

Bill No. 115 of 1949.

A BILL RELATING TO THE ADMINISTRATION OF  
FORESTS, PROVINCIAL PARKS AND  
CERTAIN PUBLIC LANDS.

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NOTE.

This Bill enacts a new Act to be known as "*The Forests and Parks Act*".

This new Act contains all provisions relating to disposition of timber and timber berths, prevention of forest and prairie fires and the establishment and administration of provincial parks. The provisions relating to the disposition of timber and timber berths were formerly contained in *The Provincial Lands Act*. The provisions relating to the prevention of forest and prairie fires were formerly contained in *The Forest and Prairie Fires Prevention Act* which is repealed by this new Act. The provisions relating to provincial parks were formerly contained in *The Provincial Parks and Protected Areas Act* which is also repealed by this Act.

This Bill consolidates into one Act all of the legislation which will be administered by the Director of the Forests and Parks Division of the new Department of Lands and Forests.

The new Act is divided into four Parts. Part I deals with administration, Part II with disposition of timber, Part III with prevention of forest and prairie fires and Part IV with provincial parks.

Part I of the new Act deals with its administration. Sections 5 to 7 provide that the administration of all matters relating to forests and parks shall be under the jurisdiction of a Division of the Department of Lands and Forests to be known as the Forests and Parks Division. The Director is the head of the Forests and Parks Division and he supervises the work of timber cruisers, timber inspectors, forest officers, and other officers and employees of the Division.

Part II deals with disposition of timber.

This part commences with section 8 which is an interpretation section for purposes of the Part. Sections 9 to 36 deal with timber berths and licenses to cut timber. These provisions are all similar to those presently contained in *The Provincial Lands Act*.

Sections 37 to 40 deal with special timber permits.

Sections 41 to 45 deal with those persons who are exempted from timber dues.

Sections 46 to 83 contain general provisions relating to timber, timber berths and timber licenses.

Sections 84 to 92 deal with the liability of persons cutting timber without authority.

Section 93 deals with timber infested with injurious insects and the precautionary measures required.

Section 94 deals with misconduct of sales.

The powers of the Lieutenant Governor in Council are set out in sections 95 to 98.

Seizures for non-payment of dues, etc., are provided for in sections 99 and 100. The evidence sections are 101 to 103 and the sections relating to summary proceedings in cases of forfeiture and trespass are 104 to 106. Section 107 is the offences and penalties section. All of these sections are practically unchanged from the present provisions appearing in *The Provincial Lands Act*.

Sections 108 to 115 are miscellaneous provisions relating to timber.

Part III deals with the prevention of forest and prairie fires, and is found in sections 116 to 163.

Section 118 deals with the power of the Lieutenant Governor in Council to make regulations.

Sections 119 and 120 deal with the appointment of fire guardians.

Sections 121 and 122 deal with the powers of the Minister. The Minister may restrict or extend the close season either generally or in any particular area. The Minister may also close any area of forest or prairie to travel during the closed season and forbid travel within such an area without a travel permit.

Sections 123 to 133 deal with the powers and duties of the Director, forest officers, fire guardians and other officials. Forest officers and fire guardians are empowered to require information from travellers in any forest area. The Director and fire guardians are empowered to enter lands and premises in the course of their duties. Forest officers and fire guardians may notify men between sixteen and sixty who are physically fit to proceed to and fight fires under certain circumstances set out in the Act. The reeve or deputy reeve of a municipal district is given similar powers with respect to timber, brush, prairie or ground fires in his district. Forest officers and fire guardians are empowered to order the removal of conditions which may be a danger to life or property from fire. If the order is not observed the forestry officials may enter upon the land and remove the source of danger and the cost of any work done

shall be borne and payable by the owner of the land. If officials of municipal districts become aware of conditions which may be a source of danger from fire they may report it to the Director who is required to investigate and report upon the conditions and recommend the action to be taken.

Sections 134 to 137 deal with clearing, milling and other similar woods operations. Permits are required in connection with these operations which may cause the accumulation of slash or debris. These permits may be issued or refused in the discretion of the Director and may be made subject to conditions to be prescribed by him. Precautions are prescribed which must be observed by persons conducting such operations.

Sections 138 to 146 contain various prohibitions. Persons are prohibited from setting out fire during the close season except subject to the conditions prescribed by the Act and the regulations. Persons are prohibited from travel in any closed area unless they are owners of travel permits. Safety devices are required to prevent the escape of fire from certain engines and machines and the operation of such machines without safety devices is prohibited. There are numerous prohibitions relating to the use of fire, the disposition of live coals or ashes, the accumulation of inflammable debris, etc.

Sections 147 to 157 relate to offences and penalties under Part III. These offences and penalties are similar to those contained in the present *Forest and Prairie Fires Prevention Act*.

Sections 158 to 163 contain miscellaneous provisions relating to the prevention of forest and prairie fires. There is no obligation or responsibility on the forest service to fight fires on any land. The Act in no way affects the right of any person to maintain a civil action for damages occasioned by fire. If a licensee or permittee under the Act is proved responsible for any fire he is required to bear the full cost of extinguishing it. In actions or prosecutions relating to damage through fire the Act prescribes certain things which are deemed to be *prima facie* evidence of negligence or of responsibility for fire. These provisions also are similar to those contained in the present Act.

Part IV deals with provincial parks.

Sections 164 and 165 deal with the establishment of provincial parks. They are created by order of the Lieutenant Governor in Council published in *The Alberta Gazette*.

Sections 166 to 169 deal with the administration of provincial parks. The Minister of Lands and Forests is empowered to appoint an advisory board of not more than three members for any provincial park. This advisory board, together with the Director and the Forests and Parks Division of the Department of Lands and Forests, are responsible for the administration of provincial parks.

Sections 170 to 179 contain general provisions relating to provincial parks. A provincial park is deemed to be a public work within the meaning of *The Public Works Act* and the provisions of that Act relating to appropriation of lands for public works are applicable. Crown timber in a provincial park is reserved from cutting or sale with certain exceptions. Penalties are prescribed for offences against this Part. Fines payable for violations of this Part or park regulations are payable to the Minister and may be used for expenditures in connection with parks.

*The Forest and Prairie Fires Prevention Act* and *The Provincial Parks and Protected Areas Act* are both repealed. *The Provincial Lands Act* is, of course, being repealed by *The Public Lands Act* which replaces it.

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*Acting Legislative Counsel.*

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

# BILL

No. 115 of 1949.

An Act Relating to the Administration of Forests, Provincial Parks and Certain Public Lands.

(Assented to \_\_\_\_\_, 1949.)

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

## SHORT TITLE.

1. This Act may be cited as "*The Forests and Parks Act*".

## INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
  - (a) "Department" means the Department of Lands and Forests;
  - (b) "Director" means the Director of Forestry for the Province or an officer appointed to perform any of the duties of the Director;
  - (c) "disposition" means every instrument executed pursuant to the provisions of this Act whereby any estate, right or interest in any timber on public lands, is granted to any person or by which the Crown divests itself in the favour of any person of any estate, right or interest in any such timber and without derogating from the generality of the foregoing includes all leases, licenses, permits, privileges, contracts or agreements made, entered into or issued pursuant to this Act;
  - (d) "dues" mean all ground rents, royalties, dues, fees, rates, charges or other moneys payable by any person to the Crown in the right of the Province under and by virtue of any sale, lease, license, permit, privilege, contract or agreement;
  - (e) "forest officer" or "officer" means any person appointed under the provisions of *The Public Service Act* in connection with the administration of public lands;
  - (f) "lands" extends to and includes lands, messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, whatever may be the estate or interest therein, and whether legal or equitable, and subject to the provisions of

this Act, all paths, passages, water or water courses, liberties, privileges, easements and all trees and timbers thereon;

- (g) "license" means any license granted under this Act and any regulation made pursuant to this Act;
- (h) "Minister" means the Minister of Lands and Forests;
- (i) "permit" means any permit granted under this Act and any regulation made pursuant to this Act;
- (j) "Public lands" means and includes all real property of whatsoever nature or kind to which this Act applies, and all trees and timbers thereon;
- (k) "tender" means an offer whether made in writing or verbal;
- (l) "township", "section", "half-section", "quarter-section", and "legal subdivision", respectively, mean a township, section, half-section, quarter-section or legal subdivision, as the case may be, of public lands, within the meaning of this Act or of *The Alberta Surveys Act*.

#### APPLICATION OF ACT.

**3.—**(1) The Department shall have jurisdiction over and shall control and administer all matters in any way connected with,—

- (a) provincial parks, public lands, trees and timbers in provincial parks or on public lands and other related natural resources vested in or belonging to the Crown in the right of the Province; and
- (b) the prevention and extinguishing of forest and prairie fires; and
- (c) all lands in the Province and the trees and timbers thereon where the context so permits or requires.

(2) This Act does not apply to forest reserves and any administrative functions or operations incidental to the administration of forest reserves.

(3) This Act applies to the lands set apart pursuant to *The Public Lands Act* as an endowment for the purposes of education and designated as school lands.

#### DIVISION OF ACT.

**4—**For convenience of reference only, this Act is divided into Parts and classified under the following headings:

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## PART I.

### ADMINISTRATION.

**5.** The functions, powers and duties under this Act relating to the administration of forests and parks shall be exercised by a Division of the Department to be known as the "Forests and Parks Division".

**6.** The Forests and Parks Division shall have jurisdiction over and shall control and administer all matters in any way connected with forestry and provincial parks and without restricting the generality of this provision shall have jurisdiction over and shall 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 Province in timber and provincial parks;
- (b) all revenues and moneys of the Province arising from forestry, timber and provincial parks;

- (c) any regulation for the protection and preservation of objects of geological, ethnological, historical or other scientific interest;
- (d) reforestation and tree preservation;
- (e) prevention of forest and prairie fires;
- (f) any scheme or plan to replenish the forest cover;
- (g) sales and dispositions of timber on public lands;
- (h) cutting, classifying, measuring, manufacturing, and exporting of trees, timber and products of the forest;
- (i) statutes, rules and regulations relating to forestry, the protection of timber, and management and administration of provincial parks.

7.—(1) Subject to the provisions of *The Public Service Act* the Minister may appoint a Director, timber cruisers, timber inspectors, forest officers, and such other officers as he may deem necessary, who shall perform such duties as may be assigned to them.

(2) The Director shall supervise the administration of the Forests and Parks Division and all officers and employees of the Division.

## PART II.

### DISPOSITION OF TIMBER.

#### INTERPRETATION.

8. In this Part, unless the context otherwise requires,—
- (a) “attorney” means a person authorized in Form A of the Schedule to this Act;
  - (b) “berth” means the lands specified in any timber license;
  - (c) “farm lands” means any lands used for agricultural or ranching purposes;
  - (d) “license” and “licensee” includes a “permit” and a “permittee”;
  - (e) “pulp-wood” means timber which is,—
    - (i) cut upon land specified in any pulp license; or
    - (ii) declared by the Minister to be pulp-wood for the purposes of this Act, upon it being shown to his satisfaction that the timber is below the standard of utilization for sawmilling purposes; and which is used in the manufacture of wood-pulp or paper;
  - (f) “settler” means any person residing on agricultural or ranching lands whether he is owner or lessee;
  - (g) “timber” includes saw-logs, piling, poles, railway ties, shingle-bolts, pulp-wood, and all other products of the forest;



- (h) "timber agent" means the agent of a defined district or any officer.

TIMBER, TIMBER BERTHS AND LICENSES.

**9.** Timber on ungranted public lands subject to disposition by the Province shall be disposed of by the Minister pursuant to the provisions of this Act and the regulations.

**10.** Timber berths for the cutting thereon of pulp-wood shall be of such area as may be determined by the Minister and disposition of such berths, after having been thoroughly cruised by a duly qualified timber cruiser in the employ of the Province, may be made by the Minister under an agreement approved by the Lieutenant Governor in Council.

**11.—(1)** Licenses to cut timber on public lands in the Province may at the instance of an individual, body corporate or registered partnership, or upon the direction of the Minister, be advertised for sale.

(2) Every government road allowance included in a timber license shall be deemed to be ungranted public lands.

(3) The licensee shall have all the rights in respect of every such road allowance, and the trees and timber thereon, or cut thereon, as were conferred upon him in respect of any other public lands embraced in such license, and the trees and timber thereon, or cut thereon, except that he shall not be entitled to take or keep exclusive possession of such road allowance.

(4) No by-law of any municipal council for preserving, selling, or otherwise appropriating or disposing of the timber or trees, or any part thereof, on a government road allowance included in any license, shall have any force or effect against such license.

**12.** Each application for a berth must be accompanied by a deposit as follows,—

- (a) for an area not exceeding two square miles...\$50.00
- (b) for an area of more than two square miles and not exceeding five square miles .....\$100.00
- (c) for an area of more than five square miles and not exceeding ten square miles.....\$250.00
- (d) for an area of more than ten square miles and up to the maximum of twenty-five square miles, \$500.00.

**13.** Payments may be made in cash, marked cheque on a chartered bank, certified treasury branch cash order, or certified treasury branch transfer voucher payable to the Provincial Treasurer.

**14.—(1)** Before any license is offered for sale,—

- (a) the area shall be surveyed by a duly qualified Alberta Land Surveyor into berths not exceeding twenty-

five square miles, excepting a berth granted for the cutting thereon of pulp-wood;

- (b) the berth shall be thoroughly cruised by a qualified timber cruiser in the employ of the Province who shall,—
  - (i) make as exact an estimate as possible of the quantity of timber on the berth; and
  - (ii) ascertain its general condition, its accessibility, and other related matters that may be necessary in determining the value of the timber; and
  - (iii) furnish a report thereon to the Director for the information of the Minister;
- (c) the Minister shall prescribe the relationship to which the rate of dues payable under the license on the product of the forest that is the basis of competition for the berth shall bear to the general rate of dues as may from time to time or at any time be fixed by the Lieutenant Governor in Council.

(2) Notwithstanding paragraph (a) of subsection (1), the Minister may dispense with a survey when there are natural boundaries confining the timber on the tract applied for, or the boundaries have been sufficiently defined by previous survey.

**15.—**(1) The deposit shall be placed to the credit of a successful applicant.

(2) In the event of the berth being sold to some other person, the deposit shall be refunded providing the applicant submitted a tender but not otherwise, and should the berth be put up for sale and not sold, the deposit shall be forfeited.

(3) When for any reason the berth is not offered for sale, the deposit may be refunded to the applicant, but any expenditures made by the Department for costs of survey, inspection or otherwise in connection with the application may in the discretion of the Minister, be deducted and retained by the Department.

**16.—**(1) No berth may be sold unless notice of the sale has been given by advertisement and such notice shall give,—

- (a) the distinguishing number of the berth;
- (b) the description of the land and area;
- (c) the quantity of timber estimated to be on the berth;
- (d) the moneys required as a guarantee deposit and other related matters;
- (e) the place, day and hour at which the sale is to be held;
- (f) the number of years for which the license shall be renewable; and
- (g) the product of the forest that shall be the basis of competition for the berth.

(2) No license for a berth where the estimated quantity of timber is under ten million feet board measure shall be renewable for more than ten years.

**17.**—(1) When a tender for a berth is required to be made in writing the tender shall be made in Form B of the Schedule.

(2) The tenderer may submit his tender by registered mail in a sealed container marked "Tender for Berth No.....".

(3) No tender shall be considered which does not reach the officer conducting the sale prior to the time of the sale.

(4) A tender may be made by a tenderer in person or through his authorized attorney who, with the tender, must enclose his authorization in Form A of the Schedule.

(5) Moneys paid with an unsuccessful tender shall be returned.

(6) In the case of the person to whom the berth is awarded the moneys shall be applied according to the notice of sale.

(7) No tender shall be considered unless there has been full compliance with the notice of sale of which the Minister shall be the final judge.

**18.** Every tender to purchase a berth shall be,—

- (a) accompanied by the guarantee cash deposit;
- (b) presumed to include on behalf of the person making the same an undertaking to pay to the Crown in addition to the purchase moneys, and all dues, charges and taxes reserved or imposed by this Act or any other Act—
  - (i) the cost incurred in cruising, surveying and advertising the berth;
  - (ii) an annual rent based on the square miles contained in the lands covered by the license, license fee and fire-guarding charges.

**19.**—(1) Any tenderer for a berth whose offer is not the highest, if he considers that the berth is reasonably tributary to a mill owned or operated by him, and that such berth may be more economically or advantageously operated by him than by the person making the highest tender, may immediately upon announcement by the officer in charge of the sale of the purchase price and name of the highest tenderer, give to the Minister a notice in Form E of the Schedule.

(2) The notice in Form E shall be accompanied by a fee of one hundred dollars.

**20.**—(1) The Minister upon receipt of such notice shall forthwith in writing refer the question to a Board of three arbitrators, hereinafter called the Board.

(2) The Board in addition to the representations by the appellant may take into consideration any other factors which in their opinion are worthy of consideration.

**21.**—(1) The Alberta Forest Products Association and the operators of small portable mills who are not members of the Association shall during the month of December in each year notify the Minister in writing of the panel of names nominated for the next calendar year and no person named to a panel shall take part in any arbitration concerning a berth for which he, or any partnership of which he is a member, or any company of which he is a shareholder, officer or employee, has tendered.

(2) The chairman of the Board shall be appointed by the Lieutenant Governor in Council and the other arbitrators shall be named by the Minister in each individual case from the panels of named persons nominated for that calendar year by the Alberta Forest Products Association, and by operators of small portable mills who are not members of the Association pursuant to subsection (1).

(3) The secretary of the Board shall be a member of the Forests and Parks Division of the Department appointed by the Minister, and shall hold office during the pleasure of the Minister.

**22.**—(1) The secretary shall promptly give four days' written notice of the hearing to the parties involved in the arbitration.

(2) The Board shall sit and hear the case within ten days from the date the Minister referred it to the Board.

(3) The Board within five days from the completion of the hearing before it shall report to the Minister with its recommendation.

(4) The Minister shall immediately make his decision and notify both parties of the decision, which shall be final and conclusive.

(5) If the berth is awarded to the appellant tenderer the purchase price shall be the offer of the highest tenderer.

(6) In all cases the moneys accompanying the tenders referred to the Board shall be held by the Minister until the berth is awarded.

(7) The costs of the appeal to the Board as fixed by the chairman of the Board shall be borne by the appellant.

**23.** The Minister may, in his discretion, reject any or all tenders made for the purchase of a berth.

**24.** At any time within six months following the holding of a sale the Minister may, without further competition or advertisement, make disposition of a license for which no tender was received at the sale, at the rates of dues and upon the terms and conditions contained in the notice of sale.

**25.**—(1) The person to whom a berth is awarded shall,—

- (a) sign a contract in Form C of the Schedule agreeing to carry out the terms and conditions of sale;
- (b) apply for a license for the current year;
- (c) pay the costs incurred in cruising, surveying and advertising, together with the rental, license fee, fire-guarding charges, timber areas tax and the percentage of the purchase price prescribed in the notice of sale based on the quantity of timber estimated to be on the berth.

(2) The Minister may, in his discretion, terminate any sale of a berth where the purchaser fails to complete the contract within the period specified by the Director, and any payments made by the person to whom the berth was awarded shall thereupon become forfeited to the Crown.

**26.** No renewal license for a berth shall be signed on behalf of the Minister until dues in arrears are paid and until the full amount of the ground rent, license fee, fire-guarding charges and timber areas tax for the current year are paid.

**27.** The license to be issued for a berth shall be in Form D of the Schedule and the Minister is hereby authorized to insert such further clauses as he considers the conditions in connection with each berth may warrant.

**28.**—(1) The license shall be for a term not exceeding one year and shall, for the term set out in the notice of sale be renewable from year to year while there is on the berth timber of the kind and dimensions described in the license in sufficient quantity to make it commercially valuable.

(2) The Director may from time to time call upon the holder of a license to furnish to the Department a cruise of the berth or any portion thereof comprised in the license and,—

- (a) if such cruise is not furnished; or
- (b) if in his opinion any portion of a berth has not a sufficient quantity of the kind and dimensions of timber specified in the license for such berth; or
- (c) if such portion of the berth is not necessary for the proper working of the remainder of the berth;

he may withdraw such portion in whole or in part from the berth.

(3) In no case shall such withdrawal be made until the expiration of sixty days after the notice in writing of the withdrawal has been given to the licensee or to his legal representative by the Director.

**29.**—(1) The license shall describe the land upon which the timber may be cut, the kind of timber to be cut, and the dimension thereof, and shall, during its continuance, vest in the licensee, subject to the conditions mentioned in the license, all rights of property whatsoever in all trees, timber,

lumber or other products of the forest which he is entitled by the license to cut, and which have been cut within the limits of the berth during the continuance thereof, whether such trees, timber, lumber or other products are cut by consent of the licensee or by any other person without his consent, and shall vest in the licensee, as against any person other than the Crown in the right of the Province, subject to the conditions mentioned in the license, all rights of property whatsoever in all trees, timber, lumber and other products of the forest cut within the limits of the berth by any other person without his consent.

(2) The license shall entitle the licensee to replevy, as his property, any product of the forest cut within the limits of the berth where it is found in the possession of any unauthorized person, and also to bring any action or suit for damages or any other appropriate remedy against any person who is unlawfully in possession of such product of the forest, or who has unlawfully cut any product of the forest in derogation of any rights of the licensee under his license, or who has entered without authority upon the berth covered by the license.

(3) Any such proceedings which have been commenced and are pending at the expiration of any such license may be continued and completed as if the license had not expired.

**30.**—(1) On the thirtieth day of June following the license year during which operations have been conducted on the berth to the satisfaction of the Director a sum not greater than ten per cent of the total dues payable in respect of the operation during such year may be transferred upon request of the licensee from the cash guarantee deposit to the credit of the dues account of the berth, but the sum so transferred shall in no year exceed one-tenth part of the original deposit and the total so transferred shall not exceed fifty per cent of the deposit.

(2) When all operations in connection with the berth have been completed to the satisfaction of the Director, the balance of the guarantee deposit shall be applied to the dues or rental accounts of the berth or refunded to the licensee, but no refund shall be made of any moneys remaining from time to time on deposit until all rental, dues and other charges payable in connection with the berth have been paid, or while the licensee is indebted to the Department on any other account.

**31.**—(1) Failure to comply with the provisions of this Act will render the berth subject to cancellation by the Minister.

(2) Upon cancellation the guarantee deposit shall be forfeited to the Crown.

**32.**—(1) All licenses or renewals thereof shall expire on the thirty-first day of March next after the date on which they are issued.

(2) Unless renewed within six months of expiration, the sale shall become null and void without notice to the purchaser and the berth shall again become the property of His Majesty.

**33.** The licensee shall pay,—

- (a) an annual ground rent of ten dollars per square mile or fraction thereof contained in the berth upon the granting of same and at the time of the renewal of any license; and
- (b) an annual license fee of five dollars.

**34.—**(1) The general rates of dues established by the Lieutenant Governor in Council shall continue in force until revoked, altered or amended, and any alteration or amendment shall be made by the Lieutenant Governor in Council before renewing any licenses for the next ensuing license year.

(2) Dues at the general rates prescribed by the Lieutenant Governor in Council shall be payable by the licensee on all products of timber cut upon the berth, other than the product which forms the basis of the sale contract.

(3) Whenever the dues payable for lumber, other than poplar, under the sale contract exceeds the general rate of dues prescribed by the Lieutenant Governor in Council, then the dues payable on railway ties cut on the berth shall be commensurate with the increase in dues on lumber as set out in the sale contract.

(4) Whenever the dues payable on railway ties under the sale contract exceed the general rate of dues prescribed by the Lieutenant Governor in Council, then the dues on lumber, other than poplar, cut on the berth shall be commensurate with the increase in dues on railway ties No. 1 as set out in the sale contract.

**35.—**(1) The licensee of a berth acquired pursuant to regulations heretofore established under the *Dominion Lands Act* shall pay dues as fixed by the Lieutenant Governor in Council on timber cut upon his berth.

(2) No license of a berth purchased under the *Dominion Lands Act* shall be renewable after the thirty-first day of March, 1954.

**36.—**(1) Where the timber which is to be sold consists mostly of damaged, dead, diseased, fallen or fire-killed timber, the Minister may vary the annual fire-guarding charges and may reduce the dues payable by the licensee on the products manufactured from timber cut upon the berth as the circumstances may warrant.

(2) The variation or reduction in no case shall be less than half the general rate or rates of dues as fixed by the Lieutenant Governor in Council.

(3) Any variation or reduction shall be set out in the notice of sale.

SPECIAL AND SETTLERS' TIMBER PERMITS.

**37.**—(1) Permits may be granted without competition to cut for sale timber occurring in areas of adjoining lands isolated from other areas of merchantable timber and not exceeding one hundred and sixty acres or one quarter section, estimated to contain not more than one hundred and twenty-five thousand feet board measure of spruce, pine, tamarack, and species of timber other than poplar, suitable for lumber, where a survey is not necessary.

(2) Such permits shall be granted subject to the following conditions:

- (a) Application for the permit must be accompanied by the sum of fifty dollars which may be in cash, a marked cheque on a chartered bank, a certified treasury branch cash order, or a certified treasury branch transfer voucher payable to the Provincial Treasurer;
- (b) Upon the acceptance of the application and before the permit may issue the applicant shall deposit a sum equivalent to the dues on the quantity of timber estimated by a qualified officer to be on the land, which amount together with the money accompanying the application, shall be retained as a guarantee of compliance with the terms and conditions under which the permit was granted and then applied on dues, refunded or forfeited;
- (c) All such permits shall expire on the thirty-first day of March next following the date upon which the permit is granted, and the Director may grant not more than one renewal permit where the permittee gives satisfactory reasons for not having completed operations by the expiry date;
- (d) The Minister shall fix the dues to be paid on the timber cut and sold under the permit which dues shall not be less than the general rates of dues fixed by the Lieutenant Governor in Council.

(3) Permits may be granted without competition to,—

- (a) actual settlers or to an individual representing any number of persons co-operating together to cut timber for use on their own farm lands, but not for barter or sale;
- (b) actual settlers to cut for sale dry mining timber and fence posts;
- (c) actual settlers to cut up to one hundred cords of timber to be used in the manufacture of boxes, shims, tie plugs, lath bolts, shingle-bolts or pulp-wood;
- (d) any person to cut under the supervision of the Director such trees as it may be necessary to remove



for the improvement or development of a stand of timber or for other silvicultural reasons;

- (e) actual settlers to cut for sale up to fifty thousand feet board measure of sawn lumber in each permit year of damaged, diseased, fallen, dead or fire-killed timber, subject to payment of not less than one-half the rate of dues on timber products, with the exception of mining timbers and cordwood in which case the usual rates shall be applicable;
- (f) actual settlers to cut for sale birch timber not in excess of five thousand feet board measure;
- (g) settlers and persons living in cities, towns and villages to cut for sale in each permit year up to one hundred cords of wood for fuel;
- (h) settlers and persons living in cities, towns and villages to cut for sale up to five hundred cords of fire-killed timber for pulp-wood;
- (i) any irrigation district to cut timber for the erection of buildings, also for the construction and maintenance of works incidental to the operation of such project;
- (j) any Department of the Government of the Province, Dominion of Canada, or any municipality to cut timber for the construction and maintenance of public works;
- (k) any Department of the Government of the Province or Dominion of Canada, to cut timber for the purpose and incidental to any relief or welfare project;
- (l) the holders of permits, licenses or leases for right-of-way or roads, railways, trails, telephone or telegraph lines, transmission and pipe lines, or other uses authorized by the Department for such timber required to be cut from the right-of-way;
- (m) any person to cut timber for the construction of boats and scows;
- (n) owners of steam vessels to cut wood for consumption in their vessels;
- (o) settlers and persons living in remote areas of the Province to cut such quantity of timber as may be required for buildings or other structures, the construction of which is necessary to the authorized rights held by them, except upon such lands as are included within the limits of a townsite;
- (p) owners and operators of berths to cut timber for the erection of buildings and works incidental to the operation of such berths;
- (q) the owners of mining claims and operators of mines and quarries to cut timber for the erection of buildings required in connection with their operations, also cordwood for fuel in operating such mines or quarries and such timber as they require for use in the development of their mines or quarries, or any

person having a contract for the supply of timber to a mining company, to an aggregate amount of dues of four hundred and fifty dollars;

- (r) companies having to cut timber in areas to be submerged through the construction of works in the development of hydro-electric power.

(4) The Director may grant, without competition, to a licensee of a timber berth being operated, a permit to cut isolated fringes of timber on available public lands lying immediately outside of his berth and next to his cuttings when the estimated quantity does not exceed one hundred and twenty-five thousand feet board measure of merchantable timber, and timber cut under such permit shall be subject to dues at the rates payable on the timber berth.

**38.** No permit shall issue under section 37 or under paragraph (d) of subsection (1) of section 41 unless the application has been approved by the timber officer for the district in which the land is situate.

**39.** Applications for the cutting of green timber may be refused by the agent if there is on the land to which the application relates, or within reasonable reach of the applicant, a sufficient quantity of dry timber suitable for the purpose for which the timber is required.

**40.—(1)** Returns accounting for the timber cut shall be made to the Director monthly or at such other times as he may require, and dues at the general rates prescribed by the Lieutenant Governor in Council shall be payable on all timber cut upon the land described in the permit.

(2) The Minister may fix the dues on any forest product which may not have been provided for in the general rates prescribed by the Lieutenant Governor in Council, but any dues so fixed shall not, when reduced to the same standard, be less than the general rates prescribed by the Lieutenant Governor in Council.

(3) Where in the opinion of the Director it is desirable, the Minister may require the applicant for a permit to make a cash deposit to be retained until the applicant's operations are completed, as a guarantee of compliance with the terms of the permit and this Act.

(4) Where a survey or other demarcation on the ground of the boundaries within which a permit is operative is necessary, the Director may require the permittee to pay such additional sum to meet a proportion of the expenses incurred in such survey or demarcation which is reasonable in the opinion of the Director.

(5) Where any overcut has been made by a permittee in excess of twenty-five per cent of the amount for which the permit is issued, other than an operator cutting under permit issued pursuant to section 37, subsection (3), paragraph (a), the permittee shall pay double the general rate of dues on the total quantity of the overcut.

## PERSONS EXEMPTED FROM TIMBER DUES.

**41.**—(1) Permits to cut timber upon vacant public lands may be granted without dues to the following classes of persons:

- (a) Miners engaged in prospecting;
- (b) Travellers;
- (c) Persons engaged principally in scientific pursuits or exploring;
- (d) Persons cutting timber for the construction of educational, religious, charitable and ex-service-men's institutions or halls, agricultural society buildings, rural community halls, hospitals nurses' homes and buildings, up to a maximum of thirty thousand feet board measure;
- (e) settlers residing on farm lands to cut on the lands held by them under agricultural lease, cultivation lease or homestead lease, dead or fire-killed timber, not exceeding fifty cords in any one permit year, for barter or sale.

(2) Before a free permit is issued, the Director shall require the permittee to furnish satisfactory evidence of the use to which the timber is to be put.

**42.** Any settler who obtains a homestead or a lease under the provisions of *The Public Lands Act*, having no timber on his lease or lands owned by him that could be used to meet his requirements and who has not obtained a free allowance of timber from public lands may be granted a permit, within the first three years of the term of the lease, to cut on other lands such timber as he may require for use on the land held under lease, not exceeding the following:

- (a) three thousand lineal feet of building timber in accordance with the following requirements:
  - (i) no log shall be under twelve inches in diameter at the butt end, unless the timber is cut from dry trees, in which case timber of any diameter may be taken;
  - (ii) if the building timber is sawn at a mill, the permittee will be entitled to nine thousand two hundred and fifty feet board measure of lumber therefrom, and no more;
- (b) five hundred fence posts, seven feet long, and not exceeding five inches in diameter at the small end.

**43.**—(1) Any settler residing on a farm and cutting timber on public lands held as a homestead or cultivation lease in the preparation of such land for cultivation may dispose of any forest product on obtaining a permit and paying the dues as prescribed by the Lieutenant Governor in Council.

(2) If cultivation is performed on the area from which the timber is taken within twelve months from such cutting, the

dues paid shall be refundable if application is made within eighteen months from the time the permit is issued, supported by a sworn statement that the land has been cultivated within the required twelve months.

**44.**—(1) Any settler who has lost his dwelling or other building by accidental fire, whether caused by prairie or bush fires, or in any other way not due to his own carelessness, may, within a period of two years from the date of such fire, obtain a permit free of dues to cut, for the replacement of such building, the quantity of timber to which a lessee is entitled under the provisions of section 42.

(2) Any timber cut for the replacement of such buildings in excess of the quantity specified in the permit shall be subject to the payment of dues at the rates prescribed by the Lieutenant Governor in Council.

**45.** A fee of one dollar shall be charged for the issue of any permit to be granted under this Act or for a renewal of any such permit.

#### GENERAL PROVISIONS.

**46.**—(1) The licensee in connection with his berth shall have in operation within one year from the date of sale, and keep in operation for at least six months of each year of his holding, a saw-mill including a properly equipped edger of a value of not less than two thousand dollars capable of cutting in one day two thousand feet board measure for each square mile of the area under license, and shall manufacture in each year not less than one hundred and twenty-five thousand feet board measure of timber from public lands for each square mile or fraction thereof contained in such berth or shall establish such other manufacture of wood products as the Minister accepts as equivalent thereto.

(2) A licensee in lieu of erecting a mill may be permitted to have the timber cut from a berth or berths held by him, manufactured at a mill which is or is not his own property, provided that he manufactures timber cut from the said berth or berths at the rate of one hundred and seventy-five thousand feet board measure annually for each square mile or fraction thereof contained in the said berth or berths held by him under license.

(3) Notwithstanding anything to the contrary in this Act, the licensee shall within twelve months of the termination or cancellation of the berth, manufacture into saleable products all timber cut upon the berth and pay the dues thereon and any unmanufactured timber shall thereupon become forfeited to the Crown unless otherwise ordered by the Minister.

**47.**—(1) Each licensee shall maintain for each berth during the continuance of his license for the purpose of safe-

guarding the timber thereon from fire, such suitable equipment for fire fighting as may be designated by the Director.

(2) Such equipment must be maintained at a place either on or immediately convenient to the berth and shall not be used for any other purpose.

(3) Where a berth or berths under the control of a licensee contain in the aggregate an area of three square miles or over, he shall between the fifteenth day of April and the thirty-first day of October in each and every year during the continuance of his license, maintain a fire patrol on the berth or on each of such berths.

**48.**—(1) Each licensee shall keep a bush count on all sawlogs and other timber cut upon a berth, as well as the number of pieces hauled therefrom, and such count shall immediately be entered in a book to be obtained for the purpose from the Director.

(2) The books covering operations for the twelve months ending the thirty-first day of March in each year shall be retained in the main camp and shall be duly completed by the foreman in charge of operations who shall subscribe to the affidavit therein, and upon completion of operations on the berth the books shall be handed to the forest officer at the time he makes his final inspection and audit.

**49.** Unless otherwise directed, each licensee either personally or by his scaler or foreman shall furnish proof on oath accompanied by a ground sketch on the first day of April of each year, or at such other time as the Director may require, as to the exact locality where all timber cut by the licensee or any other person to his knowledge upon the berth held or occupied by him, has been taken.

**50.**—(1) Sworn returns shall be made monthly or at such other times as the Director may require, by each licensee to the Director, accounting for,—

- (a) the number of pieces of round timber cut upon the berth held or occupied by him;
- (b) the number manufactured and the product thereof;
- (c) the quantity sold and that on hand.

(2) Dues shall be paid on the product of manufacture or sale of the timber or on the measurement or scale of the timber as required by the Director.

**51.**—The renewal of a license for a berth shall be subject to the payment of dues on the product on which the licensee bid as set out in the sale contract and on all other products of the forest as set out in the regulations in force from time to time and to such other terms and conditions as are fixed by the Lieutenant Governor in Council and in force at the time the renewal is made.

**52.**—(1) All timber taken from any berth acquired under the provisions of this Act, excepting dry pulp-wood, shall be manufactured within the Province of Alberta.

(2) There shall be taken from every tree cut down all the timber fit for use and the same shall be manufactured into sawn lumber or some other saleable product in such a way that there shall be no waste.

(3) To prevent the spread of prairie or bush fires all tops and branches of trees, and debris or refuse of operations shall be disposed of in such manner as may be determined by the Director.

(4) All bush operations shall be conducted so as to avoid unnecessary destruction of growing timber.

(5) Any person engaged in bush operations shall maintain strict and constant supervision to prevent the origin and spread of fire.

(6) Bush operations shall conform to the conditions, terms and requirements specified by the Director and cutting shall be restricted to the lands upon which operations have been authorized.

**53.** If at any time during the continuance of a license in the opinion of the Minister any portion of the lands therein described is required for water-power purposes or is necessary in connection therewith, the Minister may withdraw the said portion or tract from the berth.

**54.—**(1) If, in consequence of any error in survey or other error or cause whatsoever, a license is found to cover land covered by another license of prior date, or any land sold, granted, leased or lawfully set apart for any other purpose under *The Public Lands Act*, the later license shall be void in so far as it conflicts with any previous grant, lease, license, permit, sale or setting apart.

(2) When the boundary line or lines of a berth or any portion of such lines have not been surveyed or have become obliterated, the Minister may require the licensee, at his own expense, to survey any portion of the lines not previously surveyed, or to re-establish upon the ground any lines that have become obliterated.

**55.** If the Minister ascertains, after an inspection has been made, that any land within a berth is fit for settlement and is required for that purpose, he may require the licensee to carry on the cutting of timber on the said land as provided for in this Act and on the expiration of the time within which the timber which the licensee is entitled to cut should be removed therefrom may withdraw such land from the berth, and from the license, and upon such withdrawal the ground rent shall be reduced in proportion to the area withdrawn.

**56.—**(1) The Minister may permit prospecting on any berth for quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron, or other minerals.

(2) The Minister shall notify the licensee of every such permission.

(3) The licensee shall be entitled to compensation from the prospector for any timber cut, damaged or destroyed by the prospector or as a consequence of his prospecting of the berth.

**57.** A license shall be subject to the right of the Crown to withdraw at any time from the said berth any portion or tract of the lands comprising it which is required for the construction of any colonization or other road, or any road in lieu of or partly deviating from an allowance for road, drain or drainage works without compensation therefor.

**58.—**(1) If any railway company becomes entitled to a grant from His Majesty of any portion of a berth for the roadbed of the company's railway or any branch thereof, or for stations, station grounds, workshops, dockyards and water frontages on navigable rivers, or building yards, or for other purposes required for the convenient, necessary and effective construction and working of the company's railway or any of its branches; and if His Majesty grants the same to such railway company the land so granted shall from and after the date of the grant cease to be under the operation of the license, but the licensee shall be at liberty to remove all property belonging to him and all timber then cut thereon from the land so granted; and shall also be entitled to cut and remove from the said land so granted as his own property, all trees then standing thereon or the timber obtained therefrom, provided that such property and cut timber, or property, cut timber and standing trees, or the timber obtained therefrom are promptly removed from the said land upon receipt by the licensee of notice from the railway company to remove the said property and cut timber, or to cut and remove such standing trees so as not to hinder or interfere with any work being done or about to be done by the railway company for the convenient, necessary and effective construction and working of the company's railway or of any of its branches; provided that if the licensee does not so remove such property or cut timber, or so cut and remove such standing trees or the timber obtained therefrom, the railway company may do so, and all cut timber and standing trees or the timber obtained therefrom, which have so to be removed or cut and removed by the railway company, shall be the property of the Crown and be disposed of as the Minister may decide.

(2) From the date any parcel of land is granted to any railway company and is so withdrawn from the operation of the license, the ground rent required to be paid shall be reduced in proportion to the area withdrawn.

**59.** All rights of fishery, fishing, trapping of fur-bearing animals, shooting of game, grazing and occupation in connection therewith upon, around and adjacent to the berth are reserved to the Crown.

**60.**—(1) A licensee shall not assign, transfer, or sublet the rights described in his license, or any part thereof, without the consent in writing of the Minister first had and obtained, and such consent shall not be given within one year of the granting of the berth.

(2) No assignment of such rights shall be accepted and recorded in the Department unless it is unconditional, and unless all arrears of rental, dues, fire-guarding charges, timber areas tax and any other tax or charge reserved or imposed by Statute, have been fully paid.

**61.** Any licensee having made a guarantee deposit in moneys, may, with the consent of the Minister, substitute in whole or in part bearer bonds of the Province of Alberta or the Dominion of Canada, but in no case shall any coupons be made available to the licensee until the return of the bonds.

**62.**—(1) No license shall be issued until evidence has been furnished to the Director by the applicant that he has complied with all the provisions of *The Workmen's Compensation Act*.

(2) If at any time after the issue of any license, default is made by the licensee under the provisions of *The Workmen's Compensation Act*, the Minister may, in his discretion, by writing under his hand cancel the license.

(3) The application for a license must be accompanied by a statutory declaration setting forth the number of men employed, and the amount, if any, of wages in default on timber operations conducted by the applicant during the preceding six months.

(4) Where there has been default in the payment of wages, the Minister may, in his discretion, refuse to issue a license until satisfactory arrangements have been made for the payment of the wages.

(5) If at any time after the issue of any license default is made by the licensee in the payment of wages to workmen employed by him on timber operations, the Minister may, in his discretion, by writing under his hand, cancel the license and a penalty in the sum of twenty-five dollars shall be imposed by the Minister for the re-issue of any such license.

**63.**—(1) All dues on timber cut under license shall be payable upon the day the sworn return is required to be made.

(2) Dues which are not paid when they become due shall bear interest at the rate of eight per cent per annum until paid, and shall be a lien on any timber cut on public lands, by the licensee or under his instructions.

(3) If after the licensee has been requested to forward any overdue return the Minister deems it necessary to send



an officer of the Department to secure the same the Minister may charge the licensee so in default, the expenses incurred in connection with securing the return and if the licensee fails to make payment of the expenses so incurred the Minister may cancel the berth.

(4) In case of non-payment of dues whether in consequence thereof the license of the berth has or has not been cancelled, the Director or other person authorized may seize so much of the timber cut on public lands by the licensee or under his instructions, or in the possession of the licensee, as will in his opinion be sufficient to secure the payment of the dues, the interest thereon, the expenses of seizure and sale, and expenses incidental to the protection of the timber and may detain the timber as security for payment.

(5) If payment is not made within one month after seizure, the Director or other person authorized may sell the timber by public auction, and after deducting the sums due, the interest thereon and the expenses aforesaid, he shall pay over the balance, if any, to the licensee, if the timber was in his possession at the time of the seizure, or if it was not, to the person who had possession thereof at that time.

(6) If a bid is not made at the auction, amounting to the sum equal to the claim against the licensee, the timber may be disposed of at a private sale.

**64.—**(1) All timber cut under license shall be liable for the payment of the dues thereon, whenever and wherever the said timber, or any part of it, is found, whether it is or is not converted into deals, boards, or any other product of the forest.

(2) All officers employed in the collection of such dues may follow all such timber and may seize and detain it wherever it is found, until the dues thereon are paid or secured, as provided in section 63.

(3) The dues payable on any timber cut under license, together with any additional charges for expenses incurred in enforcing payment of the dues, shall be a first charge in priority to all other charges or claims howsoever created and such priority shall extend to and include any moneys due and payable to the Crown by the licensee on any timber operations conducted on public lands by him or under his authority.

(4) No timber or products of the forest on which the dues have not been paid shall be taken or removed in execution or seizure by or on behalf of any person unless payment of the dues including any moneys due and payable to the Crown by the licensee on any timber operations conducted on public lands by him or under his authority is guaranteed under the execution or seizure.

**65.—**(1) In case any timber or any of the products thereof in respect of which any dues are payable has been removed from the Province or otherwise disposed of, and the

dues payable have not been paid, the amount of the unpaid dues and any expenses incurred in enforcing payment of the said dues under this Act, may be added to the dues remaining to be collected on any other timber cut on any berth by the licensee or cut under permit by the permittee and may be levied and collected or secured together with such last mentioned dues, in the manner hereinbefore provided.

(2) The Crown shall have a lien for the amount of any dues or tax reserved, or payable under this Act, and for all expenses of seizure, detention or sale incurred in enforcing the lien, upon all sawmills or other factories and lands appurtenant thereto, railway and stationary engines and upon all engines, logging plant or material and upon all railway lines and all automotive vehicles used in cutting, logging, transporting or manufacturing the timber and belonging to the person by whom the dues or taxes are payable or belonging to any employee of such person.

(3) The lien shall constitute a first charge in priority to all other liens and to all incumbrances or charges created by any contract or arising under any Statute or otherwise howsoever, and shall confer the same rights and shall be recoverable in the same manner as the lien and rights of recovery of dues conferred by the provisions in that behalf of this Act, including an absolute unconditional power to sell.

(4) The amount due may be recovered also by action or suit, in the name of the Minister or his agent, in any court of competent jurisdiction.

**66.**—(1) Every purchaser of timber cut on public lands shall be held liable for the payment of dues thereon and the onus shall be upon the purchaser to prove that such timber is not liable in whole or in part to dues of any kind, and if such proof is not made to the satisfaction of the Director, he may seize and detain such timber or an equivalent quantity of any other timber in the possession of the purchaser, and the timber may be dealt with as timber cut without authority, or on which dues have not been paid, according to the circumstances of the case, and the dues thereon may be recovered as provided in sections 63 to 65 inclusive.

(2) Any timber cut upon a berth, without a license having issued therefor may be seized as timber cut without authority and may be dealt with as provided in sections 63 to 65 inclusive.

**67.**—(1) Each licensee shall pay in addition to the ground rent, dues, fees and timber areas tax, one cent for each acre in his berth on account of the cost of guarding the timber from fire.

(2) Every person who uses or makes any false statement or oath to evade the payment of rental, dues, royalty, or tax payable to the Crown with respect to timber, or endeavours to convey out of the Province any timber in respect of which rental, dues, royalty, or tax is payable, without first paying the rental, dues, 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.

**68.**—(1) All timber, before being put into a stream or lake to be floated to a mill, shall be marked with a stamp furnished by the licensee and approved by the Director.

(2) Timber not so marked in a conspicuous place may be seized by the Crown and confiscated, or penalty dues charged thereon as the Minister may decide.

**69.**—(1) A licensee shall not have the right except as hereinafter provided, to cut timber measured twelve inches from the ground of a less diameter than set out in the license, except such as may be actually necessary for the construction of roads and other works to facilitate the taking out of merchantable timber.

(2) A licensee shall not have the right to cut any trees that may be designated by the proper officer of the Department as required to provide a supply of seed for the reproduction of the forest.

(3) Any timber cut in violation of this section, in addition to the payment of the ordinary dues, shall be subject to a penalty not exceeding two dollars a tree.

(4) The Director, where clearing of timber is incidental to the use of the land for the growing of crops, may authorize by permit the cutting of timber of a less diameter than set out in the license subject to the payment of dues at the general rates prescribed by the Lieutenant Governor in Council.

(5) Where a license is granted which includes tracts of damaged, fallen, dead, diseased or fire-killed timber, the licensee may, in the discretion of the Director, be authorized to cut timber of a less diameter than set out in the license.

**70.**—(1) All merchantable timber of a class authorized to be cut under license shall be cut and taken from the berth as cutting progresses, and any timber of that class left uncut and unremoved after a date named in a notice, served on the licensee or his attorney, shall be estimated in feet board measure by a timber inspector, and shall be subject to payment to the Department, on demand, of dues at the rates prescribed under the license.

(2) The licensee shall not be required to cut and remove timber which is deemed by the Director to be inaccessible.

**71.**—(1) In the event of timber on a berth, of the class authorized to be cut, becoming fire-killed or dead and a report being made by a timber inspector that the same can be cut and marketed by the licensee without monetary loss, the Director may require the licensee to cut and remove the same.

(2) All such timber left uncut and unremoved from the berth after a date named in a notice served upon the licensee,

or his attorney, shall be estimated in feet board measure by a timber inspector, and the licensee shall pay dues thereon at the rates prescribed under his license according to such estimate.

**72.** In any case where waters flowing through, over or along, or having their source in any berth, empty into any stream or are tributary to any stream from which a domestic or municipal water supply is or may be obtained or contain fish, or in any case where the pollution of any such water may, in the opinion of the Minister, deleteriously affect any water supply, the licensee of such berth shall comply with the following requirements:

- (a) Locate all camp buildings, outhouses, cesspools, and other structures at a sufficient distance from any stream, lake or other source of water supply, to prevent the pollution of such water supply;
- (b) Immediately remove and bury or burn any camp refuse or debris of any description, or any substance which would be likely to cause the pollution of any such waters, and otherwise keep the ground in the vicinity of all logging camps in a neat, orderly and sanitary condition;
- (c) Prevent any depositing, leaving or accumulation in any stream, lake or other source of water supply within the berth, or in an exposed or unsanitary condition on the berth, any debris of any description, or any substance which would be likely to cause the pollution of such waters;
- (d) Prevent the depositing or leaving by any person employed or purporting to be employed about the berth, or the accumulation as a result of any operations carried on by reason of the license in any stream, lake, or other source of such water supply on any public lands, whatever, or in any exposed or unsanitary condition on any such lands, of any such debris or substance;
- (e) Remove all camp buildings or other structures within one year of the final expiry date of the license and any buildings or structures not removed shall become the property of the Crown unless a miscellaneous lease is secured to cover the site;
- (f) Observe all laws and regulations respecting sanitation and the protection of the purity of waters which are applicable to the premises, or any regulations which may be promulgated by the Lieutenant Governor in Council, and also comply with any requirements which may be made by the Minister for the purpose of carrying out the above provisions.

**73.** For each infraction of the provisions of section 72, the licensee shall, in addition to the other penalties provided in this Act, be liable on summary conviction to a penalty not

exceeding one hundred dollars, and such sum shall be recoverable with costs at the suit of and in the name of the Crown.

**74.** The licensee shall report immediately with full details to the Director regarding any fire having caused damage to the timber on a berth.

**75.—(1)** Every license shall be liable to forfeiture on the order of the Minister, for violation of any one of the conditions to which it is subject or for any fraudulent return.

(2) Before making an order for forfeiture the Minister shall cause written notice to be given to the licensee that it is his intention so to do, upon the ground set forth in the notice, unless within sixty days after service of such notice the licensee shows cause to the contrary.

(3) Service of the notice may be effected by registered mail addressed to the address or the last known address of the licensee.

(4) In such case service shall be deemed to have been made upon the day on which notice is mailed.

(5) Every order made by the Minister pursuant to this section shall be final and conclusive as against the licensee, and every person claiming by, through or under the licensee, and there shall be no appeal therefrom.

**76.** The licensee shall notify the Director immediately upon the erection of a saw-mill and shall describe its location.

**77.—(1)** The owner or operator of a truck conveying over any public road or highway outside of an incorporated city or town, any product of the forest, either cut or manufactured in the Province, shall in addition to any requirement of *The Public Service Vehicles Act*, have on his person each trip an invoice in duplicate obtained from the vendor describing in detail,—

- (a) the material being conveyed;
- (b) the name and address of the vendor;
- (c) the vendor's certification thereon as to the land on which the material was cut; and
- (d) the authority for such cutting.

(2) One copy of the invoice shall be retained by the operator or owner of the truck for a period of at least six months, and the other copy shall be handed to the purchaser.

(3) Any forest officer may require the operator of a truck conveying timber or any product of the forest over any public road or highway outside of an incorporated city or town to bring his vehicle to a stop for inspection, and any person who fails to comply with such demand shall be guilty of an offence.

(4) Any timber or product of the forest being conveyed over any public road or highway outside of an incorporated

city or town, for which the operator of the truck or vehicle is unable upon demand to produce an invoice as required by subsection (1) may be seized as timber cut in trespass and dues may be recovered as provided in sections 63 to 65 inclusive.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs, and in default of payment, to imprisonment for not more than three months and in the event of a second or continuing offence, to a fine of not less than one hundred dollars and in default of payment, to imprisonment for not less than six months.

**78.**—(1) A mill owner doing custom sawing for settlers shall,—

- (a) obtain a permit from the Director;
  - (b) notify the Director of the location of the mill and of each subsequent location to which the mill is moved during the season's operations.
- (2) The fee for this permit shall be five dollars.

(3) the mill owner shall keep records of all sawing in the books provided by the Director for the purpose, which books shall be forwarded to the said Director at the close of each year's operations together with all documentary evidence as to the origin of the timber sawn, as provided for in section 79.

(4) The Minister may seize all timber in the mill yard together with the mill and equipment and may close the mill of any owner who fails to carry out the provisions of this section.

**79.**—(1) Each mill owner shall require from each settler bringing timber to be sawn, proof that the same has not been cut on public lands or that it has been cut under authority in order that the mill owner may be able to give satisfactory evidence that the saw logs and lumber found in his possession have been lawfully cut.

(2) The name of the settler shall be recorded by the mill owner, who shall also record the quantity of the timber sawn by him, so that he may give an account or return thereof if required by any officer of the Department.

**80.** Each licensee shall pay and discharge all rates, assessments and taxes imposed by any statutory authority now charged or hereafter charged upon the said premises, as occupant, or upon the licensee in respect thereof, or payable in respect thereof.

**81.** All licenses, permits, notices or other documents not specifically provided for that are issued under this Act shall be signed by the Director or by any officer of the Department specially authorized thereto in writing by the Minister.

**82.** If the licensee's goods and chattels in the lands described in the license which are liable to distress are at any time seized or taken in execution, or in attachment by any creditor of the licensee, or if the licensee makes any assignment for the benefit of creditors or becomes bankrupt or insolvent, or takes the benefit of any Act that may be in force from bankrupt or insolvent debtors, the then current year's rent shall immediately become due and payable and the said term shall immediately become forfeited and void.

**83.—**(1) Except as otherwise provided in this Act, the holder of an unpatented sale shall not cut timber thereon for barter or sale without having first obtained a permit to cut such timber.

(2) Any moneys paid as dues may be refunded upon the obtaining of a notification issued pursuant to *The Public Lands Act* for the land prescribed in such permit.

#### LIABILITY OF PERSONS CUTTING TIMBER WITHOUT AUTHORITY.

**84.—**(1) If any person without authority cuts or employs or induces any other person to cut or assist in cutting any timber on public lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away any timber so cut, he shall not acquire any right to the timber or any claim for remuneration for cutting it, preparing it for market, or conveying it to or towards market.

(2) When the timber has been removed out of the reach of the officers of the Department or it is otherwise found impossible to seize it, the said person shall incur a penalty not exceeding three dollars for each tree which, or any part of which, he is proved to have cut or removed or carried away, or assisted to cut or remove or carry away.

(3) Such sum shall be recoverable with costs, at the suit and in the name of the Crown in any court having jurisdiction in civil matters to the amount of the penalty.

(4) In all cases the burden of proof of authority to do the thing charged shall lie on the person charged.

**85.** Whenever any officer receives satisfactory information supported by affidavit or statutory declaration made before a justice of the peace or before any other competent officer or person, that any timber has been cut without authority on public lands, or if any officer from other sources of information or his own knowledge, is aware that any timber has been cut without authority on any such lands, he may seize or cause to be seized whenever found the timber so reported or known to be cut, together with any automobile, trucks, tools and equipment used in the cutting and transportation of the timber, and the timber, timber products, trucks, tools and equipment seized shall be liable to confiscation to His Majesty as provided by section 100.

**86.** If the timber reported or known to have been cut without authority has been made up with other timber into a crib, dam or raft, or in any other manner has, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber cut without authority from the other timber, the whole shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, unless the holder separates, to the satisfaction of the officer, the timber cut without authority from the other timber.

**87.—**(1) Whenever any officer is in doubt as to whether any timber has or has not been cut without authority, or is or is not liable to dues on the whole or any part thereof, he may inquire of the persons in possession or in charge of the timber, as to when and where it was cut.

(2) If no satisfactory explanation, on oath or otherwise, as he requires, is given to him, he may seize and detain the timber until proof is made to the satisfaction of the Minister, or of the officer, that the timber was not cut without authority and is not liable, either in whole or in part, to dues of any kind.

(3) If such proof is not made within thirty days after the seizure, the timber may be dealt with as timber cut without authority, or on which the dues have not been paid, according to the circumstances of the case, and the dues thereon may be recovered as hereinbefore provided.

**88.—**(1) All timber seized under this Act shall be deemed to be forfeited to the Crown unless the owner thereof, or the person from whom it was seized, within thirty days from the day of the seizure, gives notice to the seizing officer or to the Director or officer under whose authority the seizure was made, that he intends to contest the seizure.

(2) If, within fifteen days thereafter, the claimant has not instituted proceedings before a court of competent jurisdiction to contest the seizure, or if the decision of the court be against him, or if the claimant fails to duly prosecute the proceedings, a judge having jurisdiction in the matter may for that cause dismiss the suit on the expiration of one month from the date on which it was instituted, then and in every such event the timber shall be deemed to be confiscated and may, after thirty days' notice posted up at the place where it is situated, be sold by public auction, by order of the Minister.

**89.—**(1) The Minister, if he sees cause for so doing, instead of proceeding to the forfeiture of timber cut without authority on public lands, may impose a penalty which, in addition to all costs incurred, shall be levied on the timber.

(2) In default of payment of the penalty and costs on demand, after a notice of fifteen days, he may sell the timber by public auction, and may, in his discretion, retain the whole proceeds of the sale, or the amount of the penalty and costs only.



(3) In the event of there being no bid for timber put up at public auction under this section or under section 88, the Minister may dispose thereof by private sale.

**90.** Whenever any timber is seized for non-payment of dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under this Act, and any question arises as to whether the dues have been paid on the timber, or as to whether the timber was cut on other than public lands, the burden of proving payment, or of proving on what land the timber was cut, shall lie on the owner or claimant of the timber.

**91.** Any officer seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized.

**92.—(1)** Whenever any timber is seized under this Act if it is made to appear to the Minister by evidence satisfactory to him within thirty days following the date of the seizure that wages are owing to workmen for labour performed within six months previous to the date of seizure, in the production of the timber or in converting the timber into deals, boards or any other manufacture of wood, the Minister shall cause inquiry to be made to ascertain the amount of wages owing and shall add the sum so ascertained to the amount due the Crown in respect of which the seizure was made, and such sums shall be recovered as hereinbefore provided by this Act.

(2) In case any dispute arises to the amount owing in respect of any such wages, the Minister shall refer the dispute to a judge or local judge of the Supreme Court in Chambers, who shall summarily inquire into the same upon such notice to such persons as to him seems proper and he shall thereupon certify his findings to the Minister and any findings so made shall be final and conclusive, and there shall be no appeal therefrom.

#### TIMBER INFESTED WITH INJURIOUS INSECTS OR FUNGUS.

**93.—(1)** Where any trees, timber, slash, brush or debris on any lands are found by the Forest and Parks Division to be infested with any species of injurious insect or fungus under such circumstances as, in the opinion of the Director, to constitute a menace to adjacent timber or a dangerous source for the spread of such insects or fungus, if the Director gives to the holder of any lease, license or permit covering the lands, in the case of public lands, or to the owner of the lands, in the case of other lands, notice in writing requiring the owner, lessee, licensee or permittee, as the case may be, to dispose of the trees, timber, slash, brush or debris so infested, in the manner directed in the notice, the owner, lessee, licensee or permittee to whom the notice is given shall forthwith dispose of the infested trees, timber, slash, brush or debris as directed.

(2) The notice shall be deemed to be duly given to the owner, lessee, licensee or permittee 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.

(3) Where the owner, lessee, licensee, or permittee refuses or neglects to dispose of the trees, timber, slash, brush or debris in the manner directed in the notice, the Forests and Parks Division may enter upon the lands and cause the trees, timber, slash, brush or debris to be disposed of.

(4) All costs of disposing of the trees, timber, slash, brush or debris shall be borne by the owner, lessee, licensee or permittee, as the case may be, and all moneys due from any owner, lessee, licensee or permittee in respect of any such disposal of trees, timber, slash, brush or debris by the Forests and Parks Division 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, licensee or permittee, as the case may be, constituting a charge to the like extent and conferring the same rights and registerable and enforceable in the same manner as the liens created by the provisions of this Act for the recovery of dues, including an absolute, unconditional power to sell.

(5) All moneys payable under this section may also be recovered at the suit of the Crown in any court of competent jurisdiction.

#### MISCONDUCT AT SALES.

**94.**—(1) If, before or at the time of a public sale of a berth on public lands, any person by intimidation, combination or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any berth offered for sale, the offender and his or their aiders and abettors shall, for every such offence, be guilty of an offence, and liable on summary conviction to a penalty not exceeding four hundred dollars, and in default of payment, to imprisonment for a term not exceeding two years.

(2) Every person guilty of an offence pursuant to this Act for which no penalty is already prescribed shall be liable on summary conviction to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

#### POWERS OF LIEUTENANT GOVERNOR IN COUNCIL.

**95.** The Lieutenant Governor in Council from time to time may make regulations,—

(a) governing the disposition of timber for which no provision is made by this Act;

- (b) wherever it is desirable or essential that timber cut in any lumbering operation shall be scaled,—
    - (i) requiring that the timber be scaled by a licensed scaler;
    - (ii) requiring the examination of applicants for scaler's licenses;
    - (iii) prescribing the responsibilities of lumbermen and duties of licensed scalers;
    - (iv) prescribing the log scale that shall be the official scale and shall be used for the measurement of all timber;
    - (v) prohibiting the manufacture, export or removal from the Province of any timber until it has been scaled;
  - (c) for insuring the future forest crop of any timber leasehold or timber limit;
  - (d) 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;
  - (e) for insuring renewal of the forest crop by the leaving of trees for seed purposes on any lands unsuitable for agriculture as may be determined by the Minister;
  - (f) providing that any statement or return required by this Act or by any regulations made under it shall be verified on oath;
  - (g) establishing a tariff of fees for all leases, licenses, permits, and other agreements, and for all copies of maps, plans, field notes, documents, papers or other records or documents of the Department, and for the registration of assignments therein and for any other purposes whatsoever required by this Act.
  - (h) prescribing the forms to be used under this Act and for which no specific provision is made or which may be necessary or expedient in any special case;
  - (i) respecting any other matter or thing not inconsistent with this Act, deemed necessary to carry out the provisions of this Act according to their true intent, or to carry out the agreement of transfer, or to meet cases which may arise and for which no provision is made by this Act.
- 96.** The Lieutenant Governor in Council may,—
- (a) enter into an agreement, to be described as a forest management license, with any person for the management of public 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 license; or

- (b) enter into an agreement, to be known as a forest management license, with the owner of other tenures to combine such other tenures and public lands into a single unit reserved by mutual consent and contract to the sole use of the licensee for the like purpose.

**97.** The Lieutenant Governor in Council may reinstate any sale, lease, license or permit that has been cancelled or forfeited upon such terms and conditions as he may prescribe if the application for reinstatement is made within six months of the date of cancellation or forfeiture.

**98.—(1)** A copy of each regulation or order made by the Lieutenant Governor in Council under the authority of this Act shall be published in *The Alberta Gazette* and thereupon it shall have the same force and effect as if it had been enacted by this Act.

(2) All such regulations shall be laid before the Legislative Assembly within fifteen days after the opening of the first session following the due publication of the regulations in *The Alberta Gazette*.

#### SEIZURES.

**99.—(1)** Notwithstanding anything in *The Seizures Act* or any other Act to the contrary, in case any default is made in the due payment of any rent or any money payable by way of rent or on account of any dues or royalties, or on account of any purchase price, which are payable to the Crown in the right of the Province under and by virtue of any lease, license, permit, agreement for sale or other instrument made, entered into or issued pursuant to any of the provisions of this Act or of any Act of the Parliament of Canada, then and in every such case and whether the same is demanded or not, the Crown shall have the right to levy the same by distress,—

- (a) in case the sum for which distress is levied is for rent, royalties and dues, or any of them, payable in respect of any products of the forest, upon all or any of the goods and chattels which shall then be found in, on or about any property which is used or occupied for the purpose of timber operations or the cutting and getting of any timber, as the case may be, notwithstanding that the same may be subject to any mortgage, lien or other incumbrance, if the timber or other products of the forest are held of the Crown under any lease, license, permit, agreement for sale or other instrument, by the person who is liable for the payment of the sum for which the distress is made or by any other person claiming by, through or under him;
- (b) in all other cases, upon all or any of the goods and chattels which shall then be found upon any land

whatsoever which is for the time being owned by or in the occupation of or under the control of the person for the time being liable for the payment of the rent or purchase price in respect of which the distress is levied, notwithstanding that the same may be subject to any mortgage, lien or other incumbrance.

(2) For the purpose of levying any distress under this section, the Minister is hereby empowered for and on behalf of the Crown to issue a distress warrant under his hand addressed to the sheriff of the judicial district within which is situate the premises upon which the distress is to be made, directing him to levy by distress the sum mentioned therein upon the goods and chattels found upon the premises specified therein, and upon receipt of any such warrant, the sheriff shall execute it by the seizure, and unless he is sooner paid, by the sale of the goods and chattels seized, and every seizure and sale shall be subject to the provisions of *The Seizures Act*.

(3) The forfeiture, cancellation or surrender of a lease, license, permit, agreement for sale or other instrument shall not debar or nullify any proceedings taken under this section, whether before or after the occurrence of the forfeiture, seizure or cancellation and all proceedings taken shall be continued as if the lease, license, permit, agreement for sale or other instrument were in force and effect.

**100.**—(1) When any property is seized under section 85, the person making the seizure shall without delay make a report in writing to the Minister and shall hold the property under seizure until such time as he has received from the Minister directions as to the further disposition thereof.

(2) The Minister upon the receipt of any such report and upon being satisfied thereby that the property is liable to confiscation to His Majesty, may by writing declare that the property is confiscated, and thereupon the property shall become the property of His Majesty and all rights of property existing therein immediately before the making of the order shall cease and determine.

(3) The Minister may cause the property to be sold in such manner and subject to such terms and conditions as he may prescribe or he shall order the return of the property to the person in whose possession it was at the time of seizure.

#### EVIDENCE.

**101.** Copies or photostatic copies of any records, documents, plans, books or papers belonging to or deposited in the Department, attested under the signature of the Minister, Director, or any chief clerk or officer thereunto authorized by the Minister, attested as aforesaid, or under the signature of the officer in charge of the office, shall be competent

evidence in all cases in which the original documents, books, plans or papers would be evidence.

**102.** Lithographed or other copies of maps or plans purporting to be issued or published by the Department, the Department of Public Works, or the Government of Canada, shall be received in all courts and proceedings, as *prima facie* evidence of the originals, and of the contents thereof.

**103.** All affidavits, oaths, statutory declarations or solemn affirmations required to be taken or made under this Act, except as herein otherwise provided, may be taken before the judge or clerk of any court, or any justice of the peace, or any commissioner for oaths, or any notary public, or any officer or any person specially authorized by this Act or by the Lieutenant Governor in Council to take or receive the same.

#### SUMMARY PROCEEDINGS RESPECTING FORFEITURE AND TRESPASS.

**104.**—(1) The occupation of public lands without lease, license, permit, contract or agreement made pursuant to this Act, gives to the occupant no right thereto and the occupant may be ejected as a trespasser and any improvements made by him shall thereupon be forfeited to the Crown.

(2) The Minister may, by notice in writing, require any person who is for the time being in the occupation of any public land otherwise than pursuant to a right granted pursuant to this Act, to forthwith cease his occupation and vacate the land, and any person who does not comply with the notice forthwith upon the service thereof upon him, shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and costs, and in default of payment to imprisonment for a term of not more than sixty days.

**105.**—(1) When any person refuses or fails to cease using, possessing or occupying any land which he is wrongfully or without lawful authority using, possessing or occupying, or refuses or fails to deliver up possession of any land after his right to use, possess or occupy it has been declared forfeited under the provisions of this Act, the Minister or any officer or agent of the Department authorized by the Minister for that purpose may apply by originating notice returnable before a judge or local judge of the Supreme Court in Chambers for an order for possession of the land so used, possessed or occupied.

(2) Every such originating notice shall be served upon the person or persons to whom it is addressed at least thirty days before the date on which it is returnable.

(3) Service may be made in any manner provided by the Rules of Court, or by leaving a copy thereof with a

grown-up person found on the land, and by putting up another copy in some conspicuous place thereon, or, where no grown-up person is found on the land, by putting up a copy in each of two conspicuous places on the land.

(4) Except as otherwise provided herein, the Rules of the Supreme Court shall apply to any application under this section and to subsequent proceedings.

**106.** Any person remaining upon public lands or returning thereto, or assuming any right of possession or occupancy or use thereof after an order for possession has been granted against him, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

#### OFFENCES AND PENALTIES.

**107.**—(1) Any person who violates any provision of this Act or of the regulations shall be guilty of an offence.

(2) Any 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.

(3) Any person who unlawfully destroys, defaces, or removes any notice posted by any officer of the Forests and Parks Division as a fire warning, or for any purpose of this Act, or purporting to give information respecting the ownership of any property shall be guilty of an offence.

(4) Any person guilty of an offence against this Act for which no specific penalty is otherwise provided, shall be liable on summary conviction to a penalty of not less than twenty-five dollars and not more than three hundred dollars.

(5) 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 Act have been complied with shall be upon the defendant.

#### MISCELLANEOUS.

**108.** Whenever any expenditure is incurred by the Department in preventing or extinguishing fire on any land, the owner of the land shall on demand pay to the Minister such amount as the Minister may fix as the amount of the expenditures chargeable in respect of the land.

**109.** If any money payable under any sale, lease, license or permit is not paid within one month from the date on which it became due, it shall bear interest at the rate of five per cent per annum from the due date.

**110.**—(1) A receipt for a payment on account of any sale, lease, license, permit or other agreement, unless the sale, lease, license, permit or other agreement has been forfeited, revoked or cancelled, shall entitle the person to whom it was issued and any person lawfully claiming by, through or under him, to take, occupy and use the land described in the receipt and to hold possession of it to the exclusion of any other person, and to bring and maintain actions for trespass committed on the land.

(2) The land shall not be liable to be taken in execution.

(3) The occupancy, use and possession of the land shall be subject to the conditions of the sale, lease, license, permit or other agreement, and to the provisions of this Act and of any other Act or regulation affecting it.

**111.** Any moneys realized from the disposition of any timber on school lands after deducting the cost of management shall be paid annually into the General Revenue Fund of the Province towards the support of schools organized and carried on in accordance with the law of the Province, and the moneys so paid shall be distributed for that purpose by the Government in such manner as it deems expedient.

**112.** For the purposes of this Act, any lease, contract, agreement or other instrument made pursuant to any of the provisions of this Act whereby any person enters into any obligation with the Crown shall, in the case of a body corporate, be deemed to be sufficiently executed if sealed with the corporate seal of the body corporate and countersigned by one officer of the corporation, notwithstanding anything contained in any statute, or charter of incorporation, or memorandum of association, or articles of association to the contrary.

**113.** Notwithstanding the terms or provisions of any lease, license or permit now subsisting made by the Province or by the Dominion of Canada or which may be granted pursuant to the terms of this Act, the demand or acceptance of rent in respect of any lease, license or permit shall not be deemed a waiver of the right of the Minister to enforce the observance of any covenant, condition or regulation made whilst the demised premises are held, or the right to forfeit the lease for breach of any covenant, condition or regulation committed before the making of the demand or the acceptance of the rent.

**114.**—(1) No lessee, licensee, permittee or purchaser of a berth shall, without the consent of the Department in writing, do any act or thing calculated or likely to be to the detriment of the surface of the land unless expressly authorized so to do by the terms of the sale, lease, license or permit.



(2) Any minor who has acquired from the Crown in the right of the Province, any agreement of sale, lease, license, permit or any other form of agreement relating to or affecting lands under the provisions of this Act or the regulations, shall not assign, transfer, sublet or part with the possession of any such agreement of sale, lease, license, permit or other form of agreement, unless and until the minor has attained the full age of twenty-one years.

(3) Upon attaining the age of twenty-one years the minor shall forthwith ratify and confirm the agreement of sale, lease, license, permit, or other form of agreement entered into by the minor and the Crown in the right of the Province, and if he fails to do so within a reasonable time after reaching his majority the Minister may cancel the sale, lease, license, permit or other form of agreement.

**115.** All covenants and conditions contained in or imposed by any agreement, lease, license or permit granted to any minor of the age of eighteen years or upwards shall be as binding upon the minor as if he were of full age.

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### **PART III.**

#### **PREVENTION OF FOREST AND PRAIRIE FIRES.**

##### **APPLICATION OF PART.**

**116.** This Part applies to all lands within the Province except lands included within the corporate bounds of any city, town or village, and applies in addition to all other statutory provisions applying to municipal districts, and does not repeal, abrogate or derogate from any such other statutory provision or any municipal by-law made pursuant to any such other statutory provision.

**117.** For the purposes of this Part, in any case where reference is made to a municipal district, and the land in question lies within an improvement district or within a special area, the terms "municipal district", "reeve", "deputy reeve", or "council" shall be deemed to mean "improvement district" or "special area", and "Minister of Municipal Affairs" and "Deputy Minister of Municipal Affairs", as the case may be.

##### **REGULATIONS.**

**118.** The Lieutenant Governor in Council may from time to time make regulations,—

- (a) for the prevention and extinguishing of fires;
- (b) for granting permits for the use of fire, for clearing land, and for disposal of debris and other inflammable waste, and for industrial purposes; the con-

- ditions under which such permits may be granted; the precautions to be taken in the use of fire under permit, and the appliances, implements and apparatus to be kept at hand by the holders of permits;
- (c) prescribing the circumstances and conditions under which fire may be set or used for any such purposes without the issue of a permit therefor;
  - (d) governing the use of fire out of doors for branding, cooking or obtaining warmth;
  - (e) providing for the making of fire-guards and the taking of other precautionary measures when, owing to drought or other circumstances, the danger of fire makes it desirable so to do;
  - (f) regulating or preventing the piling or accumulating of brushwood, debris and other inflammable material;
  - (g) empowering the Minister or any person authorized by him to enter upon the lands of any person for the purpose of removing, destroying and disposing of any such inflammable substance and providing that the cost of the work shall be borne by such person and be recoverable by action at the suit of the Minister in any court of competent jurisdiction;
  - (h) prescribing and regulating the use of fire protective appliances on locomotive engines, logging engines, portable engines, traction engines, stationary engines or other engines and requiring the use of such appliances and prescribing the precautions to be taken for preventing fires being caused by the use or operation of any such engines;
  - (i) providing for the collection of the cost of any work done by the Minister or any person authorized by him or by a municipal district under the authority of this Act;
  - (j) generally for the better carrying out of fire prevention and the provisions of this Act;
  - (k) prescribing penalties for the violation of the regulations;
  - (l) prescribing and regulating the use of combines, combined harvesters, headers or stationary engines, harvesting and threshing equipment, bailers or hay presses, automotive machinery, appliances, and equipment of every kind and nature using liquid fuel for the generation of power;
  - (m) requiring that any electrical equipment or electrical work shall meet the standards and specifications of *The Electrical Protection Act*.

#### APPOINTMENT OF OFFICERS.

**119.**—(1) All members of the Royal Canadian Mounted Police, the reeve, secretary and councillors of each municipal district, forest officers, game officers, fishery officers and such

other persons as may be appointed by the Minister, shall be *ex officio* fire guardians.

(2) The council of every municipal district shall at its first meeting in each year appoint for each division of the district from among the resident taxpayers thereof a fire guardian, and immediately upon the appointment of any fire guardian notification of his appointment shall be sent to the Director.

(3) Persons nominated by the Director, timber licensees, timber permittees, grazing lessees, or the councils of municipal districts may be appointed by the Minister in writing as honorary fire guardians who shall serve without salary or other remuneration.

(4) All fire guardians shall have power to enforce the provisions of this Act or of any regulations made hereunder, or of any by-law passed by a municipal district with respect to the prevention, suppression of or protection against prairie, forest, ground or bush fires.

**120.**—(1) Fire guardians in addition to those authorized by section 119 may be appointed by the Minister in writing at the request of the owner of any land desirous of providing additional protection for such land from fire.

(2) Every fire guardian appointed pursuant to this section shall be remunerated for such services by the owner of the land, and shall have power to enforce the provisions of this Act and the regulations upon and adjacent to such land.

#### POWERS OF THE MINISTER.

**121.** The Minister may from time to time,—

- (a) in the public interest, restrict or extend the close season either generally or as to any particular area or areas;
- (b) issue, cancel, suspend, or reinstate in his discretion any permit or license permitted or required by this Act;
- (c) make such orders as he may deem necessary or expedient for the effective administration of this Act, or for the carrying out of the provisions of this Act according to their true intent.

**122.**—(1) Whenever, owing to fire hazard conditions, the Minister in his opinion deems it necessary or expedient to close any area whether forest or prairie and to shut out therefrom all persons except such as are specifically authorized, the Minister may make an order in writing setting out and delimiting the closed area and requiring anyone wishing to enter or travel about therein during the close season to obtain a travel permit.

(2) Any such order may contain any terms and conditions which may be necessary for the prevention of fire in the closed area.

(3) The Minister may from time to time by order reduce or extend the closed area or may terminate the same.

(4) The Minister may provide for such notice as may be possible under the circumstances, and shall publish a notice of the order setting out the area closed in such papers as in the opinion of the Minister will give the greatest publicity.

#### POWERS AND DUTIES OF OFFICIALS.

**123.** Any authorized forest officer may issue a travel permit without charge if he is satisfied that the applicant is a fit and proper person to have a travel permit.

**124.** Any person using or travelling in any forest area shall upon request give any forest officer or fire guardian information as to his name, address, route to be followed, location of camps and any other information pertaining to himself or to the protection of the forest or forest area from fire which may be required by such forest officer or fire guardian.

**125.** The Director and every forest officer and fire guardian acting under his direction, shall have the right while in the performance of his duties under this Act, to enter into and upon any lands and premises other than a private dwelling, store, store house, office or farm building.

**126.—**(1) Any forest officer, any *ex officio* fire guardian, and within a municipal district any fire guardian appointed by the council of the municipal district may, personally or otherwise, notify as many male persons over sixteen years of age and under sixty years of age as he may deem necessary, residing or being within twenty-five miles of any prairie or ground fire or within fifty miles of a forest fire, to proceed to the fire taking with them such horses, ploughs and other appliances as they may possess and are requested by the forest officer or fire guardian to take with them, for extinguishing or preventing the spread of fire.

(2) Where any forest fire is burning in or threatening merchantable timber at a distance of more than fifty miles from any settlement or other source of labour, any forest officer or *ex officio* fire guardian may notify as many male persons over sixteen years of age and under sixty years of age as he may deem necessary to proceed to the fire and to take whatever action is required to extinguish or prevent the spread of fire.

(3) On arrival at any such fire such persons shall endeavour to extinguish it in accordance with the directions given by the forest officer or fire guardian.

(4) This section shall not apply to railway station agents, conductors, engineers, trainmen, firemen and brakemen, boat crews, commercial radio or telephone operators, linesmen,

telegraphers, bus drivers, air pilots and despatchers on duty, medical doctors, postmasters, or persons physically unfit.

**127.**—(1) Upon information being received by the reeve of a municipal district, or in the absence of the reeve, the deputy reeve, that a timber, brush, prairie or ground fire in the municipal district is in progress, the reeve or deputy reeve, as the case may be, shall make inquiry as to the fire, and he shall require the services and summon the assistance of such male persons eligible to be called by a fire guardian who may in his discretion be necessary and available for the purpose of fighting and extinguishing the fires.

(2) Where any such fire is found to be due to a breach of the provisions of this Act, or to a breach of the regulations or of any by-law passed by a municipal district with respect to the prevention, suppression of or protection against prairie, forest, ground or bush fires, the cost of extinguishing the fire shall be paid by the council of the district, and shall be chargeable to the person convicted of the breach, and if not paid by such person within thirty days of the conviction, the same shall be a charge on the land of such person and the council may lodge a caveat for the protection of the charge in the proper Land Titles Office and the cost of any such work may also be recoverable by action at the suit of the municipal district in any court of competent jurisdiction.

(3) Where any fire within an improvement district is found to be due to a breach of the provisions of this Act, or a breach of the regulations, the cost of extinguishing the fire shall be paid by the Department, and shall be chargeable to the person convicted of the breach, and if not paid by such person within thirty days of the conviction, the same shall be a lien upon the land of such person and the Minister may lodge a caveat for the protection of the lien in the proper Land Titles Office, and the cost of any such work may also be recoverable by action at the suit of the Minister in any court of competent jurisdiction.

**128.** Wherever any forest officer or fire guardian finds upon the land of any person conditions existing which, in his opinion may be the cause of danger to life or property from fire, the Director may order the owner or person in control of the land to take any action necessary to remove the danger, and if such person fails to comply with the order within the time named by the Director, the Director may enter upon the land with such assistants as he may deem necessary for the purpose of removing the source of danger and the cost of any work done by the Director or his assistants shall be borne and paid by the owner and shall be recoverable by the Minister by action in any court of competent jurisdiction.

**129.**—(1) Where it appears to the reeve of a municipal district, or in the absence of the reeve, the deputy reeve, that the condition of any land in the municipal district is a

source of danger from fire to property in the municipal district, he may report the facts in writing to the Director.

(2) The Director shall make inquiry as to the conditions described in the report and shall report the result of his inquiry to the council with his recommendation as to what action, if any, should be taken thereon.

(3) Where the Director finds that cause for complaint exists the council may give notice to the owner of the land, directing him within a time to be named in the notice to remove as far as possible all source of danger from fire, and requiring him to comply with such of the recommendations of the Director as are set out in the notice.

**130.**—(1) Where it appears to the reeve of a municipal district, or in the absence of the reeve, the deputy reeve, that the condition of any land immediately adjacent to the municipal district is a source of danger from fire to property in the municipal district, he may report the facts in writing to the Director.

(2) The Director shall make inquiry as to the conditions described in the report.

(3) Where the Director finds that cause for complaint exists,—

- (a) if the land is situated within a municipal district he shall inform the reeve of the municipal district in which the land is situated as to the source of danger from fire together with any other pertinent facts;
- (b) if the land is not situated within a municipal district, the Director shall give notice to the owner of the land directing him within a time to be named in the notice to remove as far as possible all source of danger from fire, and requiring him to comply with such directions as are set out in the notice.

**131.** In any case where the Director or any other forest officer finds any operation being conducted without a permit as required by section 134, he may in addition to any penalty imposed serve a notice in writing requiring that the operation cease until the necessary permit has been secured.

**132.** Where any responsibility is placed upon the Director for the carrying out of any act, matter or thing, the Director may delegate this authority in writing to a forest officer or fire guardian.

**133.** Any member of the Royal Canadian Mounted Police and such officers and employees of the Forests and Parks Division as the Lieutenant Governor in Council may appoint as constables for the enforcement of the provisions of this Act, may arrest without warrant any person found violating any provision of this Act and take him before a justice of the peace and there make complaint.

## CLEARING, MILLING AND OTHER OPERATIONS.

**134.**—(1) Every person shall, in addition to any other requirements, obtain from the Director a written permit irrespective of close or open seasons before,—

- (a) clearing a right-of-way for any railway not subject to the jurisdiction of the Board of Transport Commissioners for Canada, or for any road, trail, telephone line, telegraph line, power transmission line, pipe line, tote-road, ditch, flume or other works;
- (b) carrying on any woods operation of any kind liable to cause the accumulation of any slash or debris on any land;
- (c) operating any mill for the manufacture of lumber, laths, shingles, sawn ties, veneer, cooperage stock or any other forest product;
- (d) engaging in the cutting up, barking or rossing of wood.

(2) The application for the permit shall state the location of the proposed operation or mill, the character thereof, the number of men to be employed, the location of camps and the probable duration of the operation.

(3) All permits shall expire on the thirty-first day of March next after the date thereof and shall be subject to renewal only upon compliance with the terms thereof and with the provisions of this Act and the regulations made hereunder.

**135.** The Director may in his discretion,—

- (a) refuse a permit for any operation or limit the period during which the operation may be carried on;
- (b) require that any person carrying on any operation under and by virtue of a permit granted pursuant to section 134 shall keep and maintain such competent men and fire-fighting equipment in good repair and at such specified locations as the Director or other authorized forest officer may deem necessary for the control of fires which might be caused either directly or indirectly by the operation.

**136.**—(1) Every person,—

- (a) clearing a right-of-way for any railroad not subject to the jurisdiction of the Board of Transport Commissioners for Canada, or for any road, trail, telephone line, telegraph line, power transmission line, pipe-line, tote-road, ditch, flume, or other works; or
  - (b) carrying on any woods operation of any kind liable to cause the accumulation of any slash or debris;
- shall as rapidly as the clearing or cutting progresses, and the weather conditions permit, or at such other time as the Director may direct, pile and burn on the right-of-way or

in open spaces removed from standing timber all refuse, timber, brush or other inflammable material cut or accumulated thereon, and all such burning shall comply with the provisions of this Act, and the regulations.

(2) Any person who within three hundred feet of the right-of-way of any railway causes any accumulation of inflammable debris, shall immediately pile and dispose of the debris in a manner satisfactory to the Director, subject to the requirements of this Act concerning burning permits.

(3) Every person having charge of a camp, mine, saw-mill, portable or stationary engine, using liquid fuel in the generation of power, and located in, or within one-half mile of any forest or forest land, shall have the area surrounding the camp, mine, saw-mill or engine cleared of inflammable material for a distance of at least three hundred feet and for such further distance as the Director may in his discretion require by notice in writing.

**137.**—(1) Nothing in this Act shall prevent any railway company not subject to the jurisdiction of the Board of Transport Commissioners for Canada or its employees from burning over the land held by it under its right-of-way and the land adjoining the same to an extent not exceeding three hundred feet in width on each side of the centre line of the railway.

(2) Every person causing, commencing or in charge of any such burning shall cause the same during the whole period of its continuance to be watched and guarded by a sufficient number of men provided with suitable appliances for extinguishing fire.

(3) This section shall not relieve any person from liability under this Act if any fire so started escapes or runs at large.

#### PROHIBITIONS.

**138.** During the close season no person shall set out fire except under circumstances and subject to the conditions prescribed by this Act or the regulations.

**139.** No person shall enter or travel in any closed area unless he is the holder of a travel permit specifically authorizing him so to do.

**140.** No person shall during the close season,—

- (a) use or operate within a quarter of a mile of any forest, slashing or bush land, any locomotive, logging engine, portable engine, traction engine, stationary engine or other engine, which is not provided with a practical and efficient device for preventing the escape of fire or live coals from smoke stacks, ash pans, fire boxes or other parts and which does not



comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act;

- (b) destroy any wood or waste material by fire within any incinerator, burner or destructor operated at or near any mill or manufactory or operate any power-producing plant using in connection therewith any smoke stack, chimney or other spark-emitting outlet, without installing and maintaining on the incinerator, burner or destructor or on the smoke stack, chimney or spark-emitting outlet a safe and suitable device for arresting sparks, complying in all respects with the regulations;
- (c) harvest or thresh grain or cause grain to be harvested or threshed by means of a combine, combined harvester, header or stationary threshing engine, or bail hay by means of a bailer or hay press using liquid fuel for the generation of power, unless he keeps at all times in convenient places upon each combine, combined harvester, header, or stationary threshing machine, bailer or hay press, fully equipped and ready for immediate use, two suitable chemical fire extinguishers approved by the Western Canada Fire Insurance Underwriters' Association, each of such capacity as may be prescribed by the Director;
- (d) operate or cause to be operated any gas tractor, oil burning engine, gas-propelled harvesting machine or auto truck in harvesting or moving grain or hay, or moving the said tractor, engine, machine or auto truck in or near any grain or grass land, unless he maintains attached to the exhaust on the gas tractor, oil-burning engine, gas-propelled harvesting machine or auto truck an effective flame-arresting, spark-arresting and carbon-arresting device.

**141.** No operations shall be conducted at any time which necessitate the setting out of fire for the destroying of stubble or the clearing of land in the preparation for agricultural operations until a permit for the operations has been obtained from the Director.

**142.** No company operating a railway shall permit fire, live coals or ashes to be deposited on its tracks, or right-of-way unless they are extinguished immediately thereafter, except in pits provided for the purpose.

**143.** No person shall fell or permit to be felled trees or brush in such 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.

**144.** No person shall within one-half mile of any hamlet, village, town, or city, accumulate inflammable debris or per-

mit any such accumulation to remain on any property owned by him or under his control.

**145.** No person shall in the skirting or widening of any highway or road on which public money is expended leave the slash or other inflammable material resulting from the skirting or widening unburned or unremoved.

**146.** No person shall make a fire for the purpose of cooking, branding or obtaining warmth, unless the person so starting or making the fire,—

- (a) selects a locality where there is the smallest quantity of vegetable matter, dead wood, branches, brush wood, dry leaves or resinous trees;
- (b) clears the place in which he is about to light a fire by removing all vegetable matter, dead trees, branches, brush wood and dry leaves, from the soil within a radius of five feet from the fire;
- (c) exercises and observes every reasonable care and precaution to prevent the fire from spreading, and carefully extinguishes the same before quitting the place.

#### OFFENCES AND PENALTIES.

**147.** Where not otherwise provided, any person who disobeys or refuses or neglects to carry out any of the provisions of this Act or of any regulation or order made hereunder, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding three hundred dollars, and in default of payment to imprisonment for a term not exceeding ninety days.

**148.** Any person who violates any of the provisions of section 139 shall be guilty of an offence and in addition to any other penalty which may be imposed, may, in the discretion of the Minister, be refused a travel permit.

**149.** Any person who,—

- (a) hinders, obstructs or impedes the Director or any forest officer or fire guardian in the performance of his duty;
- (b) refuses to give any information required of him by any forest officer or fire guardian;
- (c) without lawful authority destroys, defaces or removes any notice posted under this Act or the regulations;
- (d) without lawful authority destroys, injures or removes any supplies, equipment or apparatus placed in the forest for the purpose of protecting the forests from fire; and
- (e) throws or drops any burning match, ashes of a pipe, lighted cigarette, cigar, or other burning substance

without extinguishing the same, and any person who discharges a fire-arm without seeing that the wadding from the fire-arm is extinguished; shall be guilty of an offence.

**150.** Every person who refuses or neglects to take precautions which in the opinion of the Director are necessary to protect the property of which that person is the owner, against injury by fire, shall be guilty of an offence and, in addition to the other penalties imposed by this Act, shall be liable for the expense incurred by the Department or any of its employees in an effort to protect the said property against fire, and the amount of such expense shall be recoverable with costs in an action brought by the Crown.

**151.**—(1) Any person who neglects or refuses without lawful excuse to obey any order of a forest officer, *ex officio* fire guardian, or a fire guardian appointed by the council of a municipal district pursuant to section 126, or failing to proceed to the fire with all reasonable despatch after receiving the order, together with the horses and appliances requested of him, or leaves the fire before it is extinguished or before having been released from further service by the person who notified him to proceed to the fire or the foreman at the fire, shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars and not exceeding fifty dollars and costs, and in default of payment to imprisonment for not more than thirty days.

(2) Any reeve or deputy reeve who refuses or neglects to act as required pursuant to section 127, and any person whose services or assistance is required who refuses or fails to serve or assist, shall be guilty of an offence and liable on summary conviction to a penalty of not less than ten dollars and not exceeding fifty dollars and costs, and in default of payment to imprisonment for not more than thirty days.

**152.** Any person who kindles or is a party to kindling a fire in the open air for camping, branding or other purposes, and who leaves the same without having extinguished it, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars.

**153.** Any person who sets out fire for the purpose of clearing land, or disposing of waste or debris or who uses fire for industrial purposes during the close season, otherwise than in accordance with this Act and the regulations, shall be guilty of an offence.

**154.** Any person who either directly or indirectly, personally or through any servant, employee, agent or contractor,—

- (a) kindles a fire and permits it to run at large on any land not his own property; or

- (b) permits any fire kindled on his own property to pass from his own land or land occupied by him to other land; or
- (c) negligently permits any fire under his charge, custody or control or under the charge, custody or control of any servant, agent or contractor to run at large ;

shall be guilty of an offence and liable on summary conviction to a penalty of not less than twenty-five dollars and not more than two hundred dollars, and in default of payment to imprisonment for a term not exceeding sixty days.

**155.** Any person carrying on any operation for which a permit is required pursuant to section 134 after receipt of a notice pursuant to section 131 requiring that the operation cease, shall be guilty of an offence and liable on summary conviction to a penalty of twenty-five dollars for each and every day the operation is continued without a permit.

**156.** Every person who is the engineer in charge of any engine which is not subject to the jurisdiction of the Board of Transport Commissioners for Canada shall ensure that all safety appliances required by this Act or by the regulations are properly installed, used and applied, and in default of so doing, he shall be guilty of an offence.

**157.** Any person who does not comply with the requirements of subsection (2) of section 137, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars, and in default of payment to imprisonment not exceeding thirty days.

#### MISCELLANEOUS.

**158.** Nothing in this Part shall place any obligation or responsibility on the forest service to fight fires on any land.

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

**160.** In any case where the Director certifies in writing that any fire has been proved to his satisfaction to have been caused by or as a result of the operations of any licensee or permittee operating under and by virtue of this Act, the licensee or permittee shall pay the full cost of extinguishing it and the Department or any person or municipal district bearing any part of the cost of extinguishing the fire, may recover the same from the licensee or permittee by action in any court of competent jurisdiction.

**161.** The obtaining of any permit under this Part or the regulations from the Director or other officer of the Department to start or kindle a fire or operate a portable or other

steam engine or any equipment using liquid fuel for the generation of power shall not be pleaded or given in evidence in any civil action for negligently setting fires or operating a portable or other steam engine, or any equipment using liquid fuel for the generation of power or in connection therewith, or in extenuation or in mitigation thereof, but the absence of such leave or permit shall in the action be *prima facie* evidence of negligence.

**162.** In any prosecution or proceeding under this Part or the regulations in which proof is required as to the appointment or authority of any forest officer or fire guardian, a certificate signed by the Director certifying as to the same shall be *prima facie* proof of the facts stated therein.

**163.** If any prosecution for a penalty is brought against any person for setting or kindling fire, the fact that the person at the time the fire is first noted or is apparently set or kindled is trespassing on the lands in the vicinity of the fire by roaming over, loitering, camping or otherwise remaining upon the same shall, in the absence of proof to the contrary, be *prima facie* evidence that he set or kindled the fire.

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#### PART IV.

##### PROVINCIAL PARKS.

###### ESTABLISHMENT OF PROVINCIAL PARKS.

**164.** The Lieutenant Governor in Council may constitute any area of public lands a provincial park and may accept a gift of land from any person for that purpose, and declare by what name a park shall be known, and upon the publication of the order in *The Alberta Gazette*, such area shall thereupon be constituted a provincial park within the meaning of this Act.

**165.**—(1) Every provincial park shall be used for the pleasure, recreation and general benefit of the inhabitants of the Province and for the protection and preservation of objects of geological, ethnological, historical or other scientific interest.

(2) The land constituting a provincial park shall be withdrawn from sale and permanent occupation.

###### ADMINISTRATION OF PROVINCIAL PARKS.

**166.**—(1) The Minister may appoint an Advisory Board of not more than three members for any provincial park, and the Director shall consult from time to time with such

Board regarding the administration of the park for which the Board has been appointed.

(2) Every appointment to an Advisory Board made by the Minister shall be published in *The Alberta Gazette*, and each member of any Advisory Board shall continue in office at the pleasure of the Minister.

(3) 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 park when the visit or inspection is made or rendered at the request of the Director.

(4) No member of an Advisory Board shall have any contract with the Forests and Parks Division in respect to park improvement or development or be pecuniarily interested, directly or indirectly, in any contract or work relating to any park or park property.

**167.**—(1) The Minister shall control, manage and maintain the park for the objects specified in this Act, and for that purpose he shall utilize such moneys as may from time to time be appropriated by the Legislative Assembly for the purpose and other revenues acquired under the provisions of this Act.

(2) The Minister may within a park,—

- (a) construct such roads, bridges, buildings, piers, fences, sanitation works and improvements and in addition may carry out such other works as he may consider necessary for the purposes of the park;
- (b) take such steps as will ensure the security of the animal and vegetable life in the park and the preservation of the park and the animals and vegetation therein in a natural state;
- (c) reserve or set aside any areas of any park as breeding places for animals, and as nurseries for trees, shrubs, plants and flowers;
- (d) let sites in the park for concessions for service to the public, or for buildings for the accommodation of visitors, or for shops, or other undertakings, and set aside portions of the park for recreation grounds;
- (e) prescribe fees for services within a park;
- (f) erect a museum in the park;
- (g) exclude members of the public from any area or areas within a park;
- (h) dispose of any animal, vegetable or mineral or other product of a park;
- (i) regulate traffic in the park;
- (j) lease any part of the park in accordance with regulations to be prescribed by the Lieutenant Governor in Council;
- (k) do all such things as may be necessary or proper for the equipment, maintenance or management of a

park and the preservation of order therein and of the amenities thereof;

- (l) exercise all such powers as may be conferred upon him by the Lieutenant Governor in Council;
- (m) make, subject to the approval of the Lieutenant Governor in Council, regulations not inconsistent with this Act, as to all or any of the matters mentioned in this section and as to such other matters and things relating to any park as may be deemed necessary or expedient.

**168.** The Lieutenant Governor in Council may,—

- (a) make regulations as to terms upon which land within a public park may be subdivided and leased;
- (b) forbid the excavation of fossil remains or skeletons within a public park, or regulate the same;
- (c) confer upon the Minister powers of assessing leases within a park and imposing taxation in respect of such leases;
- (d) confer upon the Director all or any of the powers possessed by the council of a village, whether to be exercised by it with or without the assent of the proprietary electors;
- (e) declare any structure or thing or any natural object existing within the Province to be an “historic object” and to prescribe penalties for any interference with that object.

**169.**—(1) The revenue shall consist of voluntary subscriptions, donations and bequests received by the Minister from the public, fees or other moneys received under the provisions of this Part, fines paid or recovered in respect of contraventions of this Act or the regulations, and such money as may be appropriated by the Legislative Assembly.

(2) The Minister shall keep a full and correct account of all moneys received and expended by him under this Part, and shall annually lay before the Legislative Assembly, within fifteen days after the commencement of the first session in each year, a copy of every order or regulation made by the Lieutenant Governor in Council under this Part, and a statement of any moneys received and expended by him, properly audited by the Provincial Auditor.

#### GENERAL PROVISIONS.

**170.** Nothing herein contained shall be construed to apply to any mines or minerals under any part of any land constituting a provincial park, which shall in all respects be subject to the provisions of *The Mines and Minerals Act*.

**171.** All road allowances, public travelled roads or trails, within any park constituted pursuant to the provisions of

this Act, shall be and become a part of the park and be subject in all respects to the provisions of this Act.

**172.** Any area of land which the Lieutenant Governor in Council constitutes a provincial park shall be deemed to be a public work within the meaning of *The Public Works Act*, and all the provisions of that Act relating in any way to the expropriation of lands for public works, the compensation therefor and arbitration with respect thereto, shall apply to such area, together with such other provisions of the Act as may be applicable in view of the provisions of this Act, save that the powers in such Act conferred upon the Minister of Public Works shall be exercisable by the Minister of Lands and Forests.

**173.**—(1) The Crown timber on any provincial park is reserved from cutting or sale except as such cutting and sale may in the opinion of the Director 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.

(2) Any disposition of Crown timber within a provincial park shall be made by the Director in accordance with the other provisions of this Act relating to the cutting and sale of timber on public lands.

**174.** Any person contravening any of the provisions of this Part or of any regulation made hereunder where no specific penalty is imposed, shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding one hundred dollars, or in default of payment, to imprisonment with or without hard labour for a period not exceeding one year, or if such person has been previously convicted, to imprisonment without the option of a fine.

**175.** Any fine paid or recovered in respect of any contravention of this Part or the regulations committed within a park, shall be paid over to the Minister.

**176.** No action shall lie against any official or person having the management or control, pursuant to any of the provisions of this Act, of any provincial park for the recovery of damages arising out of anything done or omitted to be done by any person in, on, or about any provincial park or in relation thereto.

**177.** The following Acts are hereby repealed :

- (a) *The Forest and Prairie Fires Prevention Act*, being chapter 267 of the Revised Statutes of Alberta, 1942;
- (b) *The Provincial Parks and Protected Areas Act*, being chapter 64 of the Revised Statutes of Alberta, 1942.



**178.** This Act shall come into force on the first day of April, 1949.

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SCHEDULE.

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FORM A.

(Section 8.)

GOVERNMENT OF THE PROVINCE OF ALBERTA.

DEPARTMENT OF LANDS AND FORESTS.

POWER OF ATTORNEY.

To make application for a license or a permit to cut timber on public lands in the Province of Alberta.

Know All Men By These Presents that  
 I (We), \_\_\_\_\_ of \_\_\_\_\_  
 in the Province of \_\_\_\_\_ hereby nominate,  
 constitute and appoint \_\_\_\_\_ of \_\_\_\_\_  
 in the Province of Alberta, my  
 (our) true and lawful attorney and agent for me (us) and  
 in my (our) name, place and stead to transact all business  
 which I (we) may have with the Government of the Province  
 of Alberta, Department of Lands and Forests, and to execute  
 and sign for me (us) and in my (our) name, all applications,  
 licenses, permits, returns, documents and papers whatsoever  
 to acquire for my (our) sole benefit, under and in accordance  
 with the provisions of *The Forests and Parks Act* to cut  
 timber on public lands in the Province of Alberta, and I  
 (we), the said \_\_\_\_\_ hereby  
 ratifying and confirming and agreeing to ratify and confirm  
 and allow all and whatsoever by (our) said attorney and  
 agent shall lawfully do or cause to be done in the premises  
 by virtue hereof.

IN WITNESS WHEREOF I (we) have hereunto set my (our)  
 hand and seal at \_\_\_\_\_, in the Province of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 A.D. 19 \_\_\_\_ .

SIGNED, SEALED AND DELIVERED }  
 in the presence of \_\_\_\_\_ }  
 \_\_\_\_\_ }

## CONSENT TO ACT.

I,  
 of \_\_\_\_\_, in the Province of  
 Alberta, do hereby consent to act as agent and attorney of  
 the above named operator (or company) for the purpose  
 specified in the foregoing notice of appointment.

DATED at \_\_\_\_\_ this  
 day of \_\_\_\_\_ A.D. 19 \_\_\_\_.

## FORM B.

(Section 17.)

GOVERNMENT OF THE PROVINCE OF ALBERTA.

DEPARTMENT OF LANDS AND FORESTS.

TENDER FOR BERTH.

Date \_\_\_\_\_, 19 \_\_\_\_.

The Honourable the Minister of Lands and Forests,  
 Edmonton, Alberta.

Sir:

In response to the notice of sale of crown timber  
 designated as Timber Berth No. \_\_\_\_\_ I (we)  
 hereby tender dues at the rate of \_\_\_\_\_  
 over, above and in addition to the dues on the product of the  
 forest that is the basis of competition for this berth as  
 prescribed in the notice of sale.

And I (we) further agree to perform and comply with  
 all of the terms, conditions, stipulations and provisos con-  
 tained in the notice of sale, and to execute a contract in  
 form C of the Schedule to *The Forests and Parks Act*.

The deposit in the sum of \$ \_\_\_\_\_, as required  
 in the notice of sale, is enclosed herewith and it is definitely  
 understood and agreed by me (us) that the Minister may,  
 in his discretion reject this or any tenders made for the  
 purchase of this timber berth.

\_\_\_\_\_  
*Signature of Tenderer.*

## FORM C.

(Section 25.)

GOVERNMENT OF THE PROVINCE OF ALBERTA.

DEPARTMENT OF LANDS AND FORESTS.

..... Alberta

..... day of ..... 19 .....

..... Timber Berth No.

I (we),

of ..... having tendered for above  
 timber berth, and said tender having been accepted, do  
 hereby promise and agree to carry out and complete the  
 same forthwith in accordance with my (our) offer, and  
 with the terms and conditions as set forth in the notice  
 of sale dated at ..... the

day of ..... , 19 ..... , a copy of which notice  
 of sale is hereto attached and forms part of this contract,  
 and with the provisions of *The Forests and Parks Act*.

SIGNED, SEALED AND DELIVERED }  
 in the presence of

..... }

CANADA { I, .....  
 PROVINCE OF ALBERTA { of .....  
 TO WIT: { make oath and say

1. That I was personally present and did see .....  
 ..... named in the within instrument,  
 who is personally known to me to be the person named  
 therein, duly sign, seal and execute the same for the purpose  
 named therein.

2. That the same was executed at .....  
 in the Province of Alberta, and that I am the subscribing  
 witness thereto.

3. That I know the said .....  
 and he is in my belief of the full age of twenty-one years.

SWORN before me at..... }  
 .....in the }  
 Province of Alberta, this }  
 .....day of ..... }  
 A.D. 19..... }

.....  
 (A Commissioner, etc.)

FORM D.  
 (Section 27.)

GOVERNMENT OF THE PROVINCE OF ALBERTA.

DEPARTMENT OF LANDS AND FORESTS.

LICENSE TO CUT TIMBER ON PUBLIC LANDS.

Know All Men By These Presents, that by virtue of the authority vested in me by *The Forests and Parks Act*.

I,

the Minister of Lands and Forests of the Government of the Province of Alberta, do hereby in consideration of the sum of

ground rent, license fee, fireguarding charges and timber area tax, now paid to me for the use of His Majesty, and in consideration of the execution of the sale contract and the dues hereafter mentioned, give unto

hereinafter called the licensee, his executors and administrators, in so far as the Crown has power to grant the same but not further or otherwise, full right, power and license, subject to the conditions hereinafter mentioned and contained, and such other conditions and restrictions as are in that behalf contained in *The Forests and Parks Act*, to cut timber on the following tract of land (hereinafter called the "berth") that is to say:

and to take and keep exclusive possession of the said lands except as hereinafter mentioned, for and during the period of one year, from the first day of April , to the thirty-first day of March, , and no longer.

This license shall vest in the licensee, subject to the conditions mentioned in this license, all rights of property whatsoever in all trees, timber, lumber or other products of timber which he is entitled by this license to cut, and which have been cut within the limits of this berth during the

continuance thereof, whether such trees, timber, lumber or other products are cut by consent of the licensee or by any other person without his consent, and shall vest in the licensee, as against any person other than the Crown in the right of the Province, subject to the conditions mentioned in this license, all right of property whatsoever in all trees, timber, lumber and other products of timber cut within the limits of this berth by any other person without his consent; and this license shall entitle the licensee to replevy, as his property, timber of any kind cut within the limits of this berth where it is found in the possession of any unauthorized person, and also to bring any action or suit for damages or any other appropriate remedy against such person who is unlawfully in possession of such timber, or who has unlawfully cut any timber of any kind in derogation of any rights of the licensee under this license, or who has entered without authority upon this berth covered by this license, and any such proceedings which have been commenced and are pending at the expiration of this license may be continued and completed as if this license had not expired.

This license is subject to the right of the Department, without compensating the licensee, to dispose of all dead or fallen timber on the area cut over by the licensee after due notice to such licensee, and to the right of the Department to remove all fire-killed or dead timber anywhere throughout the balance of the berth on failure of the licensee to remove same when requested to do so by the Minister, the cost of such disposition or removal to be borne by the licensee.

This license is subject to the right of the Department to retain, when deemed advisable, the cash deposit made at the time of sale until the berth is cancelled as a guarantee that the licensee will pay all ground rent, dues and fire-guarding charges, will remove all merchantable timber from the berth and will dispose of the brush and other debris to the satisfaction of the Director, the failing in any one of which the deposit shall be forfeited, as to which the Minister shall be the judge.

This license is subject to the following conditions and restrictions in addition to such of the conditions and restrictions respecting timber as are contained in *The Forests and Parks Act* respecting timber.

1. That the licensee shall not have the right hereunder to cut timber of a less diameter than                    inches measured twelve inches from the ground, except such as may be actually necessary for the construction of roads and other works to facilitate the taking out of merchantable timber, and shall not have the right to cut any trees that may be designated by the proper officer of the Department as required to provide a supply of seed for the reproduction of the forest.

2. All merchantable timber of a class authorized to be cut under this license shall be cut and taken from this berth as cutting progresses and any timber of that class left uncut and unremoved after a date named in a notice, served on the licensee or his authorized attorney, shall be estimated in feet board measure by a timber inspector, and shall be subject to payment to the Department, on demand, of ordinary dues, provided that the licensee shall not be required to cut and remove timber which the Director deems to be inaccessible.

3. In the event of timber on this berth of the class authorized to be cut, becoming damaged, dead, diseased or fire-killed and a report being made by a timber inspector that the same can be cut and marketed by the licensee without monetary loss, the Minister may require the licensee to cut and remove the same, and all such timber left uncut and unremoved, from this berth after a date named in a notice served upon the licensee, or his authorized attorney, shall be estimated in feet board measure by a timber inspector and the licensee shall pay dues thereon according to such estimate.

4. That the licensee shall be entitled to a renewal of this license from year to year while there is on this berth timber of the kind and dimensions described in this license in sufficient quantity to make it commercially valuable, or for the term set out in the notice of sale, if the terms and conditions of this license and the provisions of *The Forests and Parks Act*, affecting the same have been fulfilled, as to which the Minister shall be the judge:

Provided that each renewal shall be subject to the payment of such ground rent, dues, license fee, fire-guarding charges and timber areas tax, and to such terms and conditions as are in force at the time the renewal is made and provided that the licensee shall have fully complied with all the terms and conditions of the sale contract covering this berth.

5. When, in the opinion of the Minister, any portion of this berth has not a sufficient quantity of the kind and dimensions of timber specified in this license for such berth to make it profitable to remove the timber upon such portion of this berth, and when in the opinion of the Minister, such portion of this berth is not necessary for the proper working of the remainder of this berth, the Minister may withdraw such portion from this berth:

Provided that in no case shall such withdrawal be made until the expiration of sixty days after a notice in writing of the proposed withdrawal has been given to the licensee of this berth, or to his legal representative, by the Minister or by someone thereto authorized by the Minister.

6. If the Minister ascertains after an inspection has been made, that any land within the berth hereby licensed is fit

for settlement and is required for that purpose, he may require the licensee to carry on the cutting of timber provided for by section 55 of *The Forests and Parks Act* on the said land, and on the expiration of the time within which the timber which the licensee is entitled to cut should be removed therefrom may withdraw such land from this berth, and from the operation of this license.

7. That the licensee shall take from every tree he cuts down all the timber fit for use and manufacture the same into sawn lumber or some other saleable product, and shall dispose of the tops and branches and other debris of lumbering operations in such a way as to prevent as far as possible the danger of fire in accordance with the directions of the proper officers of the Department. Failure on the part of the licensee will subject him to the penalty of having his manufactured timber seized and his bush operations closed down, and in the discretion of the Minister, to forfeiture of this license.

8. That the licensee shall prevent all unnecessary destruction of growing timber on the part of his men and exercise strict and constant supervision to prevent the origin and spread of fire, and shall also comply during the term of this license and of any renewal thereof with all laws and regulations in that respect in force in the Province.

9. That the licensee shall furnish to the Director for the district having jurisdiction in the matter, at such periods as may be required by the Minister or by section 40 of *The Forests and Parks Act*, returns sworn to by him or his attorney or employee having a personal knowledge of the facts, showing the quantities manufactured, sold or disposed of, of all sawn lumber, timber or any other product of timber from this berth in whatever form the same may be sold or otherwise disposed of by him during such period.

10. That the licensee, in addition to the said ground rent and license fee, shall pay the timber area tax, the dues and any sum payable pursuant to the sale contract, and one-half of the cost incurred by the Crown in guarding the timber from fire.

11. (a) That the licensee shall keep a "Lumber Sales Book," in which shall be entered all sales of the products of this berth, both cash and credit sales, also a book accounting for the number of feet of sawn lumber manufactured each day at the mill, with the day and date; all books and memoranda kept at the logging camps shall be carefully preserved and these and other books kept by the licensee in connection with his lumbering business he shall submit for the inspection of the Director or other officer of the Crown whenever required for the purpose of verifying his returns aforesaid.

(b) That the licensee shall keep a bush count of all sawlogs and other timber cut upon this berth, as well as the number of pieces hauled therefrom, in the form of a book to be obtained for the purpose from the Department. The books covering operations for twelve months ending the thirty-first of March in each year shall be returned without delay to the Director duly completed by the foreman in charge of operations, who shall subscribe to the affidavit therein.

12. This license shall be subject to the provisions of *The Mines and Minerals Act*, or of any other Act or of any regulations now made or which may at any time hereafter be made thereunder, dealing with or affecting the disposal of quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals within or under lands within the boundaries of this berth; and in and by virtue of any grant, lease or permit issued under any Act or regulations made as aforesaid, the grantee, lessee, or permittee, shall have the right to have, use and hold possession of such land as is described in the grant, lease or permit, for quarrying stone, for the boring or operating of any salt, oil, or natural gas wells, or for the working of any mines, and the right to open any roads necessary in connection with such works.

Provided that the licensee shall be paid by the grantee, lessee or permittee the value of all timber cut, damaged or destroyed in making such roads, or in boring or operating any salt, oil or gas wells, or in working any quarries, or mines, or as a consequence directly or indirectly of any such operation or work.

13. This license shall be subject to the right of the Minister to permit prospecting on this berth for quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals; but the licensee shall be notified of every such permission and shall be entitled to compensation from the prospector or as a consequence of his prospecting of this berth and the determination of such compensation shall be in a manner to be prescribed by the Minister.

14. This license shall be subject to the right of the Minister to withdraw at any time from this berth any portion or tract of the lands comprising it which is required for waterpower purposes or is necessary in connection therewith by the lessee or lessees of the waterpower, their executors, administrators, or assigns, and which the Minister, as the representative of the Crown herein, shall decide to be necessary for such waterpower purposes, and which for such purposes shall be so withdrawn from the operation of this license, upon the condition, however, that the lessee or lessees of the said waterpower, his or their executors, administrators, or assigns, shall and will pay to the licensee of this berth, his executors, administrators, or assigns, the value of all timber authorized by this license to be cut on the portion of the tract so withdrawn, the value of such timber in case of dispute to be fixed by the Minister.



15. This license is also subject to the right of the Crown in the right of the Province to withdraw at any time from this berth any portion or tract of the lands comprising it which is required for the construction of any colonization or other road, or any road in lieu of or partly deviating from an allowance for road, drain or drainage works without compensation therefor.

16. If any railway company becomes entitled to a grant from His Majesty or His Successors of any portion of the lands herein described for the roadbed of the company's railway or branches thereof, or for stations, station grounds, workshops, dockyards and water frontage on navigable rivers, or building yards, or for other purposes required for the convenient, necessary and effective construction and working of the company's railway or any of its branches; and if His Majesty or His Successors grant the same to such railway company, the land so granted shall from and after the date of the grant cease to be under the operation of this license, but the licensee or his legal representative shall be at liberty to remove all property belonging to him or them and all timber then cut thereon from the land so granted: and shall also be entitled to cut and remove from the said land so granted as his or their own property, all trees then standing thereon or the timber obtained therefrom, provided that such property and cut timber, or property, cut timber and standing trees, or the timber obtained therefrom, are promptly removed from the said land upon receipt by the licensee or his legal representative of notice from the railway company to remove said property and cut timber, or to cut and remove such standing trees so as not to hinder or interfere with any work being done or about to be done by the railway company for the convenient, necessary and effective construction and working of the company's railway or of any of its branches; provided also, however, that if the licensee or his legal representative does not so remove such property or cut timber, or so cut and remove such standing trees or the timber obtained therefrom, the railway company may do so, and all cut timber and standing trees or the timber obtained therefrom, which have so to be removed or cut and removed by the railway company, shall be the property of the Crown in the right of the Province and be disposed of as the Minister may decide.

17. Upon the withdrawal of any land from this berth the ground rent and timber areas tax shall be reduced in proportion to the area withdrawn.

18. There is hereby reserved to the Crown,—

(a) Any and all reservations and exceptions required to be made pursuant to *The Public Lands Act*.

(b) Out of the lands herein described all rights of fishery and fishing and occupation in connection therewith upon, around and adjacent to such lands;

(c) Out of the lands herein described all rights of trapping and shooting of game and occupation in connection therewith upon, around and adjacent to such lands;

(d) The right to such of the public as may at any time with the consent of the Minister pass and repass on foot or with or without vehicle, whether horse drawn or otherwise, across the lands herein described or any part thereof, excepting however any of the said lands occupied by any building, or any part thereof upon which the licensee has any building or other works properly connected with the project of the licensee.

19. In any case where waters flowing through, over or along, or having their source in this berth, empty into any stream or are tributary to any stream from which a domestic or municipal water supply is or may be obtained or contain fish, or in any case where the pollution of any such water, may, in the opinion of the Minister, deleteriously affect any municipal or domestic water supply, the licensee shall comply with the following requirements,—

(a) Locate all camp buildings, outhouses, cesspools and other structures at a sufficient distance from any stream, lake or other source of water supply, to prevent the pollution of such municipal or domestic water supply;

(b) Immediately remove and bury or burn any camp refuse or debris of any description, or any substance which would be likely to cause the pollution of any such waters, and otherwise keep the ground in the vicinity of all logging camps in a neat, orderly and sanitary condition;

(c) Prevent any depositing, leaving or accumulation in any stream, lake or other source of water supply within this berth, or in an exposed or insanitary condition on this berth, any debris of any description, or any substance which would be likely to cause the pollution of such waters;

(d) Prevent the depositing or leaving by any person employed or purporting to be employed about this berth, or the accumulation as a result of any operations carried on by reason of this license in any stream, lake or other source of such water supply on any public lands whatever, or in any exposed or insanitary condition on any such lands, of any such debris or substance;

(e) Observe all laws and regulations respecting sanitation and the protection of the purity of waters which are applicable to the premises, or any regulations which may be promulgated by the Lieutenant Governor in Council, and also comply with any requirements which may be made by the Minister for the purpose of carrying out the above provisions.

For each infraction of the provisions of this section the licensee shall, in addition to any other penalty, be liable on

summary conviction to a fine not exceeding one hundred dollars, and such sum shall be recoverable with costs at the suit of and in the name of the Crown in the right of the Province.

20. (a) That the licensee shall not place logs or timber in any river or stream without first having obtained the written consent of the Director; and

(b) Shall not pile logs or timber in the beds of any river or stream when there is not sufficient water in such river or stream to float such logs or timber; and

(c) Shall provide a sufficient patrol of the river or stream when floating logs to prevent any log jams or piling up of timber which may result in damage to any bridge, or other property.

21. This license cannot be assigned, sublet, or transferred without the consent of the Minister.

22. Any fire having caused damage to the timber on this berth must be reported immediately with full details to the Director, and the responsibility so to do shall rest with the licensee.

23. That the licensee shall have in operation within one year from the date of sale, and keep in operation for at least six months of each year of his holding, a saw-mill including a properly equipped edger in connection with his berth of a value of not less than two thousand dollars capable of cutting in one day two thousand feet board measure for each square mile of the area under lease, and shall manufacture in each year not less than one hundred and twenty-five thousand feet board measure of timber from public lands for each square mile or fraction thereof contained in this berth or shall establish such other manufacture of wood products as the Minister accepts as equivalent thereto.

24. That the licensee may however in lieu of erecting a mill, be permitted to have the timber cut from this berth and other berths held by him manufactured at a mill which is or is not his own property provided that he manufactures timber cut from the said berth, or berths at the rate of one hundred and twenty-five thousand feet board measure annually for each square mile or fraction thereof contained in said berth or berths held by him under license.

25. That the licensee shall notify the Director immediately upon the erection of a saw-mill together with its location.

26. (a) This license shall be liable to forfeiture on the order of the Minister for violation of any one of the conditions to which it is subject or for any fraudulent return.

(b) Before making an order for forfeiture the Minister shall cause written notice to be given to the licensee that it

is the intention so to do, upon the grounds set forth in such notice, unless within sixty days after service of such notice the licensee shows cause to the contrary.

(c) Service of such notice may be effected by mailing the same, duly registered, to the address or the last known address of the licensee, and in such case shall be deemed to have been made upon the day on which the notice reached the said address or in due course of mail should have done so.

(d) Every order made by the Minister pursuant to this section shall be final and conclusive as against the licensee, and every person claiming by, through or under the licensee, and there shall be no appeal therefrom.

(e) If the violation refers merely to payment of money due under this license, the Minister may waive the power of forfeiture on payment of double the amount found by the Minister to be due, and costs, and may enforce payment in the manner provided for by *The Forests and Parks Act*, and take such action in regard to all other matters of forfeiture as may arise and be provided for by this section and by *The Forests and Parks Act*.

27. If the licensee's goods and chattels on the said lands which are liable to distress shall be at any time seized or taken in execution, or in attachment by any creditor of the licensee, or if the licensee shall make any assignment for the benefit of creditors or becoming bankrupt or insolvent, shall take the benefit of any Act that may be in force for bankrupt or insolvent debtors, the then current year's rent shall immediately become due and payable and the said term shall immediately become forfeited and void.

28. That the licensee shall pay and discharge all charges, rates, assessments and taxes imposed by any statutory authority, now charged or hereafter to be charged upon this berth, as occupant, or upon the said licensee or occupier in respect thereof or payable by either in respect thereof.

29. Any notice, demand or other communication which His Majesty or the Minister may require or desire to give or serve upon the licensee may be validly given and served by the Deputy Minister of Lands and Forests, Director or any person duly authorized in writing by the Minister.

30. Whenever the singular or masculine or neuter is used in this license, the same shall be construed as meaning the plural or feminine or a body politic or corporate where the context or the parties hereto so require, and it is further agreed that the expression "licensee" herein includes the heirs, executors, administrators, successors and assigns of the licensee; the expression "His Majesty" includes the successors and assigns of His Majesty and the expression "Minister" means the Minister for the time being of Lands and Forests and includes the Deputy Minister of Lands and Forests.

SIGNED, SEALED AND DELIVERED  
in the presence of

..... } *Deputy Minister of Lands  
and Forests.*

And by the licensee in the presence of

*Witness as to licensee*

*Licensee*

FORM E.  
(Section 19.)

GOVERNMENT OF THE PROVINCE OF ALBERTA.

DEPARTMENT OF LANDS AND FORESTS.

To: The Honourable the Minister of Lands and Forests,  
Edmonton, Alberta.

I (we) of \_\_\_\_\_, having tendered for Timber Berth No. \_\_\_\_\_ pursuant to the notice of sale thereof and being informed that my (our) tender is not the highest therefor and considering that the berth is reasonably tributary to a mill owned or operated by me (us) and that such berth may be more economically or advantageously operated by me (us) than by the highest tenderer hereby request the Minister of Lands and Forests of Alberta pursuant to section 19 of *The Forests and Parks Act* to refer the question of whether the said berth is reasonably tributary to my (our) mill and can be more economically or advantageously operated by me (us) than by the highest tenderer, to the board of arbitrators.

Dated this                      day of                      , 19     .

*Signature of Tenderer.*

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FIRST SESSION  
ELEVENTH LEGISLATURE  
13 GEORGE VI  
1949

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**BILL**

An Act Relating to the Administration of Forests, Provincial Parks and Certain Public Lands.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. TANNER.

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