management licence.

(10) Other tenures incorporated in a management licence shall
be subject to the like terms, conditions, taxes, rental, royalties,
and stumpage as under any Act of the Legislature and regu-
lations made thereunder, or the "Dominion Lands Act" and
regulations made thereunder, or the contract by which the tenure
is established, except as provided under subsection (26).

(11) Other tenures included in a management licence shall not
be sold, transferred, or otherwise disposed of except as provided
in this section.

(12) (a) After a management licence has been given, all
Crown lands within the licence area shall be withdrawn from
sale, settlement, and occupancy under the "Land Act" and
"Taxation Act," and no Crown lands in the licence area shall be
sold, leased, or otherwise disposed of, or be located or settled
upon, and no person shall use or occupy any part of such lands except under the provisions of this Part or of the regulations.

(b) In respect of the "Mineral Act," "Placer-mining Act," "Coal Act," and "Petroleum and Natural Gas Act," the lands shall be subject to such conditions as the Lieutenant-Governor in Council may impose.

(13) Land held under other tenure (other than Crown-granted land) included within a licence area, when logged off, shall revert to the Crown but shall continue to constitute a part of the licence area and shall be operated in accordance with the provisions of the management and working plan. Crown-granted land included in the licence area that has been logged off shall, subject to the provisions hereinafter provided, continue to be a part of the licence area and subject to all the terms and conditions of the management and working plan. At any time during the continuance of the licence the Crown-granted land has been logged off shall be subject to the reservation to the licensee of the coal or mineral rights of the licensee in such land, if any, and the land shall continue to constitute a part of the licence area and shall be operated in accordance with the provisions of the management licence.

(14) The Minister may, subject to the terms of the management licence, add lands to the licence area, or may reduce the area thereof, but any such increase or decrease shall be made in accordance with the principles of sustained-yield management of the forest and the estimated yield capacity as set forth in the management and working plan.

(15) The licensee shall manage the licence area in accordance with the provisions of this section and of the regulations and of the management and working plan for the purpose of growing continuously and perpetually successive crops of forest products to be harvested in approximately equal annual or periodic cuts adjusted to the sustained-yield capacity of the licence area.

(16) Except as provided in subsections (17) and (18), a licensee shall employ one fully qualified forester, who shall be a graduate of a school of forestry approved for the purpose by the Minister, and as many additional similarly qualified foresters as the licensee or the Minister may deem necessary.

(17) Where, in the opinion of the Minister, the annual cut on a management licence does not warrant the employment of a forester, the Minister may provide the licensee with all necessary technical advice and assistance, for which the licensee shall pay actual costs as assessed by the Chief Forester, and the licensee in such case shall not be required to employ a forester.
(18) Where the combined annual cut on any two or more management licences is not large, the Minister may permit the licensees of the said management licences jointly to employ a forester or foresters.

(19) A rental of one cent per acre per year shall be due and payable to the Crown on all Crown land in a licence area that is not held under another tenure or subject to provisional reserve under subsection (25).

(20) (a) Except as provided in subsection (21), there shall be due and payable to the Crown on all timber on Crown lands in the licence area not held under other tenure which is deemed to be merchantable at the time the management licence is issued and is so described in the management licence, stumpage, inclusive of royalty, as and when the timber is cut, in such sum per unit of measurement as shall be appraised and assessed by the Forest Service. The method of appraisal shall be the method of appraisals currently in use by the Forest Service at the time the appraisal is made.

(b) On all other timber cut on Crown lands in the management licence area not held under other tenure, there shall be due and payable to the Crown, stumpage, inclusive of royalty, in the sum of sixteen per centum of the stumpage value as appraised by the Forest Service by methods currently in use by the Forest Service at the time the appraisal is made.

(21) In the case of timber cut on Crown lands in a licence area not held under other tenure, the licensee shall have the privilege of electing that timber cut on such Crown land within the licence area shall be deemed to have been cut, and shall be treated as if it had been cut, on land of other tenure owned or controlled by the licensee within the licence area, and such election having been made, that Crown timber as cut shall be charged and paid for at the appropriate rates applying to the land from which it was deemed to have been cut. For the purposes of this section, every parcel of land of other tenure included in the licence area shall be listed and shall be credited with a quantity of merchantable timber as shall be agreed upon, or with an average stand per acre as shall be agreed upon. When the timber cut from Crown lands not held under other tenure and charged under this section to a parcel of land of other tenure equals the timber agreed to be on the parcel of land of other tenure then in good standing, then that other tenure shall be extinguished and the lands held under the other tenure shall revert to the Crown, but shall continue to constitute a part of the licence area.

(22) On the cancellation of a management licence, if timber has been cut and charged to lands of other tenure as provided for in subsection (21) but not in sufficient quantity to extinguish that...
other tenure, then on the timber so cut and charged to lands in respect of which the tenure has not been extinguished there shall be due and payable to the Crown the difference between the amount that has been paid on such timber and the amount that would have been payable thereon if a licence had been purchased under the provisions of section 17.

(23) Such improvements on a licence area as are designed to facilitate the management and operation of, and the growing and harvesting of wood on, any lands in the licence area shall be exempt from taxes under the "Taxation Act." 

(24) Where a forest management licence is given for the maintenance of an existing or proposed mill or manufacturing plant, the Minister may make the licence appurtenant to the mill or manufacturing plant, and any such licence shall not be sold or transferred separately from the mill or plant during the continuance of the licence; and any other forest management licence shall not be transferable except on written consent of the Minister.

(25) At the time a management licence is issued, the Minister may place under provisional reserve any part of the licence area not otherwise alienated. The timber on any area under provisional reserve shall be subject to disposition by the Crown under this Part, and following such disposition any area logged shall be withdrawn from the provisional reserve and become an unencumbered part of the licence area.

(26) Timber cut from lands included in any management licence, regardless of the tenure of the lands, shall be subject in all respects to the provisions of Part X of this Act as they relate to lands granted after the twelfth day of March, 1906.

(27) Notwithstanding anything elsewhere in this Act contained, the Minister may, by agreement or in the management plan, exempt lands in any licence area from the payment of the forest-protection tax, but he shall not do so unless forest-protection is otherwise adequately provided to the satisfaction of the Minister; but all other provisions of Part XI shall apply to a management licence; and if, after an exemption has been granted, the Minister is of the opinion that forest-protection is not adequately provided, he may withdraw the exemption.

(28) Officers and employees of the Forest Service shall at all times be entitled to free and unhampered access to any part of a licence area and any operation conducted on a licence area for the purpose of inspection, or for such survey, study, or investigation as the Chief Forester may consider to be necessary to maintain adequate forest records or to administer this section.

(29) (a) Where a licensee is not complying with the provisions of this section or of the regulations or of his licence, the
Minister, on the recommendation of the Chief Forester, may, after giving three months' notice in writing of his intention so to do, stop any operation on the licence area.

(b) The Minister shall stop an operation pursuant to clause (a) by causing to be delivered to the licensee a stop notice in writing, stating the operation that is to be stopped and the reason for the stop notice.

(c) When a stop notice has been delivered pursuant to clause (b), the licensee shall stop the operation specified in the notice, and shall not recommence until he receives from the Minister a notice countermanding the stop notice.

(d) A stop notice shall be deemed to have been delivered if it is mailed by registered letter to the last-known address of the licensee.

(e) If within the period of three months mentioned in clause (a) the licensee has complied with the provisions of this Part and of the regulations and of his licence a stop order shall not be issued.

(30) If a licensee violates the provisions of this Act or of the management licence in a manner to frustrate the objects of the management licence, the Minister may cancel the management licence.

(31) (a) Where a stop notice has been delivered pursuant to subsection (29), or a management licence has been cancelled pursuant to subsection (30), the licensee may, within two months after the delivery of the stop notice or after the date of cancellation, as the case may be, appeal to the Supreme Court in a summary manner, and such appeal shall be in the form of a petition, verified by affidavit, to any Judge of the Supreme Court, setting out the points relied upon, and a copy of the petition shall be served upon the Minister and such time shall be allowed for his answer to the petition as to the Judge of the Supreme Court may seem advisable. On the hearing of the appeal the Judge may hear evidence either viva voce or upon affidavit and may confirm, reverse, or alter the stop notice or cancellation appealed from.

(b) The Minister or licensee, if dissatisfied with the decision of the Judge of the Supreme Court, may appeal to the Court of Appeal upon notice of appeal being filed and given to the opposite party within thirty days after the decision, and such appeal shall be dealt with as nearly as may be in the case of an ordinary appeal to the said Court from the decision of an action in the Supreme Court. On the hearing of the appeal the Court of Appeal may confirm, reverse, or alter the decision appealed from and its decision shall be final.
(c) Notwithstanding an appeal under this section a stop notice or cancellation shall remain in force pending the appeal unless the Minister otherwise orders.

(32) Where, at the time a forest management licence is issued, a sawmill or other forest industry is already established and is depending in whole or in part for its wood-supply on some of the lands included within the licence area, the provisions of subsection (33) shall apply.

(33) (a) Notwithstanding anything contained in this Act, the Minister may, at his discretion from time to time and in such quantities and for such period as is provided in the licence, give to the owner of such sawmill or other forest industry a licence to cut Crown timber within the licence area, at an appraised stumpage price and without public competition.

(b) Every offer to purchase Crown timber under this subsection shall include an offer to pay to the Crown in addition to stumpage the cost incurred by the Forest Service in cruising and surveying the timber limit and an annual rental as provided under section 17.

(34) Where a licence to cut timber is given under this section, the forest management licensee shall be exempted from the obligation to pay rent in respect of the area covered by the licence given under this section so long as such licence remains in force.

(35) (a) Where the Minister exercises any power or discretion conferred upon him by this section, any person affected thereby shall have a right of appeal to the Lieutenant-Governor in Council.

(b) An appeal under clause (a) shall be brought within thirty days after the person bringing the appeal has knowledge of the exercise of the power or discretion. 1940, c. 13, s. 5; 1947, c. 38, s. 12; 1948, c. 25, ss. 5–8.

34. Notwithstanding anything in this or in any other Act contained, it shall be lawful for the Minister to enter into an agreement with the University of British Columbia for the use of not more than ten thousand acres of any vacant Crown lands and the forests thereon for purposes of demonstration of the practice of forestry and instruction in forestry and forest engineering under such terms and conditions as he may see fit. 1945, c. 31, s. 4; 1947, c. 38, s. 13.

PART IV.
TIMBER LEASES.

35. Any lease of Crown lands existing on the twenty-seventh day of February, 1912, granted by the Crown in right of the
Province 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 are provided under the provisions of section 36; but no lease shall be renewed under the provisions of this section unless the renewal is applied for within one year previous to the expiration of the existing lease, and all the conditions of the lease and the provisions of the "Forest Act" and the regulations made thereunder and of every Act of the Legislature and the regulations made pursuant to any such Act have been complied with to the satisfaction of the Minister, and all charges prescribed by or under any Act of the Legislature from time to time in respect of the leasehold for the upkeep of a system of fire prevention and extinguishment, and the royalties, rentals, scaling fees, and other charges have been duly and fully paid. R.S. 1936, c. 102, s. 33; 1941–42, c. 12, s. 3; 1943, c. 24, ss. 2, 3.

36. Where any lease was renewed under the provisions of section 13 of the "Forest Act," chapter 17 of the Statutes of 1912, or is renewed under the provisions of section 35 of this Act for a period of twenty-one years, the lease and the removal of the timber held thereunder shall during that period and any renewal period be subject to the like terms, conditions, and royalties as under any Act of the Legislature and regulations made thereunder are from time to time in force in respect of timber held or cut under special timber licence in that portion of the Province wherein the lands covered by the lease are situate; and the lease shall also during that period and any renewal period be subject to the payment of ground-rent each year at a rate per acre calculated as the six-hundred-and-fortieth part of the annual renewal fee payable that year in that portion of the Province for a special timber licence covering six hundred and forty acres; and the lease shall during that period and any renewal period entitle the holder to rights and privileges like those to which the holder of a special timber licence is entitled under any Act of the Legislature and regulations made thereunder from time to time in force in respect of special timber licences: Provided that from time to time any area of not less than six hundred and forty acres comprised in the lease may, on the application of the lessee, be eliminated from the lease; and thereupon the annual renewal fee for the lease shall be proportionately reduced as from the next ensuing anniversary of the date of the lease, and all rights of the lessee in respect only of the
land comprised in the area so eliminated shall cease and determine. R.S. 1936, c. 102, s. 34; 1941–42, c. 12, s. 4; 1943, c. 24, s. 4.

PART V.

SPECIAL TIMBER LICENCES.

37. 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 licences are entitled, effect shall be given to priority of location, so that the first locator shall have and take the area and timber comprised in his location; but 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. R.S. 1936, c. 102, s. 36.

38. 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 re- \vindication 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: Provided that upon the expiration of any licence all rights of property of the holder of the licence in any trees, timber, or lumber cut within the limits of the licence and not removed therefrom during the term of the licence shall cease, and the trees, timber, and lumber shall ipso facto vest in the Crown in right of the Province. R.S. 1936, c. 102, s. 37.

39. (1) Every special timber licence the holder of which has complied with the provisions of section 6 of chapter 28 of the Statutes of 1910, and every special timber licence obtained pursuant to the provisions of subsection (3) of section 21 of the "Forest Act," chapter 17 of the Statutes of 1912, shall be transferable and renewable from year to year while there is on the land included in the 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 timber licence, subject to the provisions of this section, to furnish to the Forest Service a cruise of the timber
limit comprised in the licence; and if such cruise is 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, the special timber licence shall expire at the end of its then current year. R.S. 1936, c. 102, s. 39; 1945, c. 31, s. 8.

40. Every special timber licence and every renewal thereof shall be subject to the payment of such annual renewal 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 the licence is made, or at any time thereafter; and no licence or any part thereof shall be renewed in default of payment of any moneys payable to the Crown in respect of the licence, or in respect of any timber cut on the lands comprised in the licence, or in respect of any matter arising out of the cutting or removal of the timber. R.S. 1936, c. 102, s. 39.

41. (1) The fee for the annual renewal of each special timber licence covering not more than six hundred and forty acres of land shall be as follows:

(a) Where the land comprised in the licence is situate west of the Cascade Mountains and is not within the area comprised in the Electoral District of Atlin as defined at the time the licence was originally issued, a fee of one hundred and forty dollars:

(b) In all other cases, a fee of one hundred dollars.

(2) The foregoing fees shall be the maximum fees for renewals of special timber licences during the period ending on the thirty-first day of December, 1954. R.S. 1936, c. 102, s. 40.

42. (1) The fee for the renewal of each special timber licence shall be indivisible and shall be paid annually before the expiry of the licence or within twenty-four hours after the date of expiry.

(2) All fees shall be payable at par at the Forest Service, Victoria, and if made by cheque the same shall be certified.

(3) In case the holder of the licence fails or neglects to pay the renewal fee to the Forest Service at Victoria within the time mentioned in subsection (1), he shall, at any time within one year after the date of expiry, upon payment of the renewal fee and an additional sum of one dollar and twenty-five cents for each full month or for any part of a month between the date of expiry and the date of payment, be entitled to a renewal of the licence.

(4) In case the holder of the licence fails or neglects to pay the renewal fee to the Forest Service at Victoria within the time
mentioned in subsection (3), and when the expiry date is subsequent to the thirty-first day of March, 1937, he shall at any time within two years after the date of expiry, upon payment of renewal fees, forest-protection levy, additional sums, interest, and an additional sum of ten dollars for each full month or for any part of a month between the end of the year after the date of expiry and the date of payment, be entitled to a renewal of the licence. The holder of the licence shall be notified in writing by registered letter at his last-known address of the default, and no further responsibility shall rest on the Forest Service with respect to such notice.

(5) Where a special timber licence has expired, if at the time of expiry it was owned by a person who at the time of expiry or at any time within three years after expiry was a member of any of the armed forces of the United Nations, that person shall have the right to a renewal of the special timber licence upon making application and paying in full on or before the thirty-first day of December, 1947, the renewal fees and forest protection tax that would have been payable under this Act if default had not taken place.

(6) Where land or timber formerly comprised in the licence has been alienated or disposed of by the Crown the reinstatement of the licence shall be subject to such alienation or disposition. R.S. 1936, c. 102, s. 41; 1938, c. 18, s. 3; 1945, c. 31, s. 8; 1946, c. 29, ss. 6, 7; 1947, c. 38, s. 14.

43. (1) In the case of a special timber licence which has been issued in lieu of a timber lease, pursuant to the provisions of section 15 of the "Forest Act," chapter 17 of the Statutes of 1912, the annual renewal fee shall be calculated on an acreage basis at a rate per acre of the area covered by the licence equal to one six-hundred-and-fortieth part of the annual renewal fee payable at the time of the issue of the licence in that part of the Province for a special timber licence.

(2) Every licence so issued shall be transferable and renewable from year to year while there is on the land included in the licence merchantable timber in sufficient quantity to make it commercially valuable. From time to time any area of not less than six hundred and forty acres comprised in the licence may, on the application of the licensee, be eliminated from the licence, and thereupon the annual renewal fee for the licence shall be proportionately reduced as from the next ensuing annual renewal date of the licence.

(3) Where the annual renewal fee for a licence so issued is not paid within twenty-four hours after the date of the expiry of the licence, additional sums shall be payable in manner provided in section 42, such sums bearing the same ratio respectively to the
additional sum mentioned in that section as the area comprised
in the licence bears to six hundred and forty acres.

(4) Except as provided in this section, every licence so issued
and every renewal thereof shall vest in the holder thereof the
same rights and be subject in all respects to the provisions of
this Act, including the provisions as to renewal fees, taxes, and
royalties, to the like extent and in the like manner as a special
timber licence. R.S. 1936, c. 102, s. 42.

44. Where any person at the time of his death is the holder
of or has an interest in a special timber licence, and where it is
established by evidence satisfactory to the Minister within six
months after the death of the deceased person that he was the
holder of or had an interest in the special timber licence at the
time of his death, the right to obtain a renewal of that licence
shall not become forfeited during the period of one year from
the death of the deceased person through failure on the part of
the personal representatives of the deceased person to make the
payments prescribed by this Act or by the “Forest Act Relief
Act” in respect of his interest in the licence; but no person shall
have any right to obtain a renewal of the licence after the expiry
of the said period of one year unless, before the expiry of that
period, the personal representatives of the deceased person have paid in full all sums which during that period have
become payable and are unpaid in respect of the licence under
this Act or under the “Forest Act Relief Act,” together with
interest at the rate of six per centum per annum on the respective
sums so paid from the date they became payable to the date of
payment; and where, prior to the application for renewal under
this section, any land or timber formerly comprised in the licence
has been alienated or disposed of by the Crown, the renewal of
the licence shall be subject to such alienation or disposition.
R.S. 1936, c. 102, s. 48.

45. Where, after an inspection has been made by direction of
the Minister, the whole or any part of the land included within
any special timber licence, or in any pulp licence, is in the opinion
of the Minister found to be fit for settlement and to be required
for that purpose, he may by notice require the licensee to carry
on and complete the removal of the timber thereon within such
reasonable time as the Minister may prescribe; and on the
expiration of that time, or any extension thereof granted by the
Minister, the licence shall, in respect of the land or part thereof
described in the notice, be cancelled, and the land or part thereof
so required shall be open for settlement or sold on such terms and
conditions as the Lieutenant-Governor in Council may think fit.
R.S. 1936, c. 102, s. 45; 1948, c. 25, s. 9.
46. (1) No person shall cut or remove any trees or timber upon or from any timber leasehold or timber limit or lands granted by the Crown unless at the time the trees or timber are cut the boundaries of the timber leasehold, timber limit, or granted lands are defined on the ground to the satisfaction of the Minister.

(2) Where the boundaries of any timber leasehold or timber limit are found, in the opinion of the Minister, to be insufficiently defined on the ground, either by reason of the same never having been established or having become wholly or partly obliterated, the Minister may order the holder of the timber leasehold or timber limit to define further the boundaries on the ground by survey at his own expense.

(3) Where the boundaries of a timber leasehold or timber limit are found to be in error and not in accordance with the field-notes on file in the Department of Lands and Forests, the Minister may order a resurvey of the timber leasehold or timber limit at the holder's expense.

(4) In case an order is made under subsection (2) or (3), if the holder of the timber leasehold or timber limit fails to have the necessary survey or resurvey made in accordance with the regulations governing surveys of timber lands, by a surveyor approved of and acting under instructions from the Minister, within the time fixed by the order, the Minister may cause the necessary survey or resurvey to be made, and the boundaries to be defined on the ground, and the Crown shall have a lien for the amount of the expenses incurred therein, and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon the sawmills, engines, logging plant, and equipment of the holder of the timber leasehold or timber limit; and the amount of such expenses shall be deemed to be money payable to the Crown in respect of the lease or licence, and may also be recovered at the suit of the Crown in any Court of competent jurisdiction. R.S. 1936, c. 102, s. 46; 1945, c. 31, s. 8.

47. (1) The annual renewal fee for a pulp licence shall be an amount equal to one-half of the annual renewal fee payable in respect of a special timber licence, and the provisions of this Act relating to payment of annual renewal fees and to the renewal of special timber licences shall apply to the pulp licence except that the additional sum payable on default shall be one-half the additional sum provided in section 42 in respect of special timber licences.

(2) Upon any saw-timber cut or removed from any area held under a pulp licence, there shall be due and payable per thousand feet of the saw-timber, in addition to royalty on saw-timber, an
amount equivalent to one-half of the annual rental that would have been payable under the special timber licence that was surrendered for the purpose of obtaining the pulp licence as if it had continued to be held during the rental period ending on the next renewal date of the pulp licence after the scaling of the saw-timber, fifteen thousand feet, board measure, of saw-timber being taken as the equivalent of one acre in computing said amount.

(3) If the holder of a pulp licence sublets, assigns, or transfers any part thereof or interest therein, the right to obtain a renewal of the pulp licence shall become forfeited, but upon surrender of the pulp licence (including one sublet, assigned, or transferred) at any time within the period otherwise allowed for the renewal of the same and upon payment of the difference between the amount of the renewal fees paid under the pulp licence and the amount of the renewal fees that except for the surrender of the special timber licence would have accrued under the special timber licence and interest, the holder may obtain in exchange for the pulp licence a special timber licence covering the lands comprised in the surrendered pulp licence.

(4) Except in respect of pulp licences included under a forest management licence, nothing herein contained shall prevent the Powell River Company, Limited, or Pacific Mills, Limited, from subletting, assigning, or transferring any pulp licence to the other of them. R.S. 1936, c. 102, s. 48; 1937, c. 21, s. 4; 1938, c. 18, s. 7; 1946, c. 29, s. 9; 1947, c. 38, s. 16.

PART VI.

RIGHTS-OF-WAY.

48. 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. With the consent of the Minister, Crown lands may be taken and used under this Part. R.S. 1936, c. 102, s. 50.

49. (1) For the purpose of constructing, operating, and maintaining a logging-railway, entry may be made upon any highway, upon leave therefor being first obtained:

(a) In the case of a highway which is within the limits of a municipality, by a by-law of the municipality consenting thereto:
(b) In the case of a highway which is not within the limits of a municipality, by the consent in writing of the Minister of Public Works.

(2) The person constructing any such railway shall, before obstructing any such highway by his works, turn the highway so as to leave an open and good passage for vehicles, and, on completion of the works, restore the highway to as good a condition as nearly as possible as it was in originally. R.S. 1936, c. 102, s. 51.

50. 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-railway or other method of transportation under the provisions of this Part 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, for all purposes of this Part, be deemed to be the person who is, by means of being the registered owner of the legal estate, enabled to sell and convey the land, or, as a purchaser of Crown lands or a pre-emptor of Crown lands, is in possession of the land, or, as the holder of a lease from the Crown, is in possession of the land, or, as the holder of a timber lease or timber licence, is entitled to cut and remove the timber upon or from the 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. R.S. 1936, c. 102, s. 52.

51. 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 will suffice to accommodate the slope and side-ditches. R.S. 1936, c. 102, s. 53.

52. 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; and in the case of Crown lands, the person desiring to obtain the right-of-way shall, in addition to serving any notice required by this section, obtain the consent of the Minister in writing. R.S. 1936, c. 102, s. 54.

53. Sections 52 to 78 of the "Railway Act" shall, mutatis mutandis, apply in respect of the taking of lands by any person for use as a right-of-way under this Part. R.S. 1936, c. 102, s. 55.

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54. (1) Subject to the provisions of section 57 of this Act, there is reserved to and for the use of His Majesty upon and in respect of timber cut upon lands granted on or subsequent to the seventh day of April, 1887, and prior to the second day of March, 1914, royalty as follows:—

(a) Upon all timber suitable for the manufacture of lumber and shingles, a royalty of fifty cents for each thousand feet, board measure, or thirty cents per one hundred cubic feet, but where the timber consists of shingle-bolts the royalty shall be twenty-five cents per cord or thirty cents per one hundred cubic feet:

(b) Upon all timber suitable for piles and poles cut as aforesaid, a royalty of one cent for each four feet, linear measure:

(c) Upon all timber suitable for hewn railway-ties or for mining-props or lagging cut as aforesaid, a royalty of fifty cents per cord or fifty-five cents per one hundred cubic feet of mining-props or lagging:

(d) Upon all other timber, wood, or bark cut as aforesaid, a royalty of twenty-five cents a cord or thirty cents per one hundred cubic feet.

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

(3) In case of any granted land, the title to which was acquired by virtue of:—

(a) A pre-emption claim recorded prior to the seventh day of April, 1897; or of

(b) An application to purchase duly made under the “Land Act, 1884,” or under any other Land Act before the seventh day of April, 1887,—

the royalties reserved by subsection (1) and sections 55 and 57 shall not apply in respect of the land so granted. R.S. 1936, c. 102, s. 56; 1946, c. 29, s. 11.

55. (1) For the period from the first day of May, 1948, to the thirtieth day of April, 1949, both dates inclusive, there is reserved to and for the use of His Majesty upon and in respect of timber cut upon Crown lands, or upon lands held under pre-emption entry and record, or upon lands granted subsequent to the first day of March, 1914, royalty as follows:—
(a) Timber suitable for the manufacture of lumber and shingles cut upon lands situate west of the Cascade Mountains:

(i) Upon No. 1 and No. 2 grades of cedar, cypress, fir, spruce, white pine, and cottonwood, as specified in the table in the Schedule, if cut upon lands situate within the Vancouver Forest District, west of the Cascade Mountains, as established by notice in the Gazette of August ninth, 1923, three dollars per thousand feet, board measure, and two dollars per thousand feet, board measure, respectively, or alternatively one dollar and seventy cents per one hundred cubic feet and one dollar and ten cents per one hundred cubic feet respectively; and if cut upon land situate within the Prince Rupert Forest District, west of the Cascade Mountains, as established by notice in the Gazette of August ninth, 1923, two dollars and fifty cents and one dollar and seventy-five cents per thousand feet, board measure, respectively, or alternatively one dollar and forty cents and one dollar per one hundred cubic feet respectively:

(ii) Upon No. 1 and No. 2 grades of hemlock, as specified in the table in the Schedule, if cut upon lands situate within the Vancouver Forest District, west of the Cascade Mountains, as established by notice in the Gazette of August ninth, 1923, two dollars per thousand feet, board measure, and one dollar and fifty cents per thousand feet, board measure, respectively, or alternatively one dollar and ten cents per one hundred cubic feet and eighty-five cents per one hundred cubic feet respectively; and if cut upon lands situate within the Prince Rupert Forest District, west of the Cascade Mountains, as established by notice in the Gazette of August ninth, 1923, two dollars and one dollar and twenty-five cents per thousand feet, board measure, respectively, or alternatively one dollar and ten cents and seventy cents per one hundred cubic feet respectively:

(iii) Upon No. 3 grade, as specified in the table in the Schedule, and upon all species not specified in the table in the Schedule, irrespective of grade, one dollar per thousand feet, board measure, or alternatively fifty-five cents per one hundred cubic feet:

(b) Timber suitable for the manufacture of lumber and shingles cut upon land situate east of the Cascade Mountains:
(i) Upon white pine, two dollars per thousand feet, board measure, or alternatively one dollar and ten cents per one hundred cubic feet:

(ii) Upon yellow pine and spruce, one dollar and fifty cents per thousand feet, board measure, or alternatively eighty-five cents per one hundred cubic feet:

(iii) Upon all other species, one dollar per thousand feet, board measure, or alternatively fifty-five cents per one hundred cubic feet.

(2) Royalty as provided in subsection (1), and at the rates therein set out, shall continue in force after the expiration of the period mentioned in that subsection, until other rates are provided by or under Act of the Legislature.

(3) For the period from the first day of May, 1948, to the thirtieth day of April, 1949, both dates inclusive, there is reserved to and for the use of His Majesty upon and in respect of timber cut upon Crown lands, or upon lands held under pre-emption entry and record, or upon lands granted subsequent to the first day of March, 1914, royalty as follows:

(a) Poles, piling, and crib timber, as follows:

<table>
<thead>
<tr>
<th>Per linear ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 30 feet</td>
</tr>
<tr>
<td>30 feet and over</td>
</tr>
</tbody>
</table>

All poles, piling, and crib timber over 15-inch tops shall be scaled and graded under clause (a) or clause (b) of subsection (1):

(b) Hewn railway-ties, four cents each:

(c) Hewn mine-ties, shingle and other bolts, seventy-five cents per cord or alternatively eight-five cents per one hundred cubic feet:

(d) Mining timber, mining-props, caps, lagging, and hoppoles as follows:

<table>
<thead>
<tr>
<th>Per linear ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tops 4 inches and under</td>
</tr>
<tr>
<td>Tops over 4 inches to 8 inches</td>
</tr>
<tr>
<td>Tops over 8 inches to 10 inches</td>
</tr>
<tr>
<td>Tops over 10 inches to 15 inches</td>
</tr>
</tbody>
</table>

Mining timber over 15-inch tops shall be scaled and graded under clause (a) or clause (b) of subsection (1):

(e) Shingle-shakes, one-seventh of one cent each:

(f) Fence-posts as follows:

<table>
<thead>
<tr>
<th>Each.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 feet and under</td>
</tr>
<tr>
<td>Over 8 feet to 12 feet</td>
</tr>
<tr>
<td>Over 12 feet to 16 feet</td>
</tr>
</tbody>
</table>

(g) Car-stakes, one-half of one cent each:
(h) Christmas trees as follows:

<table>
<thead>
<tr>
<th>Length</th>
<th>Each</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 12 feet</td>
<td>½ cent</td>
</tr>
<tr>
<td>Over 12 feet to 16 feet</td>
<td>2 cents</td>
</tr>
<tr>
<td>Over 16 feet to 20 feet</td>
<td>8 cents</td>
</tr>
<tr>
<td>Over 20 feet to 25 feet</td>
<td>10 cents</td>
</tr>
<tr>
<td>Over 25 feet</td>
<td>25 cents</td>
</tr>
</tbody>
</table>

(i) Cordwood, thirty-five cents per cord or alternatively forty cents per one hundred cubic feet:

(j) Fuel-logs, fifty cents per thousand feet, board measure, or alternatively thirty cents per one hundred cubic feet:

(k) Stakes and sticks not exceeding 2 inches diameter at butt end, ten cents per thousand lineal feet:

(l) Other wood products not enumerated in subsection (1) or in clauses (a) to (k) of this subsection, at rates as fixed by the Lieutenant-Governor in Council from time to time.

(4) Royalty as provided in subsection (3) and at the rates therein set out shall continue in force after the period mentioned in that subsection until other rates are provided by or under Act of the Legislature.

(5) Where any cut timber suitable for the manufacture of lumber or shingles is not scaled or graded by a licensed scaler or an Official Scaler, as required under Part VIII, royalty shall be paid on the timber at the highest rate then applicable in the royalty district in which the timber is cut; but if satisfactory proof is submitted to the Minister that the timber is of a lower grade than that for which royalty has been paid, the Minister may, in his discretion, allow a corresponding rebate to be made from the amount of royalty paid.

(6) Royalty on all timber scaled during any period shall be paid at the rate established for that period, irrespective of the time when the timber was cut.

(7) The provisions of this section shall not apply to pulpwood as defined by section 57.

(8) Every provision of this section respecting the reservation of royalty in respect of timber upon lands held under preemption entry or record and upon lands granted after the first day of March, 1914, shall be a special provision applying to those lands within the meaning of section 136 of the "Land Act." R.S. 1936, c. 102, s. 57; 1939, c. 20, ss. 6–9; 1940, c. 13, s. 6; 1946, c. 20, ss. 12–14; 1947, c. 38, s. 18; 1948, c. 25, ss. 10, 11.

56. Where standing timber has been killed by fire and a material decrease in the value of the timber has resulted there-
from, upon a report of the Forest Service showing the extent of
the damage so caused to the timber and that the damage was
not caused through any negligence or design on the part of the
owner or holder of the timber or other person interested therein,
and where other timber has a salvage value only, upon the
recommendation of the Deputy Minister the Minister may, in his
discretion, allow a rebate of royalty in respect of the damaged
or salvage timber, such rebate not to exceed seventy-five per
centum of the royalty otherwise payable in respect thereof.
R.S. 1936, c. 102, s. 58; 1946, c. 29, s. 15; 1947, c. 38, s. 19.

Royalty on pulp-wood. 57. (1) In this section "pulp-wood" means timber:—

(a) Cut into lengths not exceeding four feet; or

(b) Cut upon land specified in any pulp licence or wood-
pulp lease; or

(c) Declared by the Minister to be pulp-wood for the pur-
poses of this section, upon it being shown to his satisfac-
tion that the timber is below the standard of utilization
for sawmilling purposes in the district in which it is
cut;

and that is used in the manufacture of wood-pulp or paper.

(2) There is reserved to and for the use of His Majesty upon
and in respect of pulp-wood cut upon lands granted on or sub-
sequent to the seventh day of April, 1887, and before the second
day of March, 1914, a royalty of twenty-five cents per cord.

(3) For the period from the first day of May, 1948, to the
thirtieth day of April, 1949, both dates inclusive, there is reserved
to and for the use of His Majesty upon and in respect of pulp-
wood cut upon Crown lands, or upon lands held under pre-emption
entry and record, or upon lands granted subsequent to the first
day of March, 1914, a royalty of one dollar per thousand feet,
board measure, or alternatively fifty-five cents per one hundred
cubic feet or per cord.

(4) Royalty as provided in subsection (3) and at the rates
therein set out shall continue in force after the expiration of
the period mentioned in that subsection until other rates are provided
by or under Act of the Legislature.

(5) Royalty on all pulp-wood shall be paid at the rate in force
at the date of scaling, irrespective of the time when the pulp-
wood was cut.

(6) The provisions of subsection (3) shall be deemed to be
special provisions applying to the lands referred to in that sub-
section within the meaning of section 136 of the "Land Act."
R.S. 1936, c. 102, s. 59; 1946, c. 29, s. 16; 1947, c. 38, s. 20;
1948, c. 25, s. 12.
58. Where any merchantable timber is left uncut or is destroyed on any logging operation upon Crown lands, or upon lands held under pre-emption entry or record, or upon lands acquired and granted on or subsequent to the seventh day of April, 1887, and where the timber if utilized would have been subject to royalty or stumpage under this Act, all timber that in the opinion of the Minister is merchantable so left uncut or destroyed by the intentional act or negligence of the operator may be subject to royalty or stumpage at the same rates to which it would have been subject if it had been cut at the time the logging operation ceased. R.S. 1936, c. 102, s. 60; 1947, c. 38, s. 21.

59. (1) It is hereby declared and enacted that all grants of Crown land made before the twenty-fifth day of April, 1901, to railway companies by the Lieutenant-Governor in Council in aid of, or as a subsidy for, construction of railways were subject to the provisions of the Land Act then in force with respect to the reservation of a royalty to the Crown upon all timber and other wood cut upon lands to be granted by the Crown, and with respect to the power conferred for the enforcement of said royalty.

(2) It is hereby further declared and enacted that said grants of lands were subject to said provisions as from time to time amended and re-enacted by any Act of the Legislature, and are subject to said provisions as they appear in this Act.

(3) It is hereby further declared and enacted that the said provisions reserving a royalty to the Crown are not to be considered as taxation within the meaning of any provision exempting a railway company or its property, real or personal, from taxation. R.S. 1936, c. 102, s. 61.

60. (1) There is reserved to His Majesty a royalty on resin of three-quarters of one cent per gallon, eight pounds of resin being taken as equivalent to one gallon, in respect of all resin obtained from trees on lands comprised in:

(a) Any resin licence;
or
(b) Any timber lease or timber licence, whether the lease or licence was issued or constituted before or after the commencement of this Act; or
(c) Any pre-emption record made after the thirty-first day of March, 1920; or
(d) Any application for purchase of Crown lands in respect of which notice of the favourable decision of the Minister has been given to the applicant after the thirty-first day of March, 1920; or
(e) Any Crown grant issued after the thirty-first day of March, 1920, except where the title to the lands so

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grant is acquired by virtue of a pre-emption record made before that date, or by virtue of an application for purchase in respect of which notice of the favourable decision of the Minister was given to the applicant before that date, or by virtue of a contract for the disposition of the lands entered into, or a right to acquire the lands obtained before that date.

(2) The Crown shall have a lien for the amount of any royalty payable under this section, and for all expenses of seizure or detention incurred in enforcing the lien, upon the resin in respect of which the royalty is payable, and upon all teams, wagons, machinery, plant, and material used or that have been used in obtaining the resin, and upon all resin belonging to the holder of the licence or permit under which the resin was obtained; such lien to constitute a charge to the like extent and to confer the same rights and to be enforceable in the same manner as the liens created by the provisions of this Act for the recovery of royalty, including an absolute, unconditional power to sell; and the amount of any royalty payable under this section shall also be a debt due to the Crown recoverable by action in any Court of competent jurisdiction from the holder of the licence or permit under which the resin was obtained. R.S. 1936, c. 102, s. 62; 1941-42, c. 12, s. 5.

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PART VIII

TIMBER-SCALING.

61. In this Part, unless the context otherwise requires:—

"Licensed scaler" includes any person licensed as a scaler or appointed as an acting-scaler under this Part;

"Official Scaler" includes any person appointed as an Official Scaler or Acting Official Scaler under this Part;

"Scale," "scaled," and "scaling" refer to the measurement of timber by a licensed or official scaler in accordance with the provisions of this Act and the regulations. R.S. 1936, c. 102, s. 63; 1940, c. 13, s. 7.

62. (1) Where timber is cut in any lumbering operation on land within the jurisdiction of the Legislature, the timber shall be scaled forthwith by a licensed scaler, who shall be employed and paid by the person carrying on the lumbering operation, unless otherwise provided by this Act; and upon failure of that person to comply with the provisions of this subsection, the Deputy Minister may designate and direct a licensed scaler to scale the timber; and the costs of such scaling shall be payable to the Crown by that person.
Appointment of acting-scaler.

Power to designate scaler east of Cascade Mountains.

Sawing of unscaled timber prohibited.

Export of unscaled timber or timber on which royalty is unpaid prohibited.

Penalty.

Seizure.

63. No person shall saw any timber until it has been scaled, and every person violating the provision of this section shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding five hundred dollars, and, in addition to the penalty so imposed, to have all timber in respect of which the offence was committed and lumber and other manufactured wood products produced from the timber seized and forfeited to the Crown, either wholly or in part, as the Minister may direct. R.S. 1936, c. 102, s. 65; 1946, c. 29, s. 17.

64. (1) No person shall export or remove from the Province any timber in respect of which any royalty, tax, or revenue is payable to His Majesty in right of the Province, unless a permit is obtained from an officer of the Forest Service certifying that the timber has been scaled, and all royalty, taxes, and revenue so payable in respect thereof have been paid.

(2) Every contravention 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.

(3) The Minister, or any person authorized by him, may do all things necessary to prevent a breach of the provisions of this section and to secure compliance therewith, and may for such purpose take, seize, and hold all timber which is, or is suspected to be, in course of transit out of the Province in contravention of the provisions of this section, and may also take, seize, and hold every boat which is towing any such timber; and if the Minister decides that it is not the intention of the holder, owner, or person in possession of the timber to use it in the Province, or to manufacture it or cause it to be manufactured into sawn
65. (1) Timber shall be scaled either in feet board measure or in cubic feet, as elected by the person for whom the scale is made.

(2) The scale used shall in either case be the official scale as determined by subsections (3) and (4).

(3) For scale in feet, board measure, the scale known as the British Columbia Log Scale shall be the official scale.

(4) For scale in cubic contents the British Columbia Cubic Scale, as established by the Minister, shall be the official scale. R.S. 1936, c. 102, s. 67; 1946, c. 29, s. 18.

66. (1) The Lieutenant-Governor in Council shall appoint a Board of Examiners, one or more members of which shall examine and test the ability and knowledge of every person applying to be licensed as a scaler under this Part.

(2) Each candidate for examination shall make application to the Forest Service in the manner prescribed by the regulations, accompanied by the payment of an examination fee of five dollars.

(3) Examinations shall be held at such times and places and shall be conducted in such manner and on such subjects as are prescribed by the regulations. R.S. 1936, c. 102, s. 68; 1945, c. 31, s. 8.

67. The Board of Examiners shall issue to each candidate who passes the prescribed examinations in a satisfactory manner, and who is judged by the Board to be trustworthy and of good character, a licence entitling him to act as a scaler of timber under this Part; but no person shall be licensed as a scaler unless he is a British subject residing in the Province. R.S. 1936, c. 102, s. 69.

68. Every licensed scaler, before entering on his duties, shall make and file in the Forest Service an affidavit in the form following:—
1, A. B., do solemnly swear that I will, while acting as scaler, without fear, favour, or affection, and to the best of my ability and judgment, classify correctly, scale and measure, according to law, all sawlogs, spars, piles, poles, railway-ties, shingle-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 District Forester or any other officer of the Forest Service as required.

Sworn before me at the of , in the Province of British Columbia, this day of , 19 .

C. D.,

A. B.

J.P.

R.S. 1936, c. 102, s. 70; 1945, c. 13, s. 8.

69. (1) 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 cut on land within the jurisdiction of the Legislature, and to enter in a record, in a form approved by the Forest Service, what they believe to be the proper contents and grades of the timber.

(2) After measuring and classifying any timber, each licensed scaler, at such times as the Forest Service requires, shall transmit to the Forest Service a correct copy of the record of its measurement and classification as entered in his record, and shall, when called upon to do so, submit his record to any duly authorized officer of the Forest Service, and shall give all information asked for in his power to give, and shall furnish any statements or copies of statements which the Forest Service may from time to time require. R.S. 1936, c. 102, s. 71; 1945, c. 31, s. 8.

70. Upon request of any party to the dispute, any District Forester, Supervisor of Scalers, or other duly authorized officer of the Forest Service shall act as arbitrator in any dispute that arises between a vendor or a purchaser and a licensed scaler as to the measurement or classification of any timber, and his award shall be final and binding on all parties without appeal. Where a District Forester, Supervisor of Scalers, or other officer acts as arbitrator under this section, he shall collect from the person requesting his services the costs of measurement and classification, and shall transmit the amount collected to the Forest Service; but where he finds the disputed measurement or classification made by the licensed scaler to be inaccurate, no charge shall be collected. Where the salary of the official who so acted as arbitrator is payable from the Scaling Fund, the amount received by the Forest Service under this section shall be paid into the Scaling Fund, but otherwise shall be accounted for as Provincial revenue. R.S. 1936, c. 102, s. 72; 1945, c. 31, s. 8.
71. The Deputy Minister may suspend the licence of any licensed scaler who is not performing properly the duties of his position, and upon proof to the satisfaction of the Deputy Minister that any licensed scaler has wilfully undermeasured or over-measured any timber, or has wilfully and wrongfully culled or rejected any timber, or has made a false return of any timber for the purpose of deceiving or defrauding, the Deputy Minister may cancel the licence of the licensed scaler. R.S. 1936, c. 102, s. 73; 1945, c. 31, s. 8.

72. In the district comprising that part of the Province situate west of the Cascade Mountains, 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 that the sale or other dealing shall be based on the scale of the timber made under this Act by an Official Scaler, and any person who buys, sells, or otherwise deals with timber contrary to the provisions of this section shall be liable, on summary conviction, to a penalty not exceeding five hundred dollars. R.S. 1936, c. 102, s. 74; 1948, c. 25, s. 13.

73. (1) The Forest Service shall maintain a sufficient staff of Official Scalers for each district, with such equipment as in the opinion of the Deputy Minister is necessary.

(2) Official Scalers shall be appointed pursuant to the provisions of the "Civil Service Act," and shall hold office during pleasure. All Official Scalers shall for all purposes be deemed members of the Civil Service within the meaning of the "Civil Service Act," notwithstanding the fact that their salaries may be paid from the Scaling Fund of the district and not by way of yearly salary voted by the Legislative Assembly. R.S. 1936, c. 102, s. 75; 1945, c. 31, s. 8.

74. No person shall be appointed or act as an Official Scaler unless he holds a licence as a scaler under this Part, but where the Deputy Minister considers that, on account of the location of the timber 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 as an Acting Official Scaler to perform the duties of an Official Scaler, and the appointment may be for a specified time, or for specified work, or until the appointment is cancelled by the Deputy Minister. R.S. 1936, c. 102, s. 76; 1945, c. 31, s. 8.

75. (1) There shall be established and continue to be maintained in the Provincial Treasury a fund for the providing of adequate service for the scaling of timber in each district constituted by or under this Part, to be known as the "Scaling
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Fund" of the district, into which shall be paid all moneys received under this Act for the scaling of timber in the district, whether for fees or expenses. All salaries, expenses, and outgoings incurred in maintaining the scaling service in each district shall be chargeable to the Scaling Fund of the district, and shall be payable directly from that fund upon vouchers approved by the Minister, or may be paid in the first instance from any moneys appropriated by the Legislative Assembly for that purpose, and subsequently charged to the Scaling Fund.

(2) The cost of maintaining the scaling service in each district shall be estimated by the Forest Service, and the Minister may from time to time make rules prescribing the fees and expenses to be charged by the Forest Service for the scaling of timber; and the Minister shall fix such fees per thousand feet or per cord or per linear foot of timber scaled as in his opinion will be sufficient to meet the actual cost of maintaining the scaling service.

(3) If at any time the amount at the credit of the Scaling Fund is insufficient to meet the salaries and expenses chargeable thereto, the Minister of Finance shall advance to the Scaling Fund out of the Consolidated Revenue Fund such sums as may be necessary. All moneys so advanced shall be repaid to the Consolidated Revenue Fund out of moneys collected by the Forest Service under this section. R.S. 1936, c. 102, s. 77; 1945, c. 31, s. 8.

76. Upon demand of the vendor or owner of any timber scaled by an Official Scaler, and upon payment of the fees and charges payable therefor, the Forest Service shall deliver to the vendor or owner a certified copy of the scale of the timber. R.S. 1936, c. 102, s. 78.

77. In the event of a vendor or purchaser objecting to any Official Scaler, or to his scaling, then, on application to the District Forester or Supervisor of Scalers, another Official Scaler may be selected to scale the timber in question; and the person requiring such services shall pay the additional fees and expenses occasioned by the substitution of another Official Scaler; but where an original scale made by an Official Scaler is, in the opinion of the District Forester or Supervisor of Scalers, proved inaccurate, no charge other than the correct fees and expenses for scaling the timber shall be imposed. R.S. 1936, c. 102, s. 79.

78. The Crown shall have a lien for the amount of all costs, fees, and expenses chargeable by the Forest Service or payable to the Crown under this Part, and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon the timber
in respect of which the costs, fees, or expenses are chargeable or payable, and upon all sawmills or other factories, and lands appurtenant thereto, in or for which the timber has been or is being manufactured, used, or consumed and also upon machinery, equipment, and material that were used in the logging operation, or that belong to the person from whom the costs, fees, and expenses are due; such lien to constitute a charge to the like extent, and to confer the same rights, and to be registrable and enforceable in the same manner as the liens created by the provisions of this Act for the recovery of royalty, including an absolute, unconditional power to sell; and such costs, fees, and expenses shall also be a debt due to the Crown recoverable by action in any Court of competent jurisdiction from the person against whom they are chargeable or by whom they are payable. R.S. 1936, c. 102, s. 80; 1946, c. 31, s. 8; 1946, c. 29, s. 19.

79. In any prosecution or action brought against any person for any contravention of this Act, the burden of proving that the requirements and provisions of this Part have been complied with shall be upon the defendant. 1940, c. 13, s. 8.

PART IX.

TIMBER-MARKING.

80. (1) Subject to subsection (2), no person shall float or raft any timber on the salt or fresh waters of the Province unless each piece of the timber bears in a conspicuous place, so that it is readily discernible when the piece of timber is floated, a registered timber-mark issued under this Part for the marking of that timber.

(2) Any District Forester may grant such exemptions from the provisions of this section as he considers advisable. R.S. 1936, c. 102, s. 81.

81. (1) Subject to subsection (2), every person engaged in the business of cutting and removing timber shall, before cutting any timber, apply for and obtain from the Forest Service, in the manner prescribed by the regulations, such number of registered timber-marks as the Deputy Minister considers necessary to distinguish clearly the classes of timber subject to different conditions of tenure, royalty, tax, or manufacture which the person proposes to cut.

(2) The holder of a registered timber-mark prescribed under this Part for the marking of any timber which is cut by him
shall, before removing the timber so cut from the land on which it is cut, put that timber-mark in a conspicuous place on each piece of the timber.

(3) The Deputy Minister may grant such exemptions from the provisions of subsection (1) as he considers advisable. R.S. 1936, c. 102, s. 32; 1945, c. 31, s. 8.

82. A certificate, purporting to be signed by the Deputy Minister, to the effect that a timber-mark has been issued to any person and duly registered under this Part shall be received in all Courts in the Province as prima facie evidence of the facts therein stated without proof of the handwriting or official position of the person by whom the certificate is signed. R.S. 1936, c. 102, s. 83; 1945, c. 31, s. 8.

83. Subject to the regulations, every timber-mark registered under this Part shall be assignable in law. R.S. 1936, c. 102, s. 84.

84. The holder of a timber-mark registered under this Part shall have the exclusive right to use the same, and to mark therewith the timber cut by him. R.S. 1936, c. 102, s. 85.

85. (1) Upon application being made to the Forest Service, in the manner prescribed by the regulations, by the holder of a registered timber-mark who desires to use the timber-mark for the marking of timber other than that in respect of which the timber-mark was issued, and upon the application being approved by the Deputy Minister, the registration of the timber-mark may be amended, and a certificate may be issued to the holder authorizing the use of the timber-mark in accordance with the application.

(2) A person who uses a timber-mark registered under this Part for the marking of timber other than that in respect of which the timber-mark was issued, or to which its use is extended by certificate under subsection (1), shall be guilty of an offence against this Act. R.S. 1936, c. 102, s. 86; 1945, c. 31, s. 8; 1947, c. 35, s. 23.

86. The Deputy Minister may at any time, in his discretion, cause any registered timber-mark to be cancelled by entry of the cancellation in the timber-mark register kept in the Forest Service. R.S. 1936, c. 102, s. 87; 1943, c. 24, s. 7; 1945, c. 31, s. 8.

87. Every person other than the holder of the registered timber-mark who marks any timber with that timber-mark, or with any part of it, shall, on summary conviction, upon complaint of the holder of the registered timber-mark, or of some
person authorized by the holder to act on his behalf, be liable for each offence to pay compensation, not exceeding one hundred dollars and not less than twenty dollars, to the holder of the registered timber-mark. R.S. 1936, c. 102, s. 88.

88. All timber removed, or floated, or rafted, or transported in anywise howsoever, and not so marked as to comply with the provisions of this Part, may, in addition to all other penalties provided in this Act, 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. R.S. 1936, c. 102, s. 89.

PART X.
MANUFACTURE WITHIN PROVINCE.

89. All timber cut on Crown lands, or on lands granted after the twelfth day of March, 1906, or on lands held under pre-emption record, shall be used in the Province, or be manufactured in the Province into boards, deal, joists, laths, shingles, or other sawn lumber, or into wood-pulp or paper, except as hereinafter provided; and all logging and manufacturing camps or premises used or occupied for any purpose of or in connection with the cutting or manufacture of such timber shall be located in the Province. R.S. 1936, c. 102, s. 90.

90. If the holder of any timber lease or timber licence, or forest management licence or the holder of any pre-emption record, or any servant or agent of the lessee, licensee, or pre-emptor, or any person acting for the lessee, licensee, or pre-emptor, or under the authority or permission of the lessee, licensee, or pre-emptor, violates or refuses to keep and observe the provisions contained in the last preceding section, the lease of the lessee or licence of the licensee or pre-emption record of the pre-emptor, respectively, shall be cancelled by the Lieutenant-Governor in Council. R.S. 1936, c. 102, s. 91; 1947, c. 38, s. 24.

91. (1) The Minister may do all things necessary to prevent a breach of the provisions of this Part, 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 the Province in contravention of the provisions of this Part, and may also take, seize, and hold every boat which is towing any such timber; and if the Minister decides that it is not the intention of the lessee, licensee, owner, holder, or person in possession of the timber to use it in the
Province, or to manufacture or cause it to be manufactured into sawn lumber or wood-pulp or paper in the Province, or to dispose of the timber to others who will use it in the Province, or have it so manufactured in the Province, the Minister may sell or cause to be sold the timber and boat by public auction, and the proceeds of the sale shall be the property of His Majesty, and shall form part of the Consolidated Revenue Fund. In case any boat escapes after having been so seized, or in case its seizure is avoided by the removal of the boat outside the waters of the Province, it may at any time afterwards be seized, if found in any of the waters of the Province, and sold as provided in this section.

(2) Where a seizure is made of timber or a boat on account of a suspected contravention of the provisions of this Part, the onus of proving that no part of the timber seized was Crown timber or cut on Crown lands or on Crown lands granted after the twelfth day of March, 1906, or on lands held under pre-emption record, or on lands included in any forest management license, 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, shall be upon the owner, holder, and any person in possession of the timber or boat. R.S. 1936, c. 102, s. 92; 1947, c. 38, s. 25.

92. The Lieutenant-Governor in Council may, on such terms and conditions and upon payment of such charges as may be imposed by him, authorize the export of piles, poles, railway-ties, crib-timber, and other minor forest products cut on Crown lands, or lands held under pre-emption entry and record, or lands granted after the twelfth day of March, 1906, or lands included in a forest management licence. R.S. 1936, c. 102, s. 93; 1946, c. 23, s. 20; 1947, c. 38, s. 26.

93. The Lieutenant-Governor in Council may, upon such terms and conditions as he may impose, permit the export of unmanufactured timber from areas adjacent to the boundary of the Province in cases where it is proved to his satisfaction that such timber cannot, owing to topographical reasons, be profitably manufactured within the Province. R.S. 1936, c. 102, s. 94.

94. Notwithstanding anything in this Act contained, the Lieutenant-Governor in Council may until the thirtieth day of April, 1949, permit the export from the Province of unmanufactured timber cut on Crown lands, or lands held under pre-emption entry and record, or lands granted after the twelfth day of March, 1906, upon such terms and conditions as he sees fit. R.S. 1936, c. 102, s. 96; 1941-42, c. 12, s. 6; 1945, c. 31, s. 5; 1946, c. 29, s. 21; 1947, c. 38, s. 27; 1948, c. 25, s. 14.

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PART XI.

FOREST-PROTECTION.

95. The provisions of this Part shall apply to every railway company and every railway subject to the legislative jurisdiction of the Legislature; but the provisions of this Part shall be deemed to be in extension of all other statutory provisions applying to railway companies and railways, and not to repeal, abrogate, or derogate from any such other statutory provision. R.S. 1936, c. 102, s. 96.

96. The provisions of this Part shall apply to every municipality within the Province; but the provisions of this Part shall be deemed to be in extension of all other statutory provisions applying to municipalities, and not to repeal, abrogate, or derogate from any such other statutory provision or any municipal by-law made pursuant to any such other statutory provision. R.S. 1936, c. 102, s. 97.

97. 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 of the setting of fire; but where circumstances of unusual danger render it necessary in the public interest, the Lieutenant-Governor in Council may, by Proclamation, extend the period of the close season in any year. R.S. 1936, c. 102, s. 98.

98. (1) Except as provided in subsections (2) and (3), no person shall set out, start, or kindle any fire during the close season in or within one-half of a mile from any forest or woodland or any slash or forest debris or any peat or shrub lands.

(2) Subject to the obtaining of a permit therefor under section 99, and to the observance of all obligations and precautions imposed by the permit or by this Act or the regulations, a person may set out, start, or kindle a fire for:—
   (a) Cooking or preparing food;
   (b) Obtaining necessary warmth for any person;
   (c) Clearing land;
   (d) Burning slash, brush, grass, or other inflammable material; or
   (e) Any necessary industrial purpose permitted by the Minister;

but every person setting out, starting, or kindling any fire pursuant to a permit so obtained for cooking or obtaining warmth shall totally extinguish the fire before leaving the vicinity of the fire.

(3) Every person who in contravention of any provision of this section sets out, starts, or kindles any fire, or fails to extin-
guish any fire set out, started, or kindled by him for cooking or obtaining warmth, before leaving the vicinity of the fire, shall be guilty of an offence against this Act, and shall, in addition to all other penalties imposed by this Act, be liable for all expenses incurred by the Forest Service in controlling or extinguishing the fire or any fire originating or spreading therefrom, which expenses may be recovered as a debt due to the Crown; but no person shall be convicted of a violation of any provision of this section by reason only of his having started or kindled a fire in any stove, furnace, or similar device designed to confine the fire and suitable for that purpose, nor by reason only of his having in good faith and with reasonable care set a back-fire for the purpose of stopping the progress of a fire then actually burning. R.S. 1936, c. 102, s. 99; 1945, c. 31, s. 8; 1946, c. 29, s. 22.

Issuance of permits.

99. (1) Subject to section 100, the Forest Service or any person authorized in writing by the Minister may issue permits authorizing the use of fire for the purpose of clearing land, or for burning slash, brush, grass, or other inflammable material, or for any industrial purpose, and the Forest Service or any person authorized in writing by the Minister may issue permits authorizing the setting-out, starting, and kindling of fires for cooking or obtaining warmth, which permits shall be subject to the regulations and to such conditions, restrictions, and provisions as the Forest Service in the case of any permit may consider necessary or expedient to incorporate therein. If at any time the Minister on account of the existence of hazardous fire conditions deems it advisable, he may by order, cancel or suspend for such time as is specified in the order, and in respect of the whole Province or of such area in the Province as is described in the order, all or any permits issued pursuant to this section, or he may attach to all or any of such permits such conditions and restrictions as he thinks proper, and the order shall thereupon become effective according to its tenor.

(2) Every person holding or acting under any permit issued under this section who contravenes any condition, restriction, or provision incorporated therein shall be guilty of an offence against this Act, and shall, in addition to all other penalties imposed by this Act, be liable for all expenses incurred by the Forest Service in controlling and extinguishing any fire originating on the area covered by the permit, in case it spreads beyond the boundaries of such area or threatens so to do, which expenses may be recovered at the suit of the Crown in any Court of competent jurisdiction. R.S. 1936, c. 102, s. 100; 1938, c. 18, s. 11; 1945, c. 31, s. 8.
100. The Lieutenant-Governor in Council may:—

(a) Prohibit the issuing of permits, or the setting of fires thereunder, in any portion of the Province for such period as he thinks fit:

(b) Exempt any portion of the Province from the provisions of such sections of this Part as he thinks fit, and alter or revoke any such exemptions. R.S. 1936, c. 102, s. 101.

101. Every person who, during the close season, uses any explosive, or throws or drops any burning match, ashes of a pipe, lighted cigarette or cigar, or any other burning substance, in or on any forest or woodland or at a distance of less than one-half of a mile therefrom, shall before leaving the spot completely extinguish the fire of the match, ashes of a pipe, lighted cigarette or cigar, or other burning substance, or explosive, and any fire caused thereby; and every such person shall be liable for all expenses incurred by the Forest Service in controlling or extinguishing any fire so caused, which expenses may be recovered from him at the suit of the Crown. R.S. 1936, c. 102, s. 102; 1945, c. 31, s. 8.

102. During the close season, where any stationary or portable engine is located or where any explosives from which fire might result are used in or within one-half of a mile from any forest or woodland, the person operating the engine or using the explosives shall maintain a watchman at that place for at least two hours following the time when operations cease, to prevent the occurrence or spread of fire therefrom. 1936, c. 102, s. 103; 1945, c. 24, s. 8.

103. (1) During the close season no person shall:—

(a) Use or operate any locomotive, traction-engine, logging-engine, portable engine, or stationary engine in or within one-half of a mile from any forest or woodland which is not provided with safe and efficient devices for arresting sparks and for preventing the escape of fire or live coals from all ash-pans and fire-boxes, complying in all respects with the regulations:

(b) Operate any river steamboat on any of the rivers or lakes in the Province which is not provided with a safe and efficient device for arresting sparks from the smoke-stack thereof, complying in all respects with the regulations:

(c) 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 the regulations:

(d) Destroy, in connection with the manufacture of lumber or shingles or other forest products, any wood-waste material by burning the same at or near any mill without properly confining the place of the burning, and without further safeguarding the surrounding property against danger from the burning by such additional devices as are required by the regulations.

(2) It shall be the duty of every person using or operating any engine referred to in this section, or conducting any industrial or logging operation, to provide and maintain equipment in the way of tools, hose, and other fire-fighting appliances in accordance with the regulations.

(3) 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 this section to see that all such appliances are properly used and applied.

(4) Upon proof that any prosecution has been instituted under this section by any duly authorized officer of the Forest Service, any Court of competent jurisdiction shall enjoin the further use of the locomotive, engine, steamboat, burner, or destructor in respect of which the prosecution was instituted until the defendant has been acquitted of the charge preferred, or the locomotive, engine, steamboat, burner, or destructor has been equipped with safety appliances to the satisfaction of said officer. - R.S. 1936, c. 102, s. 104; 1945, c. 31, s. 8.

104. During the close season no deposit of fire or live coals shall be made from any railway locomotive in or within one-half of a mile from any forest, woodland, or hay land upon any railway right-of-way outside of yard limits, unless the same are immediately extinguished. - R.S. 1936, c. 102, s. 106.

105. Where in the judgment of the Minister there is danger of the setting and spreading of fires from the operation of any railway, the Minister may order any railway company to provide such patrolmen for the following of its trains and the prompt extinguishing of fires as he considers necessary. Where the Minister has given any railway company notice to provide such patrolmen, the 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 the company, and the expense of the same shall be charged to the company, and may be recovered from it at the suit of the Crown. The Minister may appoint officers of the Forest Service to act as supervisors of railway patrolsmen, whether the patrolsmen are employed by the railway company or by the Minister, and the expense of any such supervision shall be chargeable to the company and recoverable as aforesaid. R.S. 1936, c. 102, s. 106; 1945, c. 31, s. 8.

106. Any fire originating on any land within three hundred feet of the railway-track of any railway company operating within the legislative jurisdiction of the Province shall be presumed to have been caused by the railway company, and shall be fought and extinguished by the railway company at its own expense, and the railway company shall have the right to enter upon any lands adjoining its right-of-way for the purpose of extinguishing the fire. The railway company shall also be liable for all expenses incurred by the Forest Service in preventing the spread of and extinguishing the fire, which expenses may be recovered as a debt due to the Crown: Provided that, if the fire so originating was not caused by the railway company or its employees, the railway company may by action in any Court of competent jurisdiction recover the amount of the expenses incurred by it in fighting or extinguishing the fire or paid by it to the Crown pursuant to this section from the person who caused the fire; and that, if it is proved to the satisfaction of the Minister that the fire so originating was not caused by the railway company or its employees, the railway company shall thereupon be relieved from any further liability imposed on it by this section, and if the railway company is unable to recover the expenses theretofore incurred or paid by it from any person who caused the fire, the railway company shall be entitled to have the expenses borne by the Forest Protection Fund. R.S. 1936, c. 102, s. 107; 1945, c. 31, s. 8.

107. No railway company completing the construction of any line of railway shall operate locomotives on the line for passenger or freight traffic until a certificate has been obtained by the company from the Minister, to certify that its right-of-way has been cleared of inflammable material, in accordance with this Act, the “Railway Act,” and the regulations issued thereunder, and that all debris on adjoining lands caused by construction of the line has been removed and destroyed to the satisfaction of the Minister. R.S. 1936, c. 102, s. 108.

108. (1) For the enforcement of any provisions of this Act, or 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 patrolmen as he considers necessary, under a Chief Ranger, to supervise any railway-construction.

(2) The railway company and its contractors shall at any time, upon demand, place at the disposal of the Chief Ranger as many of their employees, respectively, 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 of railway under construction, and the expense incident to and connected with such appointment of patrolmen and Chief Ranger and protection of the forests from fire shall be a debt due to the Crown from the company constructing the line of railway, payable upon demand to the Minister, and may be recovered at the suit of the Crown. R.S. 1936, c. 102, s. 109.

109. In case a fire is started by sparks or hot or burning material from a railway locomotive or carriage, and either begins outside of the railway right-of-way or spreads therefrom to the adjoining land, the railway company which is operating the railway at the time shall be liable, on summary conviction, to a penalty not exceeding one thousand dollars; but it shall be a sufficient defence against any prosecution under this section if it is 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 appliances as the Minister may have prescribed; and

(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 governing the actions of such persons have been obeyed; and

(c) That the company has maintained in accordance with the requirements of the Minister an efficient staff of patrolmen 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. R.S. 1936, c. 102, s. 110.

110. Except as provided in the last preceding section, any railway company committing an offence against this Act, or violating any regulation governing the operation of railways in the matter of prevention of fire or any requirement of the Minister
under this Act, shall be liable, on summary conviction, to a penalty of two hundred dollars; and it shall not be necessary in any prosecution to prove the name or number of any locomotive, or the name of the engineer or fireman in charge of the same. R.S. 1936, c. 102, s. 111.

111. Every person operating any logging-railway or other railway not under charter as a common carrier shall pile and burn or otherwise deal with debris alongside the track of the railway in accordance with the orders of the Minister, and shall maintain after the passage of any locomotive along the railway such patrol as the Minister may direct. If any such person fails when notified immediately to comply with the provisions of this section, the Minister may by the officers of the Forest Service deal with the debris and maintain the patrol, and the Crown shall have a lien for the amount of the expenses incurred therein, and for all expenses of seizure or detention incurred in enforcing the lien, upon the locomotives, engines, logging plant, and equipment of the person so making default; such lien to constitute a charge to the like extent and to confer the same rights and to be enforceable in the same manner as the liens created by the provisions of this Act for the recovery of royalty, including an absolute, unconditional power to sell; and such expenses shall also be a debt due to the Crown recoverable by action in any Court of competent jurisdiction from the person so making default. R.S. 1936, c. 102, s. 112; 1945, c. 31, s. 8.

112. (1) Where as a result of the carrying-on of any operation for the cutting or removal of trees or timber any slash, including in that expression any brush or debris, is occasioned or accumulated, the person carrying on the operation shall, on the demand of any officer authorized by the Minister, dispose of the slash by burning or otherwise to the satisfaction of the Minister.

(2) Where any person fails or neglects to dispose of any slash at the time and in the manner required under this section, the Minister may dispose of the slash, in which case all expense incurred therein shall be forthwith due and payable to the Crown from that person for the purposes of the Forest Protection Fund. The Crown shall have a lien for the amount of any expense so payable to the Crown, and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon all engines, logging plant, equipment, and material used in the operation in which the slash was occasioned or accumulated, or belonging to the person carrying on the operation, and also against the lands upon which the operation in which the slash was occasioned or accumulated was in whole or in part carried on; and such lien shall constitute
a charge to the like extent, and shall confer the same rights, and shall be registrable and enforceable in the same manner as the liens created by the provisions of this Act for the recovery of royalties, including an absolute, unconditional power to sell. All moneys payable under this subsection may also be recovered at the suit of the Crown in any Court of competent jurisdiction. R.S. 1936, c. 102, s. 113.

113. (1) The provisions of subsections (2) to (20) shall apply to that portion of the Province administered by the Forest Service as the Vancouver Forest District as established by notice in the Gazette of August ninth, 1923, and shall be in force from and after the first day of January, 1946.

(2) Where as a result of the carrying-on of any operation for the cutting or removal of trees or timber any dead tree is left standing, the person carrying on the operation shall dispose of every such dead standing tree by falling it concurrently with the progress of logging operations.

(3) The Deputy Minister or any officer of the Forest Service authorized in that behalf by the Deputy Minister may exempt any part of the district referred to in subsection (1), or any operation or part of any operation, or any class of operations from the provisions of subsection (2).

(4) Where any slash, including in that expression brush or debris, is occasioned or accumulated, the person carrying on the operation shall dispose of the slash by burning as and when instructed so to do by the Deputy Minister or any officer of the Forest Service authorized by the Deputy Minister to give such instructions; and in the case of written instructions they will be deemed to have been duly delivered two days after being posted to the addressee’s last-known or business or camp address.

(5) The Deputy Minister or officer of the Forest Service in his instructions may require any part of the slash to be left on the ground, and may require any measures to be taken by the operator to safeguard forest soil, seedlings, young trees, standing timber, or other property from damage likely to result from disposal measures, and may prohibit the burning of slash where in his opinion excessive damage is likely to result from burning.

(6) The operator in the disposal of slash ordered under subsection (4) shall use all reasonable precautions to prevent the escape of fire or damage to property.

(7) Upon every area of slash not disposed of as required by this section, or in the disposal of which reasonable precautions and safeguards have not been used to prevent the escape of fire or damage to property to the satisfaction of the Deputy Minister, there shall be due and payable to the Crown the sum of three dollars and fifty cents per acre.
(8) Upon every area of logged lands on which dead standing trees have not been disposed of as required by this section and to the satisfaction of the Deputy Minister, there shall be due and payable to the Crown the sum of four dollars per acre.

(9) The number of acres in the area involved in subsections (7) and (8) shall be determined by the Deputy Minister.

(10) Payments made under subsections (7) and (8) shall be placed to the credit of the Forest Protection Fund.

(11) In the event of the subsequent disposal, with the prior written consent and to the satisfaction of the Deputy Minister, of slash or standing dead trees in respect of which payment has been made under subsection (7) or (8), the Minister may refund all or any part of the amount paid in respect of the acres in the area on which slash or standing dead trees have been disposed of with such written consent.

(12) The Crown shall have a lien for the amount payable to the Crown under this section, and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon all engines, logging plant, equipment, motor-vehicles, and material used or that have been used in the operation in which the slash or dead standing trees were occasioned or accumulated or belonging to the person carrying on the operation, upon all cut timber and wood cut upon the lands on which the slash or dead standing trees were occasioned or accumulated, and also upon all cut timber and wood belonging to that person, and also against the lands upon which the operation in which the slash or dead standing trees were occasioned or accumulated was in whole or in part carried on; and such lien shall constitute a charge to the like extent, and shall confer the same rights, and shall be registrable and enforceable in the same manner as the liens created by the provisions of this Act for the recovery of royalty, including an absolute, unconditional power to sell.

(13) All moneys payable under subsection (12) may also be recovered with costs at the suit of the Crown in any Court of competent jurisdiction.

(14) Any person disposing of slash or dead standing trees under this section who does not use all reasonable precautions and safeguards to prevent the escape of fire or damage to property, all to the satisfaction of the Deputy Minister or to the satisfaction of any officer of the Forest Service authorized by him, shall be guilty of an offence against this Act and shall, in addition to all other penalties imposed by this Act, be liable to pay all the expenses incurred by the Forest Service in controlling and extinguishing the fire in case it spreads beyond the boundary of the area required to be burned pursuant to this section, or
threatens to do so, which expenses may be recovered at the suit of the Crown in any Court of competent jurisdiction.

(15) Notwithstanding anything in this section contained, where in that portion of the Province administered by the Forest Service as the Vancouver Forest District, as a result of the carrying-on of any operation for the cutting or removal of trees or timber, any slash, including in that expression brush or debris, is occasioned or accumulated or any dead trees left standing, the Deputy Minister may at any time require the person carrying on the operation to deposit with him a cash security deposit for the purpose of guaranteeing that he will fulfill his obligations under this section.

(16) If the provisions of this section are carried out to the satisfaction of the Deputy Minister the cash security deposit will be refunded; but if not the Deputy Minister may retain the whole of the cash security deposit, or such part thereof as he thinks is necessary to enable the Deputy Minister to carry out the provisions of this section.

(17) If any person from whom a cash security deposit has been demanded fails to furnish such deposit within such time as is fixed by the Deputy Minister there shall be due and payable to the Crown the sum of three dollars and fifty cents for every acre of every area of slash created and not disposed of and four dollars for every acre of every area of logged lands on which are dead standing trees.

(18) The Crown shall have a lien for every sum payable under subsection (17) and the provisions of subsection (12) shall be applicable.

(19) All money retained by the Crown under subsection (16) and received under subsection (17) shall be placed to the credit of the Forest Protection Fund.

(20) The decision of the Deputy Minister with regard to the acres in the area involved under subsection (17) shall be final. 1937, c. 21, s. 5; 1939, c. 20, ss. 11–14; 1941–42, c. 12, s. 7; 1943, c. 24, s. 9; 1945, c. 31, s. 8; 1946, c. 29, s. 23; 1947, c. 38, s. 28; 1948, c. 25, s. 15.

114. For the purposes of sections 112, 113, and 115, the phrase "person carrying on the operation," the word "operator" and the word "person" shall include not only the person in actual charge of the operation and a contractor who contracts to carry on the operation but also the person for whom the operation is carried on and the person with whom a contractor has made a contract under which the contract is carried on. 1943, c. 24, s. 10; 1945, c. 31, s. 8; 1946, c. 29, s. 24.
115. (1) Where the safety of any forest or woodland or timber is endangered by the debris caused by any lumbering or other industrial operation, the Minister may require the person carrying on or who has carried on the operation, or the owner or occupier of the land on which the debris exists, to dispose of the debris by burning or any other manner, and to cut down all dead standing trees and stubs within the area, and to provide such labour and take such precautions to prevent the escape of fire or damage to property as the Minister or any officer of the Forest Service acting for him may direct, all to the satisfaction of the Minister.

(2) Every camp, mine, sawmill, portable or stationary engine located in or within one-half of a mile from any forest or woodland shall have such space surrounding the camp, mine, sawmill, or engine cleared of inflammable material as the Minister may direct, and the person in charge of the camp, mine, sawmill, or engine shall forthwith clear and maintain that space as so directed.

(3) Every person clearing a right-of-way for any road, trail, telephone, telegraph, power, or pipe line, tote-road, ditch, or flume shall pile and burn on the right-of-way all refuse timber, slash, chippings, and brush cut thereon as rapidly as the clearing or cutting progresses and the weather conditions permit, or at such other times as the Minister may direct, and during the close season shall obtain, before burning any material, a permit from the Forest Service.

(4) No person slashing brush or timber for the purpose of clearing land, or in the conduct of any lumbering operation, or in the cutting of any road or right-of-way shall fell or permit to be felled trees or brush in such a manner that the trees or brush fall and remain on land not owned by the person felling or permitting the felling of the trees or brush.

(5) Every person who within three 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.

(6) Where, after due notice, any person fails to carry out any requirements of this section to the satisfaction of the Minister, then, in addition to any other penalty imposed by this Act, the Minister may by his officers enter upon the land on which the debris, dead trees, stubs, inflammable material, refuse timber, slash, chippings, or brush in question exist and carry out the requirements of this section and the orders of the Minister issued thereunder; and the Crown shall have a lien for the amount of the expenses incurred therein, and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon the lands,
sawmills, engines, logging plant, and equipment of the person so making default; such lien to constitute a charge to the like extent and to confer the same rights and to be registrable and enforceable in the same manner as the liens created by the provisions of this Act for the recovery of royalty, including an absolute, unconditional power to sell; and such expenses shall also be a debt due to the Crown recoverable by action in any Court of competent jurisdiction from the person who cut the trees or timber from which the debris or other material in question was made. R.S. 1936, c. 102, s. 114; 1945, c. 31, s. 8; 1946, c. 29, s. 25.

116. The Minister 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 the nuisance to the satisfaction of the Minister; and due notice shall be deemed to have been given to the owner, occupier, or person when a copy of the notice has been mailed to him at his last-known place of address, and a copy has been posted in a conspicuous position upon the land. R.S. 1936, c. 102, s. 115.

117. It shall be the duty of every adult person resident in the Province who finds that a fire has started or exists in or within one-half of a mile from any forest or woodland to do his utmost to prevent the spread of the fire, and, if the fire has not been reported to the Forest Service, to report the same to the Forest Service by the quickest possible means. R.S. 1936, c. 102, s. 116; 1945, c. 31, s. 8.

118. In the case of a fire burning on land or that has burned on or across land on which any person is conducting any landclearing, lumbering, industrial, engineering, or construction operation, or which any person is otherwise occupying, no matter how, where, or by whom the fire may have been set, that person shall, by himself or his agents or contractors, diligently attend to the controlling and extinguishing of the fire, and for that purpose shall employ the services of as many of the men employed by him, up to the total number of such men, as may be necessary, and shall, if called upon by any officer of the Forest Service, place at the disposal of such officer for the purpose of controlling and extinguishing the fire the services of such men, and shall himself pay for the services of the men so employed: Provided that:

(a) When the obligation imposed by this section has been diligently discharged in the case of fire originating on
other lands spreading to occupied lands on which the tax imposed by section 124 has been assessed; or

(b) When the obligation imposed by this section has been voluntarily assumed and diligently discharged in the case of fire spreading to, or originating on, unoccupied land on which the tax imposed by section 124 has been assessed, if the fire did not originate on lands on which the person aforesaid, or his agents or contractors, is conducting any land-clearing, lumbering, industrial engineering, or construction operation, or is otherwise occupying; and

(c) If the annual tax imposed by section 124 has been paid; and

(d) If the provisions of this Act and the regulations have been complied with; and

(e) If proof is submitted showing that immediate notice of the fire was dispatched to the Forest Service by the best available means of communication; and

(f) If such information as the Forest Service may require is submitted showing how and where the fire started, together with evidence satisfactory to the Forest Service of the payments made for the services of the men so employed,—

then the total amount expended by such person in controlling and extinguishing the fire shall be borne by the Forest Protection Fund, except that the amounts allowed for wages paid for the services of the men so employed shall not exceed the rates prescribed by the Forest Service for such work. R.S. 1936, c. 102, s. 117; 1937, c. 21; s. 6; 1938, c. 18, s. 12; 1945, c. 31, s. 8; 1946, c. 29, s. 26.

119. Any person who, in the case of a fire burning on land or that has burned on or across land on which he is conducting any land-clearing, lumbering, industrial, engineering, or construction operation, or which he is otherwise occupying, no matter how, where, or by whom the fire may have been set, fails to do his utmost to control and extinguish the fire, or refuses to place at the disposal of any officer of the Forest Service for the purpose of controlling and extinguishing the fire, at the person’s own expense, his services and the services of any men employed by him, or who, without the written consent of an officer of the Forest Service, continues to carry on, in whole or in part, any land-clearing, lumbering, industrial, engineering, or construction operations while the fire is burning, or who without such consent resumes any such operations before the fire is wholly extinguished, shall be guilty of an offence against this Act, and shall,
in addition to all other penalties imposed by this Act, be liable for all expenses incurred by the Forest Service or by any other person in controlling and extinguishing the fire. The Attorney-General, on behalf of His Majesty, may bring action to recover such expenses incurred by the Forest Service, and any other person who has incurred expenses under this section may bring action for the recovery thereof in any Court of competent jurisdiction; but no action shall be brought under this section unless it is commenced within twelve months from the incurring of the expenses. R.S. 1936, c. 102, s. 118; 1938, c. 18, ss. 13-15; 1945, c. 31, s. 8.

120. (1) Where, in the opinion of the Minister, the safety of life and property in any area of the Province is endangered through the hazardous condition of the forest-cover or the occurrence or spread of fire burning in any forest or woodland, the Minister may by an order in writing signed by him declare that area a closed district that, notwithstanding anything in any other Act contained, no person shall enter or be in for the purpose of travelling, camping, fishing, hunting, recreation, prospecting for minerals, or any other like purpose, without first obtaining from the Forest Service a written permit therefor, and within which no operations of any class specified in the order shall be carried on in or within one-half mile of any forest or woodland situated within the area so declared a closed district, until the Minister by a subsequent order has declared the danger abated and the closed district abolished; but the provisions of this section shall not apply to permanent residents or landowners in gaining access to or egress from their property, nor to persons travelling along any of the public highways of the Province, and persons engaged on any operation not specified in the order shall have free access to and egress from that operation and shall not require a permit for the carrying-on of that operation. Upon a prosecution for violation of the provisions of a closure order made under this subsection it shall not be necessary for the prosecuting authority to prove that the person against whom the prosecution is laid had knowledge of the closure order, and if he pleads or alleges that he had no such knowledge the burden of proof thereof shall be upon him.

(2) In any closed district created under this section any officer of the Forest Service authorized by the Minister may take any action he considers necessary to control fires and to safeguard life and property, and may summon, either orally or by writing, any male person between the ages of eighteen and sixty years, except only trainmen, telegraphers, and dispatchers on duty, medical practitioners, and persons physically unfit, to work under
the direction of the officer for the purpose of controlling and extinguishing such fires.

(3) Every person who, in violation of any provision of this section or of any order of the Minister thereunder, enters or is in or carries on any operation within the area of any closed district, or who, being summoned by any officer of the Forest Service pursuant to subsection (2), refuses or fails to attend and work under his direction for the purpose of controlling and extinguishing any fire burning in any closed district, shall be liable, on summary conviction, to a penalty of not less than twenty-five dollars and not more than three hundred dollars; and every day's continuance of the carrying-on of any such operation shall be deemed a separate offence. R.S. 1936, c. 102, s. 119; 1938, c. 18, s. 16; 1945, c. 81, s. 8; 1946, c. 29, s. 27.

121. (1) The Minister, through the Forest Service, by means of the Forest Protection Fund shall maintain and equip a fire-prevention and protection force, and may authorize the employment of such assistance as the Forest Service requires in the controlling and extinguishing of fires, and in his discretion may expend moneys, either directly or in co-operation with other forest-protection agencies, for any purpose designed to promote and effect forest-protection or fire-prevention.

(2) The Minister, through the Forest Service, by means of the Forest Protection Fund, or jointly by means of that fund and moneys appropriated from the Consolidated Revenue Fund, shall acquire or construct necessary trails, look-out stations, ranger-stations, telephone-lines, and other permanent improvements and any property necessary for the purposes of this Act. Every building, erection, or property so acquired or constructed may, when no longer required for the purposes of this Act, be sold or disposed of on the directions of the Minister; and the proceeds of every sale or disposition shall be paid into the Forest Protection Fund, or into that fund and the Consolidated Revenue Fund in proportion to the amounts contributed therefrom respectively towards the joint acquisition or construction of the building, erection, or property so sold or disposed of.

(3) The Minister may in his discretion, by means of the Forest Protection Fund, pay to any person an amount equal to the whole or any part of the expenditures incurred by that person in fighting and controlling any fire burning in or within one-half of a mile from any forest or woodland; but every payment under this subsection shall be subject to the following provisions:

(a) Payment shall be made only where the expenditures were incurred for the protection of forest-growth:

(b) No payment shall be made for fire-fighting costs incurred in the discharge of duties or obligations.
imposed by any provision of this Act on any owner or occupier of land:

(c) Proof shall be submitted to the Minister showing that immediate notice of the fire and of the control measures being undertaken was dispatched to the Forest Service by the best available means of communication:

(d) The decision of the Minister in regard to any payment applied for under this subsection shall be final. R.S. 1936, c. 102, s. 120; 1937, c. 21, s. 7; 1945, c. 31, s. 8; 1948, c. 25, s. 16.

122. Every person employed in any capacity in connection with any patrol or fire-prevention force maintained pursuant to this Act shall have lawful right, while in performance of his duties in connection with the 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 any patrol or fire-prevention force shall be guilty of an offence against this Act. R.S. 1936, c. 102, s. 121.

123. (1) Such officers and employees of the Forest Service as the Lieutenant-Governor in Council considers necessary may 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 and there make complaint. Any officer or constable of the Provincial Police Force and any officer or employee of the Forest Service may employ or summon the assistance of any male person between the ages of eighteen and sixty, except only trainmen, telegraphers, and dispatchers on duty, medical practitioners, 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 may provide.

(2) Every person refusing or failing to render assistance when called upon by any officer or employee of the Forest Service under this section shall be liable, on summary conviction, to a penalty of not less than twenty-five dollars and not more than one hundred dollars.

(3) Where any person has been appointed as a Forest Fire Prevention Officer by the holder of any timber licence or timber lease, or by the owner of any forest or woodland, or by any person carrying on any land-clearing, lumbering, industrial, engineering, or construction operation in or within one-half of a mile from any forest or woodland, or by any municipality, and where the appointment has been approved by the Minister, the officer
so appointed shall have and may exercise the like powers and authority which an officer or employee of the Forest Service has or may exercise under this section. R.S. 1936, c. 102, s. 122; 1945, c. 31, s. 8.

124. (1) From the owner of unimproved land in any parcel in excess of six hundred and forty acres and of logged and timber land there shall be payable and paid to the Crown, on the first day of April in each year, an annual tax at the rate of six cents for each acre; and from the holder of every timber lease, pulp lease, timber licence, pulp licence, timber berth, or resin licence six cents for each acre comprised in the lease, licence, or berth, payable annually upon the anniversary of the issue of the lease or licence or upon the annual renewal date of the licence or berth, as the case may be, and all such payments shall be placed to the credit of a fund in the Treasury to be known as the "Forest Protection Fund." All moneys payable as aforesaid may be recovered with costs by action at the suit of the Crown. To the amounts received by the Crown under this subsection and paid into the said fund, there shall be added the annual sum of one million six hundred and fifty thousand dollars to be paid by the Minister of Finance from the Consolidated Revenue Fund in equal instalments in the months of April, July, October, and January.

(2) The Minister of Finance shall make payments out of the Forest Protection Fund upon vouchers certified by the Minister.

(3) In order to meet charges against the Forest Protection Fund which may be incurred before the full collection of the tax in any year, and to provide for any deficiency in the levy to meet the expenditure, the Minister of Finance is hereby authorized to advance to the said fund out of the Consolidated Revenue Fund such sums as may be necessary. All moneys so advanced shall be repaid to the Consolidated Revenue Fund out of moneys collected under this section.

(4) If the total levy under subsection (1) is insufficient to cover the expenditure from the Forest Protection Fund, the deficit shall from time to time, as determined by the Lieutenant-Governor in Council, be met by a suitable pro rata increase in the amount of tax per acre payable by the persons mentioned in subsection (1) and in the amounts added from revenue under that subsection.

(5) If at the end of any fiscal year a surplus has accumulated in the Forest Protection 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. R.S. 1936, c. 102, s. 123; 1937, c. 21, s. 8; 1938, c. 18, s. 17; 1945, c. 31, s. 6; 1946, c. 29, s. 28; 1947, c. 38, s. 29; 1948, c. 25, ss. 17, 18.

125. (1) Where any trees or timber or any slash (including in that expression any brush or debris) on any lands are found by the Forest Service to be infested with any species of injurious insect under such circumstances as, in the opinion of the Minister, to constitute a menace to adjacent timber or a dangerous source for the spread of such insects, if the Minister gives to the holder of any timber lease or timber licence covering the lands, in the case of Crown lands, or to the owner of the lands, in the case of other lands, notice in writing requiring the owner, lessee, or licensee, as the case may be, to dispose of the trees, timber, or slash so infested, in the manner directed in the notice, the owner, lessee, or licensee to whom the notice is given shall forthwith dispose of the infested trees, timber, or slash as directed. The notice shall be deemed to be duly given to the owner, lessee, or licensee when a copy has been mailed to him at his last-known place of address and a copy has been posted in a conspicuous position on the land.

(2) Where the owner, lessee, or licensee refuses or neglects to dispose of the trees, timber, or slash in the manner directed in the notice, the Forest Service may enter upon the lands and cause the trees, timber, or slash to be disposed of.

(3) Where the trees or timber disposed of pursuant to this section are on timberland, within the meaning of the "Land Act" or within the meaning of the "Taxation Act," one-half the net cost of disposing of the trees or timber shall be borne by the Crown and one-half by the owner of the land; and where the trees or timber disposed of are on Crown lands held under timber lease or timber licence, one-half of the net cost of disposing of the trees or timber shall be borne by the Crown and one-half by the lessee or licensee; and where the trees or timber disposed of are not on Crown land or on timber land as so defined, the Crown shall bear the entire net cost of disposing of the trees or timber. The entire cost of disposing of slash pursuant to subsection (1) or (2) shall in all cases be borne by the owner, lessee, or licensee.

(4) For the purpose of this section, the expression "net cost" shall mean the amount by which the total cost reasonably incurred in disposing of the trees or timber exceeds the amount which has been or can be realized from the disposal of the same.
(6) Where the trees, timber, or slash so infested are on Crown lands held under any lease or licence other than a timber lease or timber licence, the Forest Service may, upon notice to the lessee or licensee, enter upon the lands and cause the trees, timber, or slash to be disposed of in such manner as the Minister may direct, and the entire cost of disposing of the trees, timber, or slash shall be borne by the Crown.

(6) All moneys due from any owner, lessee, or licensee in respect of any disposal of trees, timber, or slash by the Forest Service under this section shall be payable upon demand of the Minister, and the Crown shall have a lien for the amount thereof, and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon the lands of the owner and upon the sawmills, engines, logging plant, and equipment of the owner, lessee, or licensee, as the case may be, constituting a charge to the like extent and conferring the same rights and registrable and enforceable in the same manner as the liens created by the provisions of this Act for the recovery of royalty, including an absolute, unconditional power to sell. All moneys payable under this subsection may also be recovered at the suit of the Crown in any Court of competent jurisdiction. R.S. 1936, c. 102, s. 124; 1945, c. 31, s. 8.

126. In any prosecution or action brought against any person for any contravention of this Act, the burden of proving that the requirements and provisions of this Part have been complied with shall be upon the defendant. R.S. 1936, c. 102, s. 125.

127. Nothing in this Part 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. R.S. 1936, c. 102, s. 126.

PART XII.

PARKS.

128. The Lieutenant-Governor in Council may constitute any portion of the Province a Provincial park for the pleasure and recreation of the public and declare by what name it shall be known, and may extend, reduce, or cancel any park heretofore or hereafter created, or consolidate two or more parks. 1939, c. 20, s. 16.

129. Provincial parks shall be of three classes, "A," "B," and "C." 1939, c. 20, s. 16; 1940, c. 13, s. 9.
130. For the purpose of the establishment or enlargement of any park under this Act, the Lieutenant-Governor in Council may purchase or otherwise acquire lands, improvements on lands, and timber rights privately owned; and in the acquisition thereof may cause a grant or conveyance of other suitable lands or timber rights belonging to the Crown (including lands that have become forfeited to the Crown for non-payment of taxes) to be made to the owner, in such manner and subject to such terms as the Lieutenant-Governor in Council may approve, in exchange for the lands, improvements, or timber rights so acquired; or may pay therefor such sum as may be agreed upon and, in the event of disagreement, such sum as may be appraised and awarded on arbitration; and for the purposes of this section the provisions of the “Public Works Act” with respect to the acquisition of lands for public works shall apply mutatis mutandis. 1939, c. 20, s. 16.

131. (1) Lands included in any Provincial park of Class “A” or Class “C” are reserved from pre-emption, sale, lease, or licence under the “Land Act” absolutely, and with respect to any other Act regarding mining or any other matter are so reserved unless the consent of the Lieutenant-Governor in Council is obtained, and then only subject to the further provisions of this Act.

(2) No holder or owner of any mineral claim located or held within the limits of any Provincial park of Class “A” or Class “C” shall be entitled to apply for or receive a Crown grant of the surface rights of the mineral claim.

(3) All mineral claims within any Provincial park, Class “A” or Class “C,” and all records and grants in respect of such claims shall, in addition to the provisions of the “Mineral Act,” be subject to such further terms and conditions and restrictions, including restrictions as to the cutting and use of timber, as the Lieutenant-Governor in Council may from time to time prescribe. 1939, c. 20, s. 16; 1940, c. 13, s. 10.

132. (1) The Crown timber that is subject to disposition by the Crown on any Provincial park of Class “A” is reserved from cutting or sale except as such cutting and incidental sale may in the opinion of the Deputy Minister be necessary or advantageous in developing and improving the park or protecting and preserving the major forest values of the park for the enjoyment of the public. No Provincial park of Class “A” timber shall be sold for the primary object of revenue.

(2) Sale of Crown timber that is subject to disposition by the Crown in Provincial parks of Class “A,” under the provisions of subsection (1):—

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(a) If the amount is estimated to be more than one hundred thousand feet, board measure, shall be made in accordance with the provisions of Part III of this Act and subject to such further conditions as the Minister may deem necessary; and

(b) If the amount is estimated to be not more than one hundred thousand feet, board measure, may be made without advertising and subject to such terms and conditions as the Deputy Minister may determine. 1939, c. 20, s. 16; 1945, c. 31, s. 8; 1946, c. 29, s. 30.

133. The Crown timber that is subject to disposition by the Crown on any Provincial park of Class “B” shall be subject to disposal under the terms of Part III of this Act and the land shall be available for disposal as provided by Statute, except where, in the opinion of the Deputy Minister, disposal of such timber or land would be detrimental to the recreational value of the area. 1939, c. 20, s. 16; 1945, c. 31, s. 8; 1946, c. 29, s. 31.

134. (1) The Minister may appoint an Advisory Board or Advisory Boards for any or all Class “A” or Class “B” Provincial parks, and the Deputy Minister shall consult from time to time with such Board or Boards in the administration of any Provincial park for which an Advisory Board has been appointed.

(2) The members of any Advisory Board or Park Board appointed by section 135 or that may be hereafter appointed shall continue in office at the pleasure of the Minister.

(3) The Minister may appoint a Park Board for any Class “C” Provincial park with power to manage, administer, regulate, and control that park. The said Park Board shall be a body corporate and politic and shall be composed of not less than three and not more than five members. 1939, c. 20, s. 16; 1940, c. 13, s. 11; 1945, c. 31, s. 8.

135. (1) Every Park Board appointed under the provisions of the “Provincial Parks Act,” and park trustees recognized under the provisions of the said Act, are dissolved and are reconstituted as Advisory Boards under this section, and all the records of such Boards and trustees shall be turned over to the Deputy Minister on request, and all park accounts and funds shall be delivered forthwith by such Park Boards and trustees to the Forest Service.

(2) Where any park is classified as Class “C,” if there is an Advisory Board in respect thereof that Advisory Board shall be dissolved and reconstituted as a Park Board as if appointed under the provisions of subsection (3) of section 134. 1939, c. 20, s. 16; 1940, c. 13, s. 12; 1945, c. 31, s. 8.
136. The members of every Advisory Board shall serve without compensation, but each member shall be entitled to receive his actual disbursements for expenses in visiting or inspecting the parks when the visit or inspection is made or rendered by the direction of the Forest Service. 1939, c. 20, s. 16; 1945, c. 31, s. 8.

137. No member of any Advisory Board shall have any contract with the Forest Service in respect to park improvement or development or be pecuniarily interested, directly or indirectly, in any contract or work relating to the parks or park property. 1939, c. 20, s. 16; 1945, c. 31, s. 8.

138. The Lieutenant-Governor in Council may reserve any Crown lands for a distance of not more than two hundred and fifty feet on both sides of the centre line of any public road as park lands of Class “A” within the meaning of this Act. 1939, c. 20, s. 16.

139. Any concession for service to the public within a Class “A” or Class “B” Provincial park shall be granted by the Minister by public competition after advertising in accordance with the regulations. 1939, c. 20, s. 16; 1940, c. 13, s. 13.

140. The Lieutenant-Governor in Council shall have power to attach penalties for the infraction of the regulations and the same shall be enforced by proceedings under the “Summary Convictions Act.” 1939, c. 20, s. 16.

141. (1) There may be spent each year, subject to the approval of the Minister, for the establishment, improvement, protection, and maintenance of parks and in addition to any other funds voted, an amount not exceeding all sums received during the preceding fiscal year as stumpage and royalty, penalties, or any other charges on or from the sale of Crown timber from Provincial parks of Class “A,” and all licence and lease fees from lands within Provincial parks of Class “A,” and all income from Provincial park administration received by the Crown.

(2) The Minister may accept gifts or bequests of money for park purposes, and all such funds, if accepted, shall be used at the direction of the Minister in accordance with the terms of the gift; and the Minister may accept at his discretion any other gifts on behalf of the parks. 1939, c. 20, s. 16.

142. No private interest shall be permitted to acquire any property right in any Provincial park of Class “A” or Class “C” except under park-use permits as provided for in the regulations. 1939, c. 20, s. 16; 1940, c. 13, s. 14; 1943, c. 24, s. 11.

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143. The Minister shall, before the thirty-first day of December, 1940, and subject to the approval of the Lieutenant-Governor in Council, reclassify every existing park reservation as either a Provincial park of Class "A" or a Provincial park of Class "B" or a Provincial park of Class "C," as the case may be. 1939, c. 20, s. 16; 1940, c. 13, s. 15.

PART XIII.

GENERAL PROVISIONS.

Collection of Moneys due to Crown.

144. All timber upon which any stumpage, royalty, or tax is payable to the Crown shall be scaled, classified, and graded in accordance with the provisions of this Act and the grades set out in the table in the Schedule, except that the limitations as to length of logs contained in that table shall not apply in the case of logs intended for export which are cut shorter than twenty feet to meet the market specifications for any foreign market. The grades set out in the table in the Schedule shall apply only to timber cut upon lands situate west of the Cascade Mountains. R.S. 1936, c. 102, s. 127; 1939, c. 20, s. 18; 1941-42, c. 12, s. 8.

145. All timber, wood, or bark cut upon Crown lands or upon lands granted in respect of which any rental, stumpage, royalty, or tax is reserved or payable shall be subject to a lien in favour of the Crown, and shall be liable for the payment of the rental, stumpage, royalty, or tax by or under this Act or any contract reserved or payable, so long and wheresoever the timber, wood, or bark, or any part of it, may be found in the Province, whether in the original logs or manufactured into lumber or shingles; and in case such timber, wood, or bark has been made up with other timber, wood, or bark into a crib or raft, or in any other manner has been so mixed up as to render it impossible or difficult to distinguish the timber, wood, or bark liable to the payment of rental, stumpage, royalty, or tax from timber, wood, or bark not so liable, such other timber, wood, or bark shall also be liable for all rental, stumpage, royalty, or tax so reserved or payable; and every officer or agent entrusted with the collection of the rental, stumpage, royalty, or tax may follow all such timber, wood, or bark and seize and detain the same wherever it is found until the rental, stumpage, royalty, or tax, and all expenses of seizure and detention, are paid or secured. R.S. 1936, c. 102, s. 128; 1939, c. 20, s. 18; 1947, c. 38, s. 30.
146. (1) The Crown shall have a lien for the amount of any stumpage, royalty, or tax reserved or payable under this Act or any contract or stumpage and other charges payable under a forest management licence, and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon all sawmills or other factories and lands appurtenant thereto, steamships, railway and stationary engines, smelters, concentrators, and all furnaces, machinery, equipment, and material in or for which any timber or wood in respect of which the stumpage, 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, or which belong to the person from whom the stumpage, royalty, or tax is due, and upon all cut timber and wood and lumber and other manufactured wood products belonging to that person; and also upon all steamships, tow-boats, scows, or other vessels, and upon all engines, logging plant equipment or material, and upon all railway-lines, teams, wagons, and motor-vehicles in any way engaged or that have been engaged in taking out or in transporting such timber or wood, or belonging to the person from whom the stumpage, royalty, or tax is due; such lien to constitute a first charge in priority to all other liens and to all encumbrances or charges created by any contract or arising under any Statute or otherwise howsoever, and to confer the same rights and to be enforceable in the same manner as the lien and rights of recovery of royalty conferred by the provisions in that behalf of this Act, including an absolute, unconditional power to sell.

(2) The Crown shall also have a lien for the amount of any such stumpage, royalty, or tax against the lands upon which the timber or wood in respect of which the stumpage, royalty, or tax is reserved or payable was cut, and shall also have a lien for the amount of any tax levied under section 124 against the land in respect of which the tax is payable, and a statement under the hand of the Minister stating the amount due and describing the lands affected shall be sufficient evidence of the existence of the lien and of the amount secured thereby for the purpose of registration thereof under the “Land Registry Act.” Where a lien has been acquired pursuant to this Act the Crown may enforce the lien by selling the land upon which the lien exists by public auction or private sale. Before any sale is made one month’s notice in writing shall be given to persons having any interest in the land as shown by the Land Registry records. The notice shall be sufficiently given if sent by prepaid registered mail addressed to the persons to whom notice is to be given at their last-known address. The Crown shall be entitled to all costs incurred in enforcing the lien. R.S. 1936, c. 102, s. 129; 1939, c. 20, s. 18; 1941-42, c. 12, s. 9; 1946, c. 29, s. 32; 1947, c. 38, ss. 31, 32.
147. (1) Every owner of granted lands and every holder of a timber lease or timber licence or forest management licence on lands whereon any timber or wood is cut in respect of which any stumpage, royalty, or tax is reserved or payable under this Act or any contract, and every person dealing in any timber or wood cut from any such lands, and every person operating a mill or other industry which cuts or uses timber or wood upon or in respect of which any stumpage, royalty, or tax is by this Act or any contract reserved or payable, shall keep correct books of account of all timber and wood cut for or received by him, and shall render monthly statements thereof within ten days after the end of each month to the District Forester, and, if demanded, shall within ten days after the demand furnish a true copy of the tallyman's or scaler's daily work, duly sworn to, which shall contain all such particulars as the Minister may require, and shall within five days after every transfer of ownership of any boom of timber notify the District Forester of the transfer; and such books of account shall be open at all reasonable hours for the inspection of any officer of the Forest Service; and the owner, lessee, or licensee, and the person dealing in the timber or operating the mill or other industry as aforesaid, shall be jointly and severally liable to pay to the Minister monthly all such sums of money as are shown to be due. All moneys payable under this section may be recovered with costs by action at the suit of the Crown.

(2) If, after inspection of such books of account, it is found that in respect of any previous statement there is still an amount of timber or wood not reported, and which is subject to stumpage, royalty, or tax, the owner, lessee, or licensee, or person dealing in the timber or operating the mill or other industry as aforesaid, who is in arrear for the stumpage, royalty, or tax, shall forthwith pay the arrears, and for the purpose of the collection and recovery of the same shall be subject to all the provisions of this Act for the collection and recovery of stumpage, royalty, or tax. R.S. 1896, c. 102, s. 130; 1937, c. 21, s. 9; 1939, c. 20, ss. 18, 19; 1943, c. 24, s. 12; 1945, c. 31, s. 8; 1947, c. 38, ss. 33, 34.

148. (1) It shall be lawful for any railway company, in respect of timber purchased by it, and for any person owning or operating any mill, in respect of timber purchased by him or brought to his mill, to collect the stumpage and timber royalty or tax due to the Crown, and to give receipts therefor. All moneys so received shall be accounted for and paid over to the Minister.

(2) The Crown shall have a lien upon the mill and all timber thereat, and on any lands appurtenant thereto, for all stumpage,
royalty, and tax collected under this section, and for all expenses
of seizure, detention, or sale incurred in enforcing the lien; such
lien to confer the same rights and to be registrable and enforce-
able in the same manner as the liens created by the provisions
of this Act for the recovery of royalty, including an absolute,
unconditional power to sell. All moneys payable under this
section may also be recovered at the suit of the Crown in any
Court of competent jurisdiction. R.S. 1936, c. 102, s. 131; 1939,
c. 20, s. 18.

149. Every officer or agent making any seizure under this
Act may call in any assistance necessary for securing and pro-
tecting the timber or thing seized. R.S. 1936, c. 102, s. 132;
1939, c. 20, s. 18.

150. (1) All timber, wood, or bark of any person seized
under this Act shall be deemed to be forfeited to the Crown
unless the amounts due for rental, stumpage, royalty, or tax,
or stumpage and other charges payable under a forest manage-
ment licence and all expenses of seizure and detention, are 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, gives notice to the person who made the
seizure or to the District Forester or the Forest Service that he
disputes the seizure; and failing such payment or notice, the
Minister may order the sale of the timber, wood, or bark, or of
so much thereof as may be sufficient to pay all rentals, stumpage,
royalties, or taxes due, or stumpage and other charges payable
under a forest management licence, and all expenses of seizure,
detention, and sale.

(2) 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, wood, or bark
to the alleged owner, upon his complying with the following
requirements:

(a) He shall first pay into Court the full amount of the
rental, stumpage, royalty, or tax claimed, together with
a sum equal to the expenses up to that time incurred
in respect of the seizure, and shall give sufficient and
acceptable security for such amount to meet 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 the timber, wood, or bark is approved
by the Court or Judge trying the case, the amount paid

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into Court for the rental, stumpage, 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 fails to make such payment, the Minister may forthwith proceed to recover the same under the said security. R.S. 1936, c. 102, s. 133; 1939, c. 20, s. 18; 1945, c. 31, s. 8; 1947, c. 38, s. 35.

151. Every person availing himself of any false statement or oath to evade the payment of any rental, stumpage, royalty, or tax payable to the Crown with respect to timber, or endeavouring to convey out of the Province any timber in respect of which rental, stumpage, royalty, or tax is payable, without first paying the rental, stumpage, royalty, or tax, shall forfeit the timber in respect of which payment of such moneys is attempted to be evaded, and shall, on summary conviction, be liable, in addition, to a penalty not exceeding five hundred dollars. R.S. 1936, c. 102, s. 134; 1939, c. 20, s. 18.

Offences and Penalties.

152. (1) Every person who violates any provision of this Act or of the regulations shall be guilty of an offence against this Act, whether otherwise so declared or not.
(2) Every person upon whom the performance of any act or the fulfilment of any duty is imposed by any provision of this Act or of the regulations, and whether by express words or necessary intendment, who refuses, neglects, or fails to perform such act or to fulfil such duty, as the case may be, shall be guilty of an offence against this Act, whether otherwise so declared or not.
(3) Every person who unlawfully destroys, defaces, or removes any notice posted by any officer of the Forest Service as a fire warning, or for any purpose of this Act, or purporting to give information respecting the ownership of any property or removes property under seizure without the written consent of an officer or employee of the Forest Service shall be guilty of an offence against this Act. R.S. 1936, c. 102, s. 135; 1939, c. 20, s. 18; 1941-42, c. 12, s. 10; 1945, c. 31, s. 8.

153. Every person guilty of an offence against this Act for which no specific penalty is otherwise provided by this Act shall be liable, on summary conviction, to a penalty of not less than twenty-five dollars and not more than three hundred dollars. Notwithstanding any law to the contrary, all penalties paid or
received under this Act shall be paid to the Minister of Finance and form part of the Consolidated Revenue Fund. R.S. 1936, c. 102, s. 136; 1939, c. 20, s. 18; 1943, c. 24, s. 13.

154. Any information for or in respect of any violation of any provision of Part XI shall be laid before the expiration of six months from the time of the happening of such violation. Any information for or in respect of any violation of any of the other provisions of this Act shall be laid before the expiration of thirty months from the time of the happening of such violation. R.S. 1936, c. 102, s. 137; 1939, c. 20, ss. 18, 20.

155. Every offence against this Act arising out of the violation of any of the provisions of Part IX, Part X, or Part XI, other than the provisions of section 101, but not excepting the provisions of section 101 concerning the use of explosives, committed by the employee, servant, agent, or workman of any person holding or owning or occupying a timber leasehold or a timber limit, or carrying on any land-clearing, lumbering, industrial, engineering, or construction operation in or within one-half of a mile from any forest or woodland, shall be deemed to be the offence of the person so owning, holding, or occupying the timber leasehold or timber limit, or carrying on the land-clearing, lumbering, industrial, engineering, or construction operation; and he shall be liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed it under or by the direction of the person so owning, holding, or occupying the timber leasehold or timber limit, or carrying on the land-clearing, lumbering, industrial, engineering, or construction operation; but nothing in this section shall relieve the person actually committing the offence from liability therefor. R.S. 1936, c. 102, s. 138; 1939, c. 20, s. 18.

Actions by Attorney-General.

156. (1) The Attorney-General, acting in the name of His Majesty, may bring, maintain, and recover judgment in the Supreme Court in an action against any person who has obtained 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.

(2) The Attorney-General may, by leave of a Judge of the Supreme Court, bring any action under the provisions of this section 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 Judge seems just.
(3) Upon application made to a Judge for leave so to bring any such action, the Judge may direct notice to be given to the defendant, and may allow the defendant to show cause why such leave should not be granted.

(4) If it appears to the Judge on any such application that the rights of several persons affecting or relating to the timber leasehold or timber limit or Crown timber or matter in respect of which the application is made may be tried and determined in one action, the Judge 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 the application, and may make such order in respect of the application, and if leave is given to bring an action as to the joinder of parties therein, as to the Judge seems just. R.S. 1936, c. 102, s. 139; 1939, c. 20, s. 18.

157. (1) In any action brought under the provisions of the last preceding section, the Supreme Court may adjudge that any defendant has obtained any timber leasehold or timber limit or Crown timber in question in the 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 the timber lease or timber licence be cancelled or assigned to the party equitably entitled thereto, if the rights of such party are before the Court in the action for determination, and may deliver the 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 the action.

(2) Every adjudication made in an action so brought 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 Supreme Court, and the Rules of Court for the time being in force shall apply to and regulate all proceedings in every action brought under the last preceding section. R.S. 1936, c. 102, s. 140; 1939, c. 20, s. 18.

Miscellaneous.

158. Every assignment of a timber lease or timber licence shall be filed in the Forest Service, and a fee of five dollars shall be payable in respect of each lease or licence assigned. R.S. 1936, c. 102, s. 141; 1939, c. 20, s. 18; 1945, c. 31, s. 8.

159. In the case of any lease granted by the Lieutenant-Governor in Council for industrial or quarrying purposes, or for the digging of clay or marl, of any lands held under timber lease or timber licence, if the holder of the lease (in this section referred to as the “lessee”) cannot agree with the holder of the
timber lease or timber licence affected by the lease (in this section referred to as the "timber-holder") as to the removal of the trees and timber within the limits of the lease, the lessee may proceed under this section to obtain the right to cut and remove all trees and timber within the limits of his lease, in which case the following provisions shall apply:—

(a) The lessee shall serve upon the timber-holder a notice of the lessee's desire to obtain the right to cut and remove all trees and timber within the limits of his lease:

(b) The notice shall contain a description of the lands covered by the lease, and an offer by the lessee to pay a sum named in the notice as compensation for the trees and timber within the limits of the lease:

(c) Prior to the service of the notice, the lessee shall deposit the sum named in the notice, in cash, with the Minister, in trust for the purposes set out in this section:

(d) The notice shall be accompanied by a receipt for the money so deposited, and by a certificate signed by the Deputy Minister stating that the sum so offered is in his opinion a fair compensation for the trees and timber within the limits of the lease:

(e) The notice may be served by mailing it by registered mail, postage prepaid, addressed to the timber-holder at his last-known address as shown by the records of the Forest Service:

(f) If, within twenty-one days after the service of the notice by the lessee, the timber-holder gives notice in writing to the lessee and to the Minister that the timber-holder agrees to accept the sum offered by the lessee as compensation under this section, the Minister shall pay over the money so deposited with him to the timber-holder:

(g) Unless within twenty-one days after the service of the notice by the lessee the timber-holder gives notice in writing to the lessee that the timber-holder agrees to accept the sum offered by the lessee as compensation under this section, the question of the amount of compensation to be paid shall be decided by arbitration pursuant to the "Arbitration Act" as if the arbitration were pursuant to a submission to which the lessee and timber-holder were parties; in which case the money so deposited with the Minister shall be paid over by him in accordance with the terms of the award:

(h) If the sum awarded under the arbitration exceeds the sum offered by the lessee in his notice, the costs of the arbitration shall be borne by the lessee; otherwise the
costs shall be borne by the timber-holder, and shall be
deducted from the compensation:

(i) After deposit with the Minister of the sum offered and
after service of the notice upon the timber-holder
pursuant to this section, the lessee may cut and remove
all trees and timber within the limits of his lease, and,
subject only to the right of the timber-holder to institute
arbitration proceedings under this section, and to
recover the amount of compensation as fixed by agree-
ment of the parties or by the arbitration, no action at
the suit of the timber-holder either for damages or for
injunction shall lie against the lessee by reason of the
cutting and removal of the trees and timber within the
limits of his lease. R.S. 1936, c. 102, s. 142; 1939,
c. 20, s. 18; 1945, c. 31, s. 8.

160. (1) The Lieutenant-Governor in Council may make such
regulations not inconsistent with the spirit of this Act as he
considers necessary or advisable for carrying out the purpose
and provisions of this Act, including matters in respect of which
no express or only partial or imperfect provision has been made.

(2) Without thereby limiting the generality of the provisions
contained in subsection (1), it is declared that the power of the
Lieutenant-Governor in Council to make regulations shall extend
to the making of regulations:—

(a) Governing the standards of utilization, methods of
logging, reservation of seed-trees, and disposal of debris
in respect of any timber leasehold or timber limit or
forest management licence;

(b) For ensuring the future forest crop of any timber lease-
hold or timber limit or forest management licence;

(c) Prescribing the terms and conditions on which resin
licences and permits to tap trees for the purpose of
obtaining resin may be issued and held under this Act;

(d) Requiring every person carrying on any land-clearing,
lumbering, industrial, engineering, or construction oper-
ation to maintain at his own expense such fire-fighting
equipment and such number of forest fire prevention
officers for the purpose of preventing the occurrence or
spread of fire from that operation as are prescribed in
the regulations;

(e) Providing for the disposition of timber on Crown lands
within the boundaries of forest reserves constituted
under section 30, and for the leasing of such Crown
lands for any use or occupancy consistent with the
purposes for which forest reserves are established.
For ensuring the renewal of the forest-crop by the leaving of trees for seed purposes on any lands unsuitable for agriculture as determined by the Minister, heretofore or hereafter granted, that are logged after the first day of January, 1938:

Providing for the administration, protection, and development of parks, and such regulations may provide for the delegation of authority to the Minister to fix the terms and conditions upon which any permit or concession in a park may be granted:

Providing (if no other provision is made by Statute) for the conservation and protection of trees, shrubs, and plants; and for the harvesting of the products thereof; and for the granting of permits or licences in respect of such harvesting; and for fixing licence fees and other charges to be paid by persons permitted to harvest such products:

Providing for the sale or disposition by the Crown of Crown timber and Crown forest products from lands in a forest management licence area, and providing generally for the regulation of forest management licences.

R.S. 1936, c. 102, s. 143; 1937, c. 21, s. 10; 1939, c. 20, ss. 18, 21; 1941-42, c. 12, s. 11; 1943, c. 24, s. 14; 1947, c. 38, ss. 36-38.

161. (1) There shall be established in the Treasury an account to be known as the "Forest Service Boat Account" for the purpose of purchasing, building, repairing, and maintaining boats, and plants for the building and repairing of boats.

(2) There shall be paid to the Forest Service Boat Account each year all moneys accruing to the Government from the sale, lease, or rental of Forest Service boats or boat equipment or plants for the building and repairing of boats, and all moneys accruing to the Government for services rendered at any Forest Service boat-building and repair plant.

(3) The Minister of Finance shall make payments out of the Forest Service Boat Account for the purposes set forth in subsection (1) upon vouchers certified by the Minister. 1941-42, c. 12, s. 12; 1945, c. 31, s. 8; 1946, c. 29, s. 33.

162. (1) Notwithstanding anything in this Act or any other Act contained, it shall be lawful for the Minister in his absolute discretion to build roads and trails or to acquire and maintain roads and trails for any purpose of administration under the provisions of this Act.

(2) For the construction and maintenance of any road or trail under this section the Minister shall have the same powers in
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respect of entering upon and taking possession of lands and otherwise as are vested in the Minister of Public Works by Part I of the "Highway Act," and the powers shall be subject to the same conditions as to compensation and otherwise as are contained in said Part I.

(3) Roads and trails built or acquired under this section, or heretofore built or acquired by the Forest Service, shall be private roads and trails; and the Minister or any officer of the Forest Service acting in his behalf may, notwithstanding anything in this or any other Act contained, close such roads or trails to public travel or prohibit persons from travelling on or using any such road or trail without first obtaining a permit in writing from the Minister or an officer of the Forest Service acting on behalf of the Minister.

(4) A permit issued pursuant to subsection (3) shall be subject to such conditions as are expressed therein.

(6) Where the Minister has prohibited persons from travelling on or using a road or trail referred to in the preceding subsections, any person who travels upon or uses such road or trail without first obtaining a permit pursuant to subsection (3) shall be guilty of an offence against this Act.

(6) If any person who has obtained a permit pursuant to subsection (8) violates any condition expressed in the permit he shall be guilty of an offence against this Act. 1946, c. 29, s. 34; 1947, c. 38, s. 39.

163. Where this Act empowers the Deputy Minister or any officer of the Forest Service to make any decision or determination there shall be an appeal from the decision or determination to the Lieutenant-Governor in Council. 1946, c. 29, s. 35.

164. (1) There shall be established in the Treasury a fund in the sum of two million five hundred thousand dollars, to be known as the "Forest Development Fund."

(2) The Forest Development Fund shall be used by the Minister at his discretion for the building, or financing the building, of forest roads, road systems, and bridges designed for the better, more orderly, or more economical harvesting of timber and forest products in the interests of sustained-yield forest management, and for the maintenance and repair thereof.

(3) Subject to the provisions of subsection (4), the Minister may himself, through the agency of the Forest Service, build and maintain forest development roads and bridges, or contract the building of such roads and bridges, or may enter into an agreement with any private operator to finance the building of forest development roads and bridges on privately owned or controlled lands.
(4) It shall be an express condition of the building, maintenance, and repair, or financing, of any forest development road or bridge that that part of the cost of the road or bridge paid from the Forest Development Fund shall be repaid to the Forest Development Fund at a rate per unit of measurement of timber or other forest products transported over the road or bridge.

(5) The Crown shall have a lien for the amount payable to the Crown under this section, and for all expenses of seizure, detention, or sale incurred in enforcing the lien, upon all engines, logging plant, equipment, motor-vehicles, and material used or that have been used in the operation in connection with which the roads or bridges were used or financed, or belonging to the person carrying on the operation, upon all cut timber and wood cut upon the lands upon which the operation was carried on, and also upon all cut timber and wood belonging to that person, and also against the lands upon which the operation was in whole or in part carried on; and such lien shall constitute a charge to the like extent and shall confer the same rights, and shall be registrable and enforceable in the same manner, as the liens created by the provisions of this Act for the recovery of royalty, including an absolute unconditional power to sell.

(6) All moneys payable under this section may be recovered with costs by action at the suit of the Crown. 1948, c. 25, s. 19.

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SCHEDULE.

TABLE OF GRADES OF TIMBER.

(Section 144.)

CEDAR AND CYPRESS.

No. 1.—Logs 16 feet and over in length, 20 inches and over in diameter, that will cut out 60 per centum or over of their scaled contents in clear inch lumber: Provided that in cases of split timber the foregoing diameter shall not apply as the minimum diameter for this grade.

No. 2.—Shingle grade. Logs not less than 16 inches in diameter and not less than 10 feet in length that are better than No. 3 grade, but do not grade No. 1.

No. 3.—Rough logs or tops suitable only for shiplap or dimension.

Culls.—Logs lower in grade than No. 3 shall be classed as culs.

FIR.

No. 1.—Logs suitable for flooring, reasonably straight, not less than 20 feet long, not less than 30 inches in diameter, clear, free from such defects as would impair the value for clear lumber.
No. 2.—Logs not less than 14 inches in diameter, not over 24 feet long or
not less than 12 inches in diameter, and over 24 feet, sound, reasonably
straight, free from rotten knots or bunch-knots, and the grain straight
even enough to ensure strength.
No. 3.—Logs having visible defects, such as bad crooks, bad knots, or
other defects that would impair the value and lower the grade of lumber
below merchantable.
Culls.—Logs lower in grade than No. 3 shall be classed as culls.

SPRUCE, PINE, AND COTTONWOOD.

No. 1.—Logs 12 feet and over in length, 30 inches in diameter and over
up to 32 feet long, 24 inches if over 32 feet long, reasonably straight, clear,
free from such defects as would impair the value of clear lumber.
No. 2.—Logs not less than 14 inches in diameter and not over 24 feet long,
or not less than 12 inches in diameter and over 24 feet long, sound, reason-
ably straight, free from rotten knots or bunch-knots, and the grain straight
even enough to ensure strength.
No. 3.—Logs having visible defects, such as bad crooks, bad knots, or
other defects that would lower the grade of lumber below merchantable.
Diameter measurements, wherever referred to in this Schedule, shall be
taken at the small end of the log.
Culls.—Logs lower in grade than No. 3 shall be classed as culls.

HEMLOCK.

No. 1.—Logs 16 feet and over in length, 28 inches and over in diameter,
that will cut out 56 per centum or over of their scaled contents in No. 2
clear, B, or better grade of lumber, and that are free from 
spiral grain or
twist to the extent of a variation of not more than 1 inch per lineal foot
for logs 35 inches in diameter and under, and not more than 1⅛ inches per
lineal foot for logs 36 inches in diameter and over for the entire length
of the log.
No. 2.—Logs not less than 20 inches in diameter and not less than 16 feet
in length that will cut out 65 per centum or over of their scaled contents in
merchantable or better grade of lumber or 20 per centum or better of a clear
grade of lumber with only slight spiral grain or twist in logs 20 inches to
25 inches in diameter, logs 25 inches to 35 inches in diameter, not over 1 inch
per lineal foot, and logs 36 inches in diameter and over, not over 1⅛ inches
per lineal foot for the entire length of the log.
No. 3.—Logs lower in grade than No. 2, suitable for the manufacture of
pulp and lumber.
Logs containing less than 50 per centum of their gross scale in sound
wood content shall be graded No. 3.
Culls.—Logs containing less than one-third of their gross scale in sound
wood content shall be classed as culls.

R.S. 1939, c. 102, Sch.; 1939, c. 20, s. 18; 1946, c. 20, s. 36.