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EXHIBIT 28

*(Excluding Regulations made
prior to 25th July, 1940)*

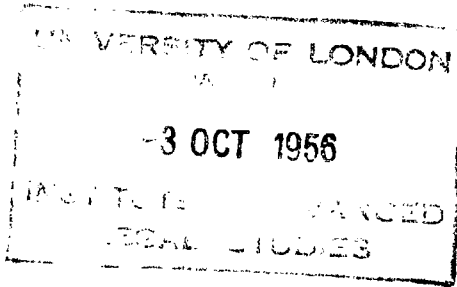
IN THE MATTER OF THE
INCOME WAR TAX ACT

Between:

D. R. FRASER AND COMPANY LIMITED
and
THE MINISTER OF NATIONAL REVENUE

ALBERTA TIMBER REGULATIONS

O.C. 1020-40 to O.C. 1218-41
inclusive.



O.C. 1218/41

11239

Approved and Ordered,

LIEUTENANT GOVERNOR

Edmonton,

Tuesday, August 26th, 1941.

The executive Council has had under consideration the report of the Honourable the Minister of Lands and Mines, dated August 15th, 1941, stating that Regulations Governing the Granting of Yearly Licenses and Permits to Cut Timber on Provincial Lands in the Province of Alberta were made by Order in Council dated the 25th day of July, 1940, and numbered O.C. 1020/40 and amended; and

WHEREAS it is proper and convenient to further amend the said regulations;

THEREFORE, upon the recommendation of the Honourable the Minister of Lands and Mines, the Executive Council advises that pursuant to the provisions of The Provincial Lands Act, 1939, being Chapter 10 of the Statutes of Alberta, 1939, the said regulations be and are hereby further amended as follows:-

By amending Section 52 of the said Regulations by adding a further Sub-section (c) as follows:

(c) Where a permit is granted covering tracts of timber containing damaged, fallen, dead, diseased or fire-killed timber the permittee may in the discretion of the Minister be authorized to cut timber of a less diameter than seven inches measured eighteen inches from the ground.

(SIGNED) S. E. LOW

ACTING CHAIRMAN

Approved and Ordered,

LIEUTENANT GOVERNOR

Edmonton, Wednesday, May 28th, 1941.

The Executive Council has had under consideration the report of the Honourable the Minister of Lands and Mines, dated May 28nd, 1941, stating that REGULATIONS GOVERNING THE GRANTING OF YEARLY LICENSES AND PERMITS TO CUT TIMBER ON PROVINCIAL LANDS in the Province of Alberta were made by Order in Council dated the 25th day of July, 1940, and numbered C.O. 1020/40; and

WHEREAS it is proper and convenient to amend the said regulations;

THEREFORE, upon the recommendation of the Honourable the Minister of Lands and Mines, the Executive Council advises that pursuant to the provisions of The Provincial Lands Act, 1939, being Chapter 10 of the Statutes of Alberta, 1939, that the said regulations be and are hereby amended as follows:-

- (1) By adding at the end of Section 71, thereof, the following:

"Where any overcut has been made by a permittee in excess of 25% of the amount for which the permit issued, the permittee shall be required to pay at least double dues on the total amount of the overcut".

- (2) By striking out Form "E" of the Schedule to the said Regulations, and substituting therefor a new form "E", as follows:

FORM "E"

RATE OF DUES ON LICENSE TIMBER BERTHS

Building logs of poplar	per lineal foot	1/2¢
Building logs and cribbing other than poplar, 9 inches and over at butt end	per lineal foot	2¢

Building logs and cribbing other than poplar, under 9 inches at butt end	per lineal foot	1½¢
Cordwood of poplar	per cord	15¢
Cordwood of other kinds of timber (green)	per cord	75¢
Cordwood of fire-killed or dry timber other than poplar	per cord	25¢
Fence posts (round), not exceeding 7 feet long and 6 inches at top end	each	2¢
Each additional lineal foot		¼¢
Fence posts (split), not exceeding 7 feet long and 6-inch face	each	1¢
Each additional lineal foot		1/6¢
Lath (No. 1)	per thousand	30¢
Lath (Nos. 2 and 3)	per thousand	20¢
Lath bolts	per cord	\$1.00
Piling less than 9 inches at butt end	per lineal foot	1½¢
Piling of timber other than poplar 9 inches and over at butt end	per lineal foot	3¢
Poles not exceeding 25 feet long and not more than 6 inches at top end	per lineal foot	¾¢
Poles not exceeding 30 feet long, over 6 inches at top and not exceeding 8 inches	per lineal foot	1¢
Poles over 30 feet long and not more than 35 feet and not exceeding 8 inches at top end .	per lineal foot	1½¢
Poles over 35 feet long and not exceeding 8 inches at top end	per lineal foot	2¢
Poles of all lengths over 8 inches at top end .	per lineal foot	2½¢
Sawn lumber of poplar	per M. feet B.M.	75¢
Sawn lumber of other timber	per M. feet B.M.	\$3.00
Railway Ties (No. 1), 8 feet long	each	10¢
Railway Ties (No. 2), 8 feet long	each	8¢
Railway Ties (No. 3 and cull), 8 feet long	each	6¢
Railway Ties (Nos. 1, 2, 3 and cull), each lineal foot over 8 feet long	per lineal foot	1½¢
Railway Ties of poplar, 8 feet long	each	2¢
Railway Ties of poplar, each lineal foot over 8 feet long	per lineal foot	¼¢
Shingles	per thousand	50¢
Shingle bolts	per cord	\$1.00
Slabs and edgings (on sale)	per cord	15¢
Slabs and edgings being residue from mills manufacturing lath	per cord	10¢

Or such rate of dues agreed to and set out in a sale contract.

All other products of the forest not enumerated, 10 per cent on selling price at point of shipment, except sawdust and shavings, on which no dues shall be charged.

Unless otherwise stated in the notice of sale, when a timber berth is sold at a price per M. feet B.M. on sawn lumber in excess of the rate herein set forth, the dues payable on railway ties shall be commensurate with the price set out in the sale contract, and when a timber berth is sold at a price per railway tie (No. 1) in excess of the rate herein set forth, the dues payable on sawn lumber

and on railway ties of other grades shall be commensurate with the price set out in the sale contract".

- (3) By striking out Form "H" of the Schedule to the said Regulations, and substituting therefor a new Form "H" as follows:

FORM "H"

RATES OF DUES ON PERMIT BERTHS AND PERMITS

Boxwood of poplar	per cord	25¢
Boxwood of other kinds of timber	per cord	\$1.00
Building logs of poplar	per lineal foot	$\frac{1}{2}$ ¢
Building logs and cribbing other than poplar		
9 inches and over at butt end	per lineal foot	2¢
Building logs and cribbing other than poplar		
under 9 inches at butt end	per lineal foot	$1\frac{1}{2}$ ¢
Cordwood of poplar	per cord	15¢
Cordwood of other kinds of timber (green)	per cord	75¢
Cordwood of fire-killed or dry timber, other		
than poplar	per cord	25¢
Fence rails of poplar, not exceeding 5 inches at		
butt end	each	$1\frac{1}{2}$ ¢
Fence rails of other kinds of timber, not exceeding		
5 inches at butt end	each	3¢
Fence posts (round), not exceeding 7 feet long		
and 6 inches at top end	each	2¢
Each additional lineal foot		$\frac{1}{4}$ ¢
Fence posts (split), not exceeding 7 feet long		
and 6-inch face	each	1¢
Each additional lineal foot		$1\frac{1}{6}$ ¢
Fence posts of poplar and willow, not exceeding		
7 feet long	each	$\frac{1}{2}$ ¢
Fence droppers, dry, not exceeding 5 feet in length and		
3 inches at butt end of dry timber and willow	each	$1\frac{1}{6}$ ¢
Lath (No. 1)	per thousand	30¢
Lath (Nos. 2 and 3)	per thousand	20¢
Lath bolts	per cord	\$1.00
Piling of less than 9 inches at butt end	per lineal foot	$1\frac{1}{2}$ ¢
Piling of timber other than poplar 9 inches and		
over at butt end	per lineal foot	3¢
Poles not exceeding 25 feet long and not more		
than 6 inches at top end	per lineal foot	$\frac{3}{4}$ ¢
Poles not exceeding 30 feet long, over 6 inches		
at top and not exceeding 8 inches	per lineal foot	1¢
Poles over 30 feet long and not more than 35 feet		
and not exceeding 8 inches at top end	per lineal foot	$1\frac{1}{2}$ ¢
Poles over 35 feet long and not exceeding 8 inches		
at top end	per lineal foot	2¢
Poles of all lengths over 8 inches at top end ...	per lineal foot	$2\frac{1}{2}$ ¢
Pulpwood of poplar	per cord	25¢
Pulpwood of other timber	per cord	\$1.00
Radio or other poles not exceeding 6 inches at		
butt end	each	8¢

Railway Ties (No. 1), 8 feet long	each	10¢
Railway Ties (No. 2), 8 feet long	each	8¢
Railway Ties (No. 3 and cull), 8 feet long	each	6¢
Railway Ties (Nos. 1, 2, 3 and cull), each lineal foot over 8 feet long	per lineal foot	1½¢
Railway Ties of poplar, 8 feet long	each	2¢
Railway Ties of poplar, each lineal foot over 8 feet long	per lineal foot	½¢
Roof poles, not exceeding 7 inches at butt end	each	3¢
Sawn lumber of poplar	per M. foot B.M.	75¢
Sawn lumber of other timber	per M. foot B.M.	\$3.00
Shingles	per thousand	50¢
Shingle bolts	per cord	\$1.00
Slabs and edgings (on sale)	per cord	15¢
Slabs and edgings being residue from mills manufacturing lath	per cord	10¢

All other products of the forest not enumerated, 10 per cent on selling price at point of shipment, except sawdust and shavings on which no dues shall be charged.

TIMBER FOR THE DEVELOPMENT OF MINES

Nine inches and over in diameter at butt

Red timber	per lineal foot	½¢
Green timber	per lineal foot	1½¢

Five inches up to, but not including, 9 inches
in diameter at butt

Red timber	per lineal foot	1/5¢
Green timber	per lineal foot	¾¢

Round logging not to exceed 5 inches in diameter
at butt

Red timber	per M. lineal foot or per cord	50¢
Green timber	per M. lineal foot or per cord	\$1.50

Ties for tramways, 5-inch free and under

Red timber	per lineal foot	¼¢
Green timber	per lineal foot	¾¢

Poplar mine timber shall be one-third the rates of dues above mentioned".

- (4) By adding at the end of Section 82 thereof,
a new Paragraph (b), reading as follows:

"82. (b) Any person who has obtained an Agricultural Lease pursuant to Order in Council dated the 11th of June, 1940, and numbered O.C. 793/40, or a Cultivation Lease pursuant to Order in Council dated the 25th of July, 1940, and numbered 1019/40, may be granted a yearly permit to sell, barter, or otherwise dispose

Approved and Ordered,

(SIGNED) J. C. BOWEN
LIEUTENANT GOVERNOR.

Edmonton, Friday, May 30th, 1941.

The Executive Council has had under consideration the report of the Honourable the Minister of Lands and Mines, dated May 23rd, 1941, stating that by Order in Council dated the 25th day of July, 1940, and numbered 1020/40, Regulations were established Governing the Granting of Yearly Licenses and Permits to cut Timber on Provincial Lands; and

WHEREAS by the said Order, Section 23 of the said Regulations was to become effective on the 1st day of April, 1941; and it is proper and convenient to further postpone the coming into force of the said Section 23 to a later date; and

WHEREAS provision should be made for the operating of Timber Berths acquired pursuant to the Regulations heretofore established under the Dominion Lands Act, and for the payment of dues on timber berths;

THEREFORE, upon the recommendation of the Honourable the Minister of Lands and Mines, the Executive Council advises that the Minister of Lands and Mines be and he is hereby authorized to issue licenses for the fiscal year ending the 31st day of March, 1942, in Form "D" of the Schedule to the Regulations Governing the Granting of Yearly Licenses and Permits to Cut Timber on Provincial Lands for the operating of Timber Berths acquired pursuant to regulations heretofore established under the Dominion Lands Act, subject to the payment of dues on all timber cut under such license in accordance with the attached Schedule, which rates shall come into force on the 1st day of April 1941.

(SIGNED) WILLIAM ABERHART
C H A I R M A N

S C H E D U L E

Rate of Dues on Licensed Timber Berths

Acquired Pursuant to Regulations established under the Dominion

Lands Act.

Building logs of poplar.....per lineal foot	1/2¢
Building logs and cribbing other than poplar 9 inches and over at butt end.....per lineal foot	2¢
Building logs and cribbing other than poplar under 9 inches at butt end.....per lineal foot	1 1/2¢
Cordwood of poplar.....per cord	15¢
Cordwood of other kinds of timber (green).....per cord	75¢
Cordwood of fire-killed or dry timber other than poplar.....per cord	25¢
Fence posts (round), not exceeding 7 feet long and 6 inches at top end.....each	2¢
Fence posts (split), not exceeding 7 feet long and 6-inch face.....each	1¢
Each additional lineal foot.....	1/6¢
Lath (No. 1).....per thousand	30¢
Lath (Nos. 2 and 3).....per thousand	20¢
Lath bolts.....per cord	\$1.00
Piling less than 9 inches at butt end.....per lineal foot	1 1/2¢
Piling of timber other than poplar 9 inches and over at butt end.....per lineal foot	3¢
Poles not exceeding 25 feet long and not more than 6 inches at top end.....per lineal foot	2¢
Poles not exceeding 30 feet long, over 6 inches at top and not exceeding 8 inches..per lineal foot	1¢
Poles over 30 feet long and not more than 35 feet and not exceeding 8 inches at top end.....per lineal foot	1 1/2¢
Poles over 35 feet long and not exceeding 8 inches at top end.....per lineal foot	2¢
Poles of all lengths over 8 inches at top end.....per lineal foot	2 1/2¢
Railway Ties (No. 1) 8 feet long.....each	10¢
Railway Ties (No. 2) 8 feet long.....each	8¢
Railway Ties (No. 3 and cull) 8 feet long.....each	6¢
Railway Ties (Nos. 1,2,3 and cull), each lineal foot over 8 feet long.....per lineal foot	1 1/2¢
Railway Ties of Poplar, 8 feet long..... each	2¢
Railway Ties of Poplar, each lineal foot over 8 feet long.....per lineal foot	1/2¢
Sawn lumber of poplar.....per M. feet B.M.	60¢
Sawn lumber of other timber.....per M. feet B.M.	\$1.75
Shingles.....per thousand	50¢
Shingle bolts..... per cord	\$1.00
Slabs and edgings (on sale)..... per cord	15¢
Slabs and edgings being residue from mills manufacturing lath..... per cord	10¢

All other products of the forest not enumerated, 10 per cent on selling price at point of shipment, except sawdust and shavings, on which no dues shall be charged.

AUTHORITY GRANTED TO ISSUE LICENSES AND PERMITS TO
CUT TIMBER OF PROVINCIAL LANDS

Edmonton, Tuesday, July 30, 1940.

Whereas by Order in Council, dated the 25th day of July, 1940, and numbered 1020-40, Regulations were established Governing the Granting of Yearly Licenses and Permits to cut Timber on Provincial Lands; and

Whereas by the said Order, Section 25 of the said Regulations will become effective on the 1st day of April, 1941; and

Whereas in the meantime, provision should be made for the operating of timber berths acquired, pursuant to Regulations heretofore established under the Dominion Lands Act and for the payment of dues on the timber cut, manufactured and sold under such licenses;

Therefore, His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order that the Minister of Lands and Mines, be, and he is hereby authorized to issue licenses for the fiscal year ending the 31st of March, 1941, in Form "D" of the Schedule to the Regulations Governing the Granting of Yearly Licenses and Permits to Cut Timber on Provincial Lands for the operating of timber berths acquired pursuant to Regulations heretofore established under The Dominion Lands Act, subject to the payment of dues on all timber cut under such license in accordance with the attached Schedule, which rates shall come into force on the 1st day of July, 1940.

R. A. ANDISON,
Clerk of the Executive Council.

(O.C. 1023-40)

Rate of Dues on Licensed Timber Berths

Acquired Pursuant to Regulations Established under the Dominion Lands Act

Building logs of poplar	per lineal foot	1/3¢
Building logs and cribbing other than poplar 9 inches and over at butt end	per lineal foot	1 1/2¢
Building logs and cribbing other than poplar under 9 inches at butt end	per lineal foot	1¢
Cordwood of poplar (green)	per cord	15¢
Cordwood of other kinds of timber (green)	per cord	40¢
Cordwood of fire-killed or dry timber	per cord	15¢
Fence posts (round), not exceeding 7 feet long and 6 inches at top end	each	1¢
Each additional lineal foot		1/2¢
Fence posts (split), not exceeding 7 feet long and 6-inch face	each	1/2¢
Each additional lineal foot		1/6¢
Lath (No.1)	per thousand	25¢
Lath (Nos. 2 and 3)	per thousand	15¢
Lath bolts	per cord	75¢
Piling less than 9 inches at butt end	per lineal foot	1 1/4¢
Piling of timber other than poplar 9 inches and over at butt end	per lineal foot	2¢
Poles not exceeding 25 feet long and not more than 6 inches at top end	per lineal foot	1/2¢
Poles not exceeding 30 feet long, over 6 inches at top and not exceed 8 inches	per lineal foot	3/4¢
Poles over 30 feet long and not more than 35 feet and not exceeding 8 inches at top end	per lineal foot	1¢
Poles over 35 feet long and not exceeding 8 inches at top end	per lineal foot	1 1/4¢
Poles of all lengths over 8 inches at top end	per lineal foot	2¢
Railway Ties (No.1), 8 feet long when hewn	each	6¢
Railway Ties (No.2), 8 feet long when hewn	each	6¢
Railway Ties (No.3 and cull), 8 feet long when hewn	each	3¢
Railway Ties (No.1), 8 feet long when sawn	each	5¢
Railway Ties (No.2), 8 feet long when sawn	each	5¢
Railway Ties (No.3 and cull), 8 feet long when sawn	each	2 1/2¢
Railway Ties (Nos. 1,2,3 and cull), each lineal foot over 8 feet long	per lineal foot	3/4¢
Railway ties of Poplar, 8 feet long	each	2¢
Railway Ties of poplar, each lineal foot over 8 feet long	per lineal foot	1/4¢
Sawn lumber of poplar	per M. feet B.M.	50¢
Sawn lumber of other timber	per M. feet B.M.	\$1.00
Shingles	per thousand	25¢
Shingle bolts	per cord	75¢
Slabs and edgings (on sale)	per cord	15¢
Slabs and edgings being residue from mills manufacturing lath	per cord	10¢

All other products of the forest not enumerated, 10 per cent on selling price at point of shipment, except sawdust, on which no dues shall be charged.



GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF LANDS AND MINES

Regulations Governing the Granting of Yearly Licenses and Permits to Cut Timber on Provincial Lands in the Province of Alberta, made by Order in Council dated the 25th day of July, 1940, and numbered O.C. 1020-40

INTERPRETATION

1. For the purpose of these regulations—

“Agent” means a person authorized in Form “A” of the schedule to these Regulations;

“Department” means the Department of Lands and Mines;

“Minister” means the Minister of Lands and Mines;

“Timber” includes sawlogs, piling, poles, railway ties, shinglebolts, pulp-wood, and other cut timber;

“Timber Berth” means the lands specified and comprised in any timber license;

“Timber License” means any license granted under these or any former regulations for the cutting and removal of Crown timber for any purpose;

“Timber Permit” means any permit granted under these or any former regulations for the cutting and removal of Crown timber for any purpose;

“Timber Permit Berth” means the lands specified and comprised in any timber permit.

LICENSES

2. Licenses to cut timber on Provincial lands in the Province of Alberta may at the instance of any applicant, or otherwise, be advertised for sale and sold by public tender.

3. Before any license is offered for sale—

(a) The area shall be surveyed by a duly qualified Alberta or Dominion land surveyor, into timber berths not exceeding twenty-five square miles, excepting a timber berth granted for the cutting thereon of pulpwood, which pulpwood berth shall be of such area as may be determined by the Lieutenant Governor in Council. 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.

(b) The timber shall be cruised by two duly qualified timber cruisers in the employ of the Department, who shall make a joint estimate of the quantity and quality, also report on the general condition, accessibility, and any other matters that may be necessary to determine the value of the timber.

4. Each application for a timber berth must be accompanied by a deposit as follows:

For an area not exceeding two square miles.....	\$ 50.00
For an area of more than two square miles and not exceeding five square miles	100.00
For an area of more than five square miles and not exceeding ten square miles	250.00
For an area of more than ten square miles and up to the maximum of twenty-five square miles.....	375.00

The deposit may be made in cash, marked cheque on a chartered bank, certified treasury branch order cheque, or certified non-negotiable transfer voucher payable to the Provincial Treasurer.

5. The deposit shall be placed to the credit of a successful applicant. In the event of the timber berth being sold to some other person the deposit shall be refunded, and should the timber berth be put up for sale and not sold the deposit shall be forfeited. When for any reason the timber 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.

6. (a) Notice of sale shall be given by advertisement in at least one issue of a newspaper circulating in the vicinity of the timber berth, and of a newspaper published in the City of Edmonton. Such sale shall be held not earlier than the tenth day nor later than the thirtieth day following the date of the latest issue of a newspaper containing the advertisement. The notice of sale shall give the distinguishing number of the timber berth, the description of the land and area, the quantity of timber estimated by the cruisers, the upset rate of dues, the place, day and hour at which the sale is to be held and the number of years for which the license shall be renewable.

(b) Any product of the forest may form the basis of competition for a timber berth notwithstanding the dues as set out in Form "E" of the Schedule to these Regulations.

(c) No license for a timber berth shall be renewable after the tenth year from the date of sale.

7. (a) Tenders for a timber berth accompanied by the deposit prescribed in the notice of sale shall be enclosed in a sealed container and submitted by the tenderer in person or through his duly authorized agent who must present his authorization in Form "A" of the Schedule to these Regulations with the tender to the official conducting the sale. The deposit may be made in cash, marked cheque on a chartered bank, certified treasury branch order cheque, or certified non-negotiable transfer voucher payable to the Provincial Treasurer. The deposit made by an unsuccessful tenderer shall be returned to him and in the case of the person to whom the timber berth is awarded the deposit shall be retained as a guarantee of compliance with the terms of sale.

(b) No tender shall be considered unless there has been full compliance with the requirements of the Regulations of which the Minister shall be the sole judge and the tender is made in Form "B" of the Schedule to these Regulations.

8. Every tender to purchase a timber berth shall include an offer on behalf of the person making the same to pay to the Crown, in addition to all dues and taxes reserved or imposed by Statute:

(a) The cost incurred in cruising, surveying and advertising the timber berth;

(b) An annual rent based on the square miles contained in the lands covered by the license, the license fee and fire-guarding charges.

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

10. If a license has been advertised for sale by the Department and no tender to purchase received, the Department may at any time, without further advertisement, sell the license without competition at the upset rate of dues upon the terms and conditions previously advertised.

11. The person to whom a timber berth is awarded must immediately sign a contract in Form "C" of the Schedule to these Regulations agreeing to carry out the terms and conditions of sale and shall at the same time apply for a license for the current year paying the costs incurred in cruising, surveying and advertising, together with the rental, license fee, fire-guarding charges and timber areas tax.

12. No renewal license for a timber berth shall be issued until the full amount of the ground rent, license fee, fire-guarding charges and timber areas tax for the current year have been paid.

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

14. (a) 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 timber berth timber of the kind and dimensions described in the license in sufficient quantity to make it commercially valuable.

(b) The Minister may from time to time call upon the holder of a license to furnish to the Department a cruise of the timber berth or any portion thereof comprised in the license and if such cruise is not furnished or when in the opinion of the Minister any portion of a timber berth has not a sufficient quantity of the kind and dimensions of timber specified in the license for such timber berth or such portion of the timber berth is not necessary for the proper working of the remainder of the timber berth, the Minister may withdraw such portion in whole or in part from the timber berth, but 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 Minister or by someone thereto authorized by the Minister.

(c) Upon the withdrawal of any portion of a timber berth, the rental to be paid under the license shall be reduced in proportion to the area withdrawn.

15. 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 timber which he is entitled by the license to cut, and which have been cut within the limits of the timber berth during the continuance thereof, whether

By striking out section 6, subsection (c), of the said regulations, and substituting therefor the following:

“(c) No license for a timber berth acquired pursuant to *The Provincial Lands Act, 1939*, shall be renewable after the tenth year from the date of sale.” (O.C. 365-42.)

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 timber cut within the limits of the timber berth by any other person without his consent; and such license shall entitle the licensee to replevy, as his property, timber of any kind cut within the limits of the timber 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 timber, or who has unlawfully cut any timber of any kind in derogation of any rights of the licensee under his license, or who has entered without authority upon the timber berth covered by the license; and 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.

16. On the thirtieth day of June following the license year during which operations have been conducted to the satisfaction of the Minister, a sum not greater than ten per cent of the total dues payable in respect of the operation during such year may be transferred from the guarantee deposit to the credit of the dues account of the timber berth, but the sum so transferred shall in no year exceed one-tenth part of the original deposit. When all operations in connection with the timber berth have been satisfactorily completed, the balance of the guarantee deposit shall be applied to the dues or rental accounts of the timber 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 timber berth have been paid, nor while the licensee is indebted to the Department on any other account.

17. Failure to comply with the provisions of these Regulations will render the timber berth subject to cancellation by the Minister, and upon cancellation the deposit shall be forfeited to the Crown.

18. All licenses or renewals thereof shall expire on the 31st day of March next after the date on which they are issued.

19. The licensee shall pay an annual ground rent of \$10.00 per square mile or fraction thereof contained in the timber berth, also an annual license fee of \$2.00.

20. Dues at the rates set out in Form “E” of the Schedule to these Regulations shall be payable by the licensee on any products manufactured from timber cut upon the timber berth, other than the product which forms the basis of the sale contract.

21. (a) 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 sawmill in connection with his timber berth, of a value of not less than \$2,000.00, capable of cutting in one day 1,000 feet board measure for every square mile of the area licensed, and shall manufacture in each year not less than 75,000 feet board measure of timber from Provincial lands for every square mile or fraction thereof contained in such timber berth or shall establish such other manufacture of wood products as the Minister accepts as equivalent thereto.

(b) A licensee may, however, in lieu of erecting a mill, be permitted to have the timber cut from a timber berth or timber 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 timber berth or timber berths at the rate of 100,000 feet annually for each square mile or fraction thereof contained in said timber berth or timber berths held by him under license.

Notwithstanding anything to the contrary in these Regulations the licensee must, within twelve months of the termination or cancellation of the timber berth, manufacture into saleable products all timber cut upon the berth, and any unmanufactured timber shall thereupon become forfeited to the Crown unless otherwise ordered by the Minister.

22. The licensee of a timber berth containing an area of three square miles or over shall maintain a fire patrol on the timber berth between the 15th of April and 31st of October in each and every year during the continuance of his license for the purpose of safeguarding the timber thereon from fire, together with suitable equipment for fire fighting as may be required by the Director of Forestry, such equipment to be maintained at a place either on or convenient to the timber berth.

By amending section 23 of the said regulations by striking out the words "Form E" where they occur and substituting therefor the words "Form K". (O.C. 365-42.)

TIMBER PERMIT BERTHS

24. (a) The Minister may accept applications for timber permit berths to be disposed of by public tender, covering isolated tracts of timber not to exceed an area of 640 acres, where a survey is not necessary, but no tract estimated to contain over three million feet board measure of timber may be sold as a timber permit berth.

(b) Application for a timber permit berth must be filed with the local timber agent for the district in which the timber is located accompanied by a deposit of \$50.00 in cash, marked cheque on a chartered bank, certified treasury branch order cheque, or certified non-negotiable transfer voucher payable to the Provincial Treasurer.

(c) The deposit shall be placed to the credit of the successful applicant. In the event of the timber permit berth being sold to some other person the deposit shall be refunded and should the timber permit berth be put up for sale and not sold the deposit shall be forfeited. When for any reason the timber permit berth is not offered for sale, the deposit shall be refunded to the applicant, provided that any expenditure incurred by the Department for costs of inspection or otherwise in connection with the application, may, in the discretion of the Minister, be deducted and retained by the Department.

(d) Before a timber permit berth is offered for sale it shall be examined by a qualified timber inspector.

(e) No sale shall be held until notice shall have been given by advertisement in such manner as authorized by the Director of Forestry. The notice of sale shall give the distinguishing number of the timber permit berth, the description of the land and area, the rate of dues, the place, day and hour at which the sale is to be held and the number of years for which the permit shall be renewable.

(f) Tenders in Form "F" of the Schedule to these Regulations accompanied by such deposit as shall be prescribed in the notice of sale, together with the full amount of the bonus, shall be enclosed in a sealed container and submitted by the tenderer in person or through his duly authorized agent who must present his authorization in Form "A" of the Schedule to these Regulations with the tender to the official conducting the sale. The deposit and bonus payment may be made in cash, marked cheque on a chartered bank, certified treasury branch order cheque, or certified non-negotiable transfer voucher payable to the Provincial Treasurer. The minimum bonus shall be \$10.00 per quarter section or fraction thereof.

(g) An unsuccessful tenderer shall immediately have returned to him his deposit and bonus, and in the case of the person to whom the timber permit berth is awarded the deposit shall be retained as a guarantee of compliance with the terms of sale.

(h) Every tender shall include an offer on behalf of the person making the same to pay to the Crown in addition to all dues and taxes reserved or imposed by Statute an annual ground rent, permit fee, fire-guarding charges and timber areas tax.

(i) The Minister may, in his discretion, reject any or all tenders made for the purchase of a timber permit berth.

(j) The person to whom a timber permit berth is awarded shall immediately make application for a permit for the current year, at the same time making payment of the rental, permit fee, fire-guarding charges and timber areas tax.

(k) No renewal permit for any timber permit berth shall be issued until the full amount of the ground rental, permit fee, fire-guarding charges and timber areas tax for the current year have been paid.

(l) The permit to be issued for a timber permit berth shall be in Form "G" of the Schedule to these Regulations, and the Minister is hereby authorized to insert such further clauses as he considers the conditions in connection with such timber permit berth may warrant.

25. The tenure of a timber permit berth shall be one year, but provided operations are conducted in a manner satisfactory to the Director of Forestry and payments are being met satisfactorily, annual renewal permits may be granted in respect of each of the five years subsequent to the year in which the first permit was granted, but no further or otherwise.

26. (a) The permittee shall pay an annual ground rent of \$10.00, also an annual permit fee of \$1.00.

(b) All timber cut on a timber permit berth shall be subject to the payment of dues at the rates prescribed in Form "H" of the Schedule to these Regulations.

(c) The permittee of a timber permit berth acquired pursuant to Regulations heretofore established under The Dominion Lands Act or The Provincial Lands Act shall pay dues at the rates prescribed in Form "H" of the Schedule to these Regulations on timber cut upon his timber permit berth.

27. (a) The Minister may accept applications for timber permit berths covering tracts of timber containing damaged, fallen, dead, diseased, or fire-killed timber to be sold subject to the terms and

conditions set forth in Section 24 of these Regulations. The area of such timber permit berths shall be in the discretion of the Director of Forestry, and shall be subject to the payment of dues as prescribed in the notice of sale, provided, however, that such rate of dues shall not be less than one-half the rate for green timber as set out in Form "H" of the Schedule to these Regulations.

(b) The tenure of such timber permit berth shall be for one year, but provided operations are conducted in a manner satisfactory to the Director of Forestry and payments are being met satisfactorily, renewal permits may be granted for a second, third and fourth year, but no further permit shall be granted.

GENERAL CONDITIONS

28. Licensees and permittees must keep a bush count of 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 local timber agent. The books covering operations for twelve months ending the 31st of March in each year are to be returned to the said agent duly completed by the foreman in charge of operations, who shall subscribe to the affidavit therein.

29. Licensees and permittees, through themselves, their scalers and foremen, shall furnish proof on oath on the first day of April of each year, or at such other time as the Minister may direct, as to the exact locality, by a ground sketch, where all timber, cut by themselves and others, to their knowledge, upon the berth held or occupied by them, has been taken.

30. Sworn returns shall be made monthly by licensees and permittees to the local timber agent, or at such other times as the Minister may require, accounting for the number of pieces of round timber cut upon the berth held or occupied by them, the number manufactured and the product thereof, the quantity sold and that on hand, and sawlogs shall be paid on the product of manufacture thereof.

31. Except as to the terms of a sale contract for a berth the renewal of a license or permit shall be subject to the payment of dues and to such terms and conditions as are fixed by the Regulations in force at the time such renewal is made.

32. All timber taken from berths acquired under the provisions of these Regulations shall be manufactured within the Province of Alberta.

33. If at any time during the continuance of a license or permit any portion of the lands therein described is required for water-power purposes or is necessary in connection therewith, the Minister, as representative of the Crown therein, upon being satisfied that such portion or tract of the said lands is necessary for the purposes of the said water-power development, may decide that the said portion or tract should be withdrawn from the berth, and thereupon the said portion or tract shall be forthwith withdrawn from the operation of the said license or permit.

34. (a) If, in consequence of any incorrectness in survey or other error or cause whatsoever, a license or permit is found to cover land covered by another license or permit of prior date, or any land sold,

granted, leased, or lawfully set apart for any other purpose under The Provincial Lands Act, 1939, the later license or permit shall be void in so far as it interferes with any previous grant, lease, license, permit, sale, or setting apart.

(b) When the boundary line or lines of a berth or any portion of such lines have not been surveyed or have become obliterated from any cause, the Minister may require the licensee or permittee, at his own expense, to survey any portion of such lines as has not been heretofore surveyed, or to re-establish upon the ground any lines that have become so obliterated.

35. 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 or permittee to carry on the cutting of timber on the said land as provided for in these Regulations, and on the expiration of the time within which the timber which the licensee or permittee is entitled to cut should be removed therefrom may withdraw such land from the berth, and from the operation of the license or permit covering it, and upon such withdrawal the ground rent shall be reduced in proportion to the area withdrawn.

36. A license or permit shall be subject to the provisions of The Provincial Lands Act, 1939, or of any other Act or of any Regulations 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 the berth; and in and by virtue of any grant, lease or permit issued under 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 or holder of a timber permit berth 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.

37. A license or permit shall be subject to the right of the Minister to permit prospecting on the berth for quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron, or other minerals; but the licensee or holder of a timber permit berth shall be notified of every such permission and 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 and the determination of such compensation shall be in a manner to be prescribed by the Minister.

38. A license or permit 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:

Provided that upon such withdrawal the ground rent shall be reduced in proportion to the area withdrawn.

39. 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 branches 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 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 the license or permit, but the licensee or permittee 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 or permittee 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 that if the licensee or permittee 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 to be fit and proper.

40. From the date any parcel of land is granted to any railway company and is so withdrawn from the operation of the license or permit, the ground rent hereby provided to be paid shall be reduced in proportion to the area withdrawn.

41. All rights of fishery and fishing and occupation in connection therewith upon, around and adjacent to the berth are reserved to the Crown.

42. A licensee or permittee shall not assign, transfer, or sublet the rights described in his license or permit, or any part thereof, without the consent in writing of the Minister being first had and obtained, and no assignment of such rights shall be accepted and recorded in the Department unless it is unconditional, and until all arrears of rental, dues, fire-guarding charges and timber areas tax have been fully paid.

43. (a) Simple interest shall be credited to the account of any licensee or permittee upon money paid into the Department as a cash deposit in respect to any timber berth or timber permit berth granted under the authority of these Regulations, from the date upon which such money is received in the Department, at the prevailing rate of bank interest on savings deposits at the time of transferring the guarantee deposit to the dues or rental accounts of the berth or refunding to the licensee or permittee; and

(b) On any guarantee deposit in the possession of the Department made under former Regulations interest shall accrue from the 1st April, 1940, but not before such date;

(c) No interest shall be payable on any deposit made by non-negotiable transfer voucher.

44. (a) No license or permit shall be issued until evidence has been furnished to the Director of Forestry by the applicant that he has complied with all the provisions of The Workmen's Compensation Act.

(b) If at any time after the issue of any license or permit default is made by such licensee or permittee under any provision of The Workmen's Compensation Act the Minister may, in his discretion, by writing under his hand cancel such license or permit.

(c) The application for a license or permit must be accompanied by a statutory declaration setting forth the number of men employed, the amount, if any, of wages in default on timber operations conducted by the applicant during the preceding six months and where there has been default in the payment of wages the Minister may, in his discretion, refuse to issue a license or permit until satisfactory arrangements have been made for the payment of such wages.

(d) If at any time after the issue of any license or permit default is made by such licensee or permittee 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 such license or permit and a penalty not exceeding \$25.00 may be imposed by the Minister for the renewal of such license or permit.

45. All dues on timber cut under license or permit, which are not paid when they become due, shall bear interest at the rate of five per cent per annum until paid, and shall be a lien on any timber cut on Provincial lands by such licensee or permittee or under his instructions, and in case of non-payment, whether in consequence thereof the license of the berth or permit has or has not been cancelled, the timber agent or other person authorized thereto may, with the sanction of the Minister, seize so much of the timber cut on Provincial lands by such licensee or permittee or under his instructions, or in the possession of the licensee or permittee, 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 and if payment is not made within one month after seizure, he may, with the sanction of the Minister, 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 or permittee, if the timber was in his possession at the time of seizure, or if it was not, to the person who had possession thereof at that time.

Provided that, if a bid is not made at the auction, amounting to the sum equal to the claim against the licensee or permittee, the timber may be disposed of at private sale.

46. (a) All timber cut under license or permit 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 manufacture of wood; and all officers or agents 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 the last preceding section.

(b) The dues payable on any timber cut under license or permit, together with any additional charges for expenses incurred in enforcing payment of said 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 or permittee on any timber operations conducted on Provincial lands by him or under his authority.

(c) No timber or timber products 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 such dues including any moneys due and payable to the Crown by the licensee or permittee on any timber operations conducted on Provincial lands by him or under his authority is guaranteed under such execution or seizure.

47. 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 The Provincial Lands Act, 1939, and these Regulations, may be added to the dues remaining to be collected on any other timber cut on any timber 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; and the Crown shall have a lien for the amount of any dues or tax reserved, or payable under The Provincial Lands Act, 1939, and these Regulations, 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 belonging to the person by whom the dues or taxes are payable; such lien to constitute a first charge in priority to all other liens and to all encumbrances or charges created by any contract or arising under any Statute or otherwise howsoever, and to confer the same rights and to be recoverable in the same manner as the lien and rights of recovery of dues conferred by the provisions in that behalf of The Provincial Lands Act, 1939, and these Regulations, including an absolute unconditional power to sell, or the amount due may be recovered by action or suit, in the name of the Minister or his agent, in any court of competent jurisdiction.

48. Every purchaser of timber cut on Provincial lands shall be held liable for the payment of dues thereon and the onus shall be upon such 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 timber agent or officer of the Department, 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 hereinafter provided by sections 61 to 67 of these Regulations.

49. Any timber cut upon a timber berth or timber permit berth without a license or permit having issued therefor may be seized as timber cut without authority and may be dealt with as provided in Sections 61 to 67 of these Regulations.

50. Licensees and holders of timber permit berths shall pay in addition to the ground rent, dues, fee and timber areas tax one-half of the cost incurred by the Crown in guarding the timber from fire based on the previous year's expenditures.

51. (a) All timber, before being put into a stream or lake to be floated to the mill, must be marked with a stamp furnished by the

licensee or permittee and approved by the local timber agent, a copy of said stamp to be placed on record in the Provincial Timber Office.

(b) 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.

52. (a) A licensee or permittee shall not have the right thereunder, except as hereinafter provided, to cut timber of a less diameter than seven inches measured eighteen 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.

(b) The Minister may where clearing of timber is incidental to the use of the land for the growing of crops authorize by permit the cutting of timber of a less diameter than seven inches measured eighteen inches from the ground, subject to the payment of dues at the rates prescribed in Form "H" of the Schedule to these Regulations.

53. All merchantable timber of a class authorized to be cut under license or permit 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 permittee or authorized agent, shall be estimated in feet board measure by the provincial timber inspector, and shall be subject to payment by the licensee or permittee, on demand, of ordinary royalty dues. The licensee or permittee shall not be required to pay dues for timber which is inaccessible.

54. In the event of timber being cut, becoming fire-killed, or timber inspector that licensee or permittee shall require the licensee to remove such timber.

Amending Section 52 by adding a further Subsection (c) as follows:
" (c) Where a permit is granted covering tracts of timber containing damaged, fallen, dead, diseased or fire-killed timber, the permittee may, in the discretion of the Minister, be authorized to cut timber of a less diameter than seven inches, measured eighteen inches from the ground." [O.C. 1218-41.]

where waters flowing through, over or along, or source in any berth, empty into any stream or are so 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 or permittee of such berth shall comply with the following regulations:

(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 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 result of any operations carried on by reason of the license or permit in any stream, lake or other source of such water supply on any Provincial lands whatever, or in any exposed or unsanitary 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.

56. For each infraction of the provisions of the preceding section the licensee or permittee shall, in addition to the other penalties provided in these Regulations, 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.

57. Any fire having caused damage to the timber on a berth must be reported immediately with full details to the timber agent for the district in which the berth is situated, and the responsibility so to do shall rest with the licensee or permittee.

58. (a) Every license or permit 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 or permittee that it is the intention so to do, upon the ground set forth in such notice, unless within sixty days after service of such notice the licensee or permittee 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 or permittee, 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 or permittee, and every person claiming by, through or under the licensee or permittee or either of them, and there shall be no appeal therefrom.

59. The licensee or permittee shall notify the timber agent immediately upon the erection of a sawmill together with its location.

60. Owners and operators of trucks, conveying over any public road or highway, outside of incorporated cities or towns, 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 the material being conveyed, the name and address of the vendor, his certification thereon as to the land on

which the material was cut and the authority for such cutting. 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.

LIABILITY OF PERSONS CUTTING TIMBER WITHOUT AUTHORITY

61. If any person without authority cuts or employs or induces any other person to cut or assist in cutting any timber on Provincial 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 such timber or any claim for remuneration for cutting it, preparing it for market, or conveying it to or towards market; and when the timber has been removed out of the reach of the timber officers, or it is found otherwise 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; and 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; and in all cases the burden of proof of authority to do the thing charged shall lie on the person charged; and the averment of the person seizing or prosecuting, that he is duly employed under the authority of The Provincial Lands Act, 1939, and of these Regulations, shall be sufficient proof thereof, unless the defendant proves the contrary.

62. Whenever any timber agent or 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 Provincial lands, or if any timber officer or agent 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 wherever found the timber reported or known to be cut, together with any automobile, trucks, tools and equipment used in the cutting and transportation of such timber, and the timber, timber products, trucks, tools and equipment seized shall be liable to confiscation to His Majesty as provided by Section 106 of The Provincial Lands Act, 1939.

63. 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 so 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 timber agent, the timber cut without authority from the other.

64. Whenever any timber agent or other officer or agent 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 such timber, as to when and where it was cut; and if no satisfactory explanation, on oath or otherwise, as he requires, is given to him, he may seize and detain such timber until proof is made to the satisfaction of the Minister, or of such timber agent or officer, that

such timber was not cut without authority, and is not liable, either in whole or in part, to dues of any kind; and 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.

65. (a) All timber seized under these Regulations 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 timber agent or officer under whose authority the seizure was made, that he intends to contest the seizure; and 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 such proceedings in the opinion of the judge before whom such case is tried, who 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.

(b) The Minister may, if he sees cause for so doing, instead of proceeding to the forfeiture of timber cut without authority on Provincial lands, impose a penalty of double the rate charged as dues on timber cut under permit conditions, which in addition to all costs incurred, shall be levied on such timber, and in default of payment of the whole on demand, he may after fifteen days' notice sell such 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.

(c) In the event of there being no bid for timber put up at public auction under this section the Minister may dispose of same by private sale.

(d) The Minister may, if in his opinion the circumstances of the case so warrant, decrease the amount of the penalty charged against timber cut without authority, but in no case shall the penalty be less than the dues chargeable under these Regulations and expenses.

66. (a) 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 these Regulations, 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 Provincial 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.

(b) Any officer or person seizing timber in the discharge of his duty under The Provincial Lands Act, 1939, may, in the name of the Crown call in any assistance necessary for securing and protecting the timber so seized.

67. (a) Whenever any timber is seized, if it is made to appear to the Minister by evidence satisfactory to him within thirty days following the date of such seizure that wages are owing to workmen for labour performed within six months previous to the date of seizure, in the production of such timber or in converting the timber into deals, boards, or any other manufacture of wood, the Minister may cause enquiry to be made to ascertain the amount of such wages

owing and may 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 these Regulations.

(b) In case any dispute arises as 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.

**SPECIAL PERMITS
(WITHOUT COMPETITION)**

68. The Minister may grant without competition permits to cut for sale timber occurring in areas of adjoining lands, estimated to contain not more than 150,000 feet board measure, where a survey is not necessary and which areas are shown by a report of an officer of the Department to be isolated from other areas containing merchantable timber. Such permits shall be granted subject to the following conditions:

(a) Application for such permit shall be accompanied by the sum of \$25.00 in cash, marked cheque on a chartered bank, certified treasury branch order cheque, or certified non-negotiable transfer voucher payable to the Provincial Treasurer, which amount may form part of the advance payment of dues required upon the issue of a permit. Should the permit not issue the money may, in the discretion of the Minister, be forfeited;

(b) Upon the acceptance of the application and before the permit may issue the applicant must make advance payment of at least twenty-five per cent of the dues on the quantity of timber estimated thereon by the timber inspector, which amount 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 31st day of March next following the date upon which the permit is granted, but the Director of Forestry may grant a renewal permit for one year in any case where the permittee shows satisfactory reasons for not having completed operations by the expiry date, but no further renewal shall be granted;

(d) Sworn returns shall be made monthly to the local timber agent having jurisdiction in the matter, accounting for the number of pieces of round timber cut under the permit and the number manufactured and the product thereof, the quantity sold and that on hand, and dues shall be paid at the rates prescribed in Form "H" of the Schedule to these Regulations.

69. Permits subject to the payment of dues at the rates prescribed in Form "H" of the Schedule to these Regulations may be granted without competition to:

(a) Actual settlers or to 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 100 cords of timber to be used in the manufacture of boxes, shims, tie plugs, lath bolts or shingle bolts;

(d) Any person to cut 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 50,000 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 all 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 5,000 feet board measure;

(g) Settlers and persons living in cities, towns and villages to cut for sale up to 100 cords of wood for fuel in each permit year;

(h) 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;

(i) Any Department of the Government of the Province or any municipality to cut timber for the construction and maintenance of public works;

(j) Any Department of the Government of the Province to cut timber for the purpose and incidental to any relief project;

(k) Railway companies to cut timber for use in the construction and maintenance of their railways;

(l) Any person to cut timber for the construction of boats and scows;

(m) Owners of steam boats to cut wood for consumption on their boats;

(n) The owners and operators of mines and quarries to cut timber for the erection of buildings required in connection with operations on their property, also such quantity of cordwood as they may actually require for fuel in operating such mines or quarries and such timber as they require for use in the development of their mines or quarries;

(o) Owners and operators of timber berths to cut timber for the erection of buildings and works incidental to the operation of such berths;

Provided that any damaged, fallen, diseased, dead, or fire-killed timber cut for use in the development of mines and quarries and for cordwood shall be subject to the payment of dues at the full rates prescribed in Form "H" of the Schedule to these Regulations.

No permit shall issue under Subsections (a) to (m) inclusive, unless the application has been approved by the timber inspector for the district in which the land is situate. Where in the opinion of the Director of Forestry it is deemed necessary the applicant for the permit may be required to make a cash deposit to be retained until operations are completed, as a guarantee of compliance with the terms of the permit and these Regulations.

70. Permittees may be called upon to pay such additional sum as the Minister may judge necessary to meet a proportion of any

expenses incurred, or that may be incurred, by the Department in making a survey or other demarcation on the ground of the boundaries within which such permits are to be operative.

71. Permits shall set forth that those obtaining them must conform to the conditions, terms and requirements specified in the same, and carefully restrict their cutting to the lands described therein, and any breach thereof will subject the offender to all the fines and penalties in that behalf prescribed by The Provincial Lands Act, 1939, and these Regulations.

72. (a) The licensee or permittee 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 in such a way that there shall be no waste, and to prevent the spread of prairie or bush fires he shall dispose of all tops and branches of trees, and debris or refuse of operations in such manner as may be decided upon by the Director of Forestry. Failure to comply with this requirement will subject the licensee or permittee to the penalty of having his timber and timber products seized and held and finally confiscated, providing the requirement is not fulfilled within sixty days of seizure notice served on him, and the privilege of obtaining further license or permit by him shall be withdrawn.

(b) The licensee or permittee 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 the license or permit with all laws and regulations in that respect in force in the Province.

73. An office fee of \$1.00 shall be charged for each permit and all timber cut on Provincial lands under permit shall be manufactured within the Province.

PERSONS EXEMPTED FROM DUES

74. No dues are to be exacted from the following classes of persons for timber cut upon vacant Provincial lands; that is to say:

- (a) Miners engaged in prospecting;
- (b) Travellers;
- (c) Persons engaged in merely scientific pursuits or exploring;
- (d) Persons cutting timber for the construction of educational, religious and charitable institutions, agricultural society buildings and rural community halls;
- (e) Settlers residing on farm lands not containing timber, or who are not the owners of timbered lands, cutting on Provincial lands fuel for their own use from dead or fire-killed timber, the quantity not to exceed twenty-five cords. Such settlers must obtain a permit from the Agent for the district to cut such timber and shall pay a fee of twenty-five cents;
- (f) Settlers residing on farm lands may obtain a permit, free of dues, to cut on the lands held by them under lease or entry, dead or fire-killed timber, not exceeding 50 cords in any one permit year, for barter or sale. Such settlers must make application to, and obtain from the Agent for the proper district a permit to cut such timber and shall pay a fee of twenty-five cents;
- (g) Settlers residing on farms cutting timber on Provincial lands held as homesteads or leases in the preparation of such land for cultivation may dispose of any poplar, or cordwood for fuel with-

out obtaining a permit, and if cultivation is performed on the area from which the timber is taken within twelve months from such cutting no dues shall be payable on the timber;

For the purposes of Paragraphs (e), (f) and (g) a "Settler" means any person residing on agricultural or ranching lands whether he is owner, homestead entrant, or lessee, and "Farms" or "Farm lands" means any lands used for agricultural or ranching purposes.

75. Before a free permit is issued, the Agent for the district shall require the permittee to furnish satisfactory evidence of the use to which the timber is to be put.

TIMBER FOR HOMESTEADS

76. (a) Any homestead settler having no timber on his homestead or lands owned by him that could be used to meet his requirements, and who has not obtained a free allowance of timber from Provincial lands may, providing application is made within seven years of the date of his entry, obtain a permit to cut such quantity of building and fencing timber as he may require for use on his homestead, not exceeding the following:

(i) 3,000 lineal feet of building timber, no log to be over twelve inches at the butt end, unless the timber is cut from dry trees, in which case timber of any diameter may be taken. Should the building timber be sawn at a mill, the permittee will be entitled to receive free of dues, 9,250 feet board measure of lumber therefrom, and no more;

(ii) 400 roof poles to be used for roofing purposes;

(iii) 500 fence posts, 7 feet long, and not to exceed five inches at the small end;

(iv) 2,000 fence rails.

TIMBER FOR LESSEES

(b) Any settler who obtains a lease under the provisions of the cultivation and grazing regulations as established by Order in Council dated the 5th day of November, 1938, numbered O.C. 1376-38, and as amended, or a lessee under the regulations governing the issue of agricultural leases on Provincial lands may be granted a permit, within the first three years of the term of the lease, to cut such quantity of building and fencing timber as he may require for use on the land held under lease, not exceeding the following:

(i) 3,000 lineal feet of building timber, no log to be over twelve inches at the butt end, unless the timber is cut from dry trees, in which case timber of any diameter may be taken. Should the building timber be sawn at a mill, the permittee will be entitled to receive free of dues, 9,250 feet board measure of lumber therefrom, and no more;

(ii) 400 roof poles to be used for roofing purposes;

(iii) 500 fence posts, 7 feet long, and not to exceed five inches at the small end;

(iv) 2,000 fence rails.

77. (a) 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 free permit to cut, for the replacement of such building, the quantity of timber to which a lessee is entitled free of dues under the provisions of Section 76 of these Regulations.

(b) The applicant will be required to pay an office fee of \$1.00 before he can obtain a free permit, but no dues will be charged for the timber and wood cut under and in accordance therewith, but any excess cut will be charged for at the rates set forth in Form "H" of the Schedule to these Regulations.

78. Mill owners doing custom sawing for settlers shall obtain a permit from the timber agent for the district wherein they intend to operate before commencing to manufacture each season, and shall notify him of the location of their mills and of each setting to which they move during their season's operations. The fee for this permit shall be \$5.00. They shall keep records of all sawing in the books provided by the timber agent for the purpose, which books shall be forwarded to the said timber agent 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 of these Regulations. Failure to carry out the terms of the Regulations shall subject mill owners to seizure of the timber in their mill yards and to the closing down of their operations.

79. In order that mill owners may be able to give satisfactory evidence that saw-logs and lumber found in their possession having been lawfully cut, they shall require from settlers bringing timber to be sawn, proof that the same has not been cut on Provincial lands or that it has been cut under authority. The name of the settler must be noted by the mill owner, who should also record the quantity of such timber sawn by him, so that he may be in a position to duly protect himself should an account or return thereof be demanded by agents of the Department.

80. Licensees and permittees shall pay and discharge all rates, assessments and taxes, imposed by any Municipal, Improvement, School, Irrigation and Drainage districts now charged or hereafter charged upon the said premises, as occupant, or upon the licensee or permittee in respect thereof, or payable by either in respect thereof.

81. All licenses, permits, notices or other documents not otherwise provided for, issued under the Regulations, shall be signed by the Minister or by any officer of the Department specially authorized thereto in writing by the Minister.

82. Unless as otherwise provided in these Regulations the holder of an unpatented entry or sale shall not cut timber thereon for barter or sale without having first obtained a permit to cut such timber: Provided, however, that any moneys paid as dues may be refunded upon the permittee obtaining notification for the land described in such permit.

83. The Minister may, from time to time, make such additional Regulations as may appear to be necessary or expedient governing the manner in which timber operations shall be conducted.

SCHEDULE TO THE REGULATIONS FOR THE CUTTING OF TIMBER ON PROVINCIAL LANDS

FORM "A"

POWER OF ATTORNEY to make application for a License or a Permit under the Regulations Governing the Granting of Yearly Licenses and Permits to Cut Timber on Provincial Lands in the Province of Alberta, made by Order in Council of the , 1940, and numbered O.C.

KNOW ALL MEN BY THESE PRESENTS, that

I, of hereby nominate, constitute and appoint of in the Province of Alberta, my 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 Mines, 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 Regulations Governing the Granting of Yearly Licenses and Permits to Cut Timber on Provincial Lands in the Province of Alberta, made by Order in Council of the , 1940, and numbered O.C. , and any amendments thereto now made or which may at any time hereafter be made, hereby ratifying and confirming and agreeing to ratify and confirm and allow all and whatsoever my (our) said attorney and agent shall lawfully do or cause to be done in the premises by virtue hereof.

IN WITNESS WHEREOF I have hereunto set my 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 purposes specified in the foregoing notice of appointment.

DATED at , this day of A.D. 19 .

FORM "B"

GOVERNMENT OF THE PROVINCE OF ALBERTA DEPARTMENT OF LANDS AND MINES TENDER FOR LICENSE

Date 19 .

The Honourable the Minister of Lands and Mines, Administration Building, Edmonton, Alberta.

Sir:

In response to the Notice of Sale of Crown Timber designated as Timber Berth No. (I or We) hereby tender the sum of \$ and agree to execute a contract in the Form "C" of the Schedule to the Regulations Governing the Granting of Yearly Licenses and Permits to Cut Timber on Provincial Lands in the Province of Alberta, made by Order in Council dated the day of and numbered :

AND (I or We) further agree to pay the Crown on all other classes of timber and products of the forest the dues now prescribed in Form "E" of the Schedule to the aforesaid Regulations or such dues as may at any time hereafter be prescribed under the said Regulations or any Regulations made in substitution therefor, together with any other tax reserved or imposed by Statute;

AND (I or We) further agree to pay an annual rent based on the square miles contained in the lands covered by the license, the license fee and fire-guarding charges, together with the costs incurred in cruising, surveying and advertising the said berth;

ENCLOSED herewith is the sum of \$ covering the deposit as required in the Notice of Sale.

.....
Signature of Tenderer.

FORM "C"

..... Alberta
.....day of19.....

LICENSE TIMBER BERTH NO.

I,
of having tendered for
the Timber Berth above named the sum of \$

, and said tender
having been accepted, do hereby promise and agree to carry out and complete the same forth-
with in accordance with the terms and conditions as set forth in the notice of sale dated at
the day of 19 ,

and in the Regulations Governing the Granting of Yearly Licenses and Permits to Cut
Timber on Provincial Lands in the Province of Alberta established by the Lieutenant Gover-
nor in Council.

SIGNED, SEALED AND DELIVERED }
in the presence of }
.....

CANADA }
Province of Alberta } I,
To Wit: } of

1. 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 ofA.D. 19..... }

.....
A Commissioner, etc.

(This declaration not necessary where contract signed under seal by a Company.)

FORM "D"

GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF LANDS AND MINES

LICENSE TO CUT TIMBER ON PROVINCIAL LANDS

KNOW ALL MEN BY THESE PRESENTS, that by virtue of the authority vested in me by The Provincial Lands Act, 1939, and by an order of His Honour the Lieutenant Governor in Council of the day of , 19 ,

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

ground rent, license fee, fire-guarding charges and Timber Areas 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, 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 Provincial Lands Act, 1939, and the amendments thereto, and in the Regulations respecting timber now passed or which may at any time hereafter be passed by the Lieutenant Governor in Council, 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 of Forestry, 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 Provincial Lands Act, 1939, and the amendments thereto, and in the Regulations respecting timber now passed or which may at any time hereafter be passed by order of His Honour the Lieutenant Governor in Council.

1. That the licensee shall not have the right hereunder to cut timber of a less diameter than seven inches measured eighteen 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 agent, 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 of Forestry deems to be inaccessible.

3. In the event of timber on this 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 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 agent, shall be estimated in feet board measure by a timber inspector and the licensee shall pay dues as provided in the Regulations according to such estimate thereon.

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 Provincial Lands Act, 1939, and amendments thereto, and in the Regulations now passed or which may at any time hereafter be passed 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 fixed by the Regulations 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 21 of the timber regulations 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 timber agent for the district having jurisdiction in the matter, at such periods as may be required by the Minister or by the Regulations now made or which may at any time hereafter be made under The Provincial Lands Act, 1939, returns sworn to by him or his agent 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 dues as prescribed in Form "E" of the Schedule to the timber regulations, the Timber Areas Tax, the amount due and 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 of Forestry 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 31st of March in each year shall be returned without delay to the Director of Forestry 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 Provincial Lands Act, 1939, 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 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 water-power 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 of seven inches and over in diameter at the stump 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 shall also be 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) Out of the lands herein described all rights of fishery and fishing and occupation in connection therewith upon, around and adjacent to such lands;

(b) 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;

(c) 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 Regulations:

(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 Provincial 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 of Forestry; 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 of Forestry 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 in connection with this berth, of a value of not less than \$2,000.00 capable of cutting in one day 1,000 feet board measure for every square mile of the area licensed, and shall manufacture in each year not less than 75,000 feet board measure of sawn lumber from timber cut on Provincial 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 in lieu of erecting a mill, be permitted to have the timber cut from this berth manufactured at a mill which is or is not his own property, provided that he cuts from this berth

at the rate of 100,000 feet board measure annually for each square mile or fraction thereof held by him under this license.

25. That the licensee shall notify the Director of Forestry 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 of the Regulations 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 Provincial Lands Act, 1939, and the timber regulations now passed or which may at any time hereafter be passed, 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 Provincial Lands Act, 1939.

27. That the licensee shall pay and discharge all rates, assessments and taxes imposed by any Municipal, Improvement, School, Irrigation and Drainage Districts, 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.

28. 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 Mines, Director of Forestry or any person duly authorized in writing by the Minister.

DATED at the City of Edmonton

this		day	}
of		, one		
thousand nine hundred and				

Deputy Minister of Lands and Mines.

I, _____, accept

this license and agree to all the terms and conditions.

..... (SEAL)
Signature of Licensee.

.....
Witness to Signature of Licensee.

FORM "E"

RATE OF DUES ON LICENSE TIMBER BERTHS

Building logs of poplar	per lineal foot	1/3c
Building logs and cribbing other than poplar, 9 inches and over at butt end.....	per lineal foot	1 1/2c
Building logs and cribbing other than poplar, under 9 inches at butt end.....	per lineal foot	1c
Cordwood of poplar (green)	per cord	15c
Cordwood of other kinds of timber (green).....	per cord	50c
Cordwood of fire-killed or dry timber.....	per cord	15c
Fence posts (round), not exceeding 7 feet long and 6 inches at top end.....	each	2c
Each additional lineal foot		1/4c
Fence posts (split), not exceeding 7 feet long and 6-inch face	each	1c
Each additional lineal foot.....		1/6c
Lath (No. 1)	per thousand	25c
Lath (Nos. 2 and 3).....	per thousand	15c
Lath bolts	per cord	75c
Piling less than 9 inches at butt end.....	per lineal foot	1 1/4c
Piling of timber other than poplar 9 inches and over at butt end.....	per lineal foot	2c
Poles not exceeding 25 feet long and not more than 6 inches at top end.....	per lineal foot	3/4c
Poles not exceeding 30 feet long, over 6 inches at top and not exceeding 8 inches.....	per lineal foot	1c
Poles over 30 feet long and not more than 35 feet and not exceeding 8 inches at top end.....	per lineal foot	1 1/2c
Poles over 35 feet long and not exceeding 8 inches at top end.....	per lineal foot	2c
Poles of all lengths over 8 inches at top end.....	per lineal foot	2 1/2c
Sawn lumber of poplar	per M. feet B.M.	50c
Sawn lumber of other timber.....	per M. feet B.M.	\$2.50
Railway Ties (No. 1), 8 feet long when hewn.....	each	9c
Railway Ties (No 1), 8 feet long when sawn.....	each	8c
Railway Ties (No. 2), 8 feet long when hewn.....	each	7c
Railway Ties (No. 2), 8 feet long when sawn.....	each	6c
Railway Ties (No. 3 and cull), 8 feet long when hewn.....	each	5c
Railway Ties (No. 3 and cull), 8 feet long when sawn.....	each	4c
Railway Ties (Nos. 1, 2/3 and cull), each lineal foot over 8 feet long.....	per lineal foot	1 1/2c
Railway Ties of poplar, 8 feet long.....	each	2c
Railway Ties of poplar, each lineal foot over 8 feet long.....	per lineal foot	1/4c
Shingles	per thousand	25c
Shingle bolts	per cord	75c
Slabs and edgings (on sale)	per cord	15c
Slabs and edgings being residue from mills manufacturing lath	per cord	10c

Or such rate of dues agreed to
and set out in a sale contract.

All other products of the forest not enumerated, 10 per cent on selling price at point of shipment, except sawdust, on which no dues shall be charged.

FORM "F"

GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF LANDS AND MINES

TENDER FOR PERMIT

Date

19

The Honourable the Minister of Lands and Mines,
Administration Building, Edmonton, Alberta.

Sir:

In response to the Notice of Sale of Crown Timber designated as Timber Berth No.

(I or We) hereby tender a bonus of \$ _____ for the aforesaid Timber Berth.

AND (I or We) further agree to pay the Crown on all classes of timber and products of the forest the dues prescribed in the Notice of Sale made pursuant to the Regulations Governing the Granting of Yearly Licenses and Permits to Cut Timber on Provincial Lands in the Province of Alberta, made by Order in Council dated the _____ day of _____ and numbered _____ or any Regulations made in substitution therefor, together with any other tax reserved or imposed by Statute;

AND (I or We) further agree to pay the annual rent, the permit fee and fire-guarding charges;

ENCLOSED herewith is the sum of \$ _____ being the full amount of my bonus, together with the deposit as required in the Notice of Sale.

.....
Signature of Tenderer.

FORM "G"

GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF LANDS AND MINES

PERMIT TO CUT TIMBER ON PROVINCIAL LANDS

KNOW ALL MEN BY THESE PRESENTS, that by virtue of the authority vested in me by The Provincial Lands Act, 1939, and by an order of His Honour the Lieutenant Governor in Council of the _____ day of _____, 19 _____,

I, _____ the Minister of Lands and Mines of the Government of the Province of Alberta, do hereby in consideration of the sum of _____

ground rent, permit fee, fire-guarding charges, and Timber Areas Tax, now paid to me for the use of His Majesty, and in consideration of the dues hereinafter mentioned, give unto

hereinafter called the permittee, his executors and administrators, 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 Provincial Lands Act, 1939, and the amendments thereto, and in the Regulations respecting timber passed by the Lieutenant Governor in Council, 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 land except as hereinafter mentioned, for and during the period of one year from the first day of _____ to the thirty-first day of March, _____, and no longer.

This permit shall vest in the permittee, subject to the conditions mentioned in this permit, all rights of property whatsoever in all trees, timber, lumber or other products of timber which he is entitled by this permit 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 permittee, or by any other person without his consent, and shall vest in the permittee, as against any person other than the Crown in the right of the Province, subject to the conditions mentioned in this permit, all rights of property whatsoever in all trees, timber, lumber or other products of timber cut within the limits of this berth by any other person without his consent; and this permit shall entitle the permittee 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 permittee under this permit, or who has entered without authority upon this berth covered by this permit, and any such proceedings which have been commenced and are pending at the expiration of this permit may be continued and completed as if this permit had not expired.

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

This permit 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 permittee 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 of Forestry, failing in any one of which the deposit shall be forfeited, as to which the Minister shall be the judge.

This permit is subject to the following conditions and restrictions in addition to such of the conditions and restrictions respecting timber as are contained in The Provincial Lands Act, 1939, and the amendments thereto, and in the Regulations respecting timber passed by order of His Honour the Lieutenant Governor in Council.

1. That the permittee shall not have the right hereunder to cut timber of a less diameter than seven inches measured eighteen 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 permit 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 permittee or his authorized agent 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 permittee shall not be required to cut and remove timber which the Director of Forestry deems to be inaccessible.

3. In the event of timber on this berth, of a 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 permittee without monetary loss, the Minister may require the permittee to cut and remove the same, and all such timber left uncut and unremoved from the berth after a date named in a notice served upon the permittee, or his authorized agent, shall be estimated in feet board measure by a timber inspector, and the permittee shall pay dues as provided in the Regulations according to such estimate thereon.

4. That the permittee shall be entitled to renewal of this permit as provided for in subsection _____ of section of the Timber Regulations if the terms and conditions of this permit and provisions of The Provincial Lands Act, 1939, and the Regulations 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, permit fee, fire-guarding charges and Timber Areas Tax, and to such terms and conditions as are fixed by the Regulations in force at the time the renewal is made.

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 permit for such berth to make it profitable to remove the timber upon such portion of this berth, the Minister may withdraw such portion from this berth.

6. That the permittee shall take from every tree he cuts down all the timber fit for use, including poplar, 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 of Lands and Mines. Failure on the part of the permittee 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 permit.

7. That the permittee 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 permit and of any renewal thereof will all laws and regulations in that respect in force in the Province.

8. That the permittee shall furnish to the timber agent for the district having jurisdiction in the matter, at such periods as may be required by the Minister or by the Regulations now made or which may at any time hereafter be made under The Provincial Lands Act, 1939, returns sworn to by him or his agent 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.

9. That the permittee, in addition to the said ground rent and permit fee, shall pay dues

as prescribed in Form _____ of the Schedule to the Timber Regulations on the amount of the products manufactured or sold, the Timber Areas Tax and one-half of the cost incurred by the Crown in guarding the timber from fire.

10. (a) That the permittee 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 permittee in connection with his lumbering business he shall submit for the inspection of the local Timber Agent or other officer of the Crown whenever required for the purpose of verifying his returns aforesaid.

(b) That the permittee shall keep a bush count of all saw-logs 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 Timber Agent. The books covering operations for twelve months ending the 31st day of March in each year shall be returned without delay to the said Agent duly completed by the foreman in charge of the operations, who shall subscribe to the affidavit therein.

11. This permit shall be subject to the provisions of The Provincial Lands Act, 1939, 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 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 permittee 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.

12. This permit 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 permittee 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.

13. This permit 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 water-power purposes or is necessary in connection therewith by the lessee or lessees of the water-power, their executors, administrators, or assigns, and which the Minister, as the representative of the Crown herein, shall decide to be necessary for such water-power purposes, and which for such purposes shall be so withdrawn from the operation of this permit, upon the condition, however, that the lessee or lessees of the said water-power, his or their executors, administrators, or assigns, shall and will pay to the permittee of this berth, his executors, administrators, or assigns, the value of all timber of seven inches and over in diameter at the stump on the portion of the tract so withdrawn, the value of such timber in case of dispute to be fixed by the Minister.

14. This permit shall also be 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.

15. If any railway company becomes entitled to a grant from His Majesty or His Successors of any portion of the lands hereby demised for the road-bed of the company's railway or branches 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 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 permit, but the permittee 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 permittee 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 permittee 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.

16. 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.

17. There is hereby reserved to the Crown :

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

(b) 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 ;

(c) 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 vehicles, 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 permittee has any building or other works properly connected with the project of the permittee.

18. 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 permittee shall comply with the following Regulations :

(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 permit in any stream, lake or other source of such water supply on any Provincial 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 permittee 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.

19. (a) That the permittee shall not place logs or timber in any river or stream without first having obtained the written consent of the Director of Forestry, 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 said 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.

20. This permit cannot be assigned, sublet or transferred without the consent of the Minister.

21. Any fire having caused damage to the timber on this berth must be reported immediately with full details to the Director of Forestry and the responsibility so to do shall rest with the permittee.

22. (a) This permit shall be subject to forfeiture on the order of the Minister for violation of any 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 permittee 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 permittee 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 permittee, 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 permittee, and every person claiming by, through or under the permittee, and there shall be no appeal therefrom.

(e) If the violation of the Regulations refers merely to payment of money due under this permit, 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 Provincial Lands Act, 1939, and the timber regulations now passed or which may at any time hereafter be passed, 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 Provincial Lands Act, 1939.

23. That the permittee shall notify the Director of Forestry immediately upon the erection of a saw-mill together with its location.

24. That the permittee shall pay and discharge all rates, assessments and taxes imposed by any Municipal, Improvement, School Irrigation and Drainage Districts, now charged or hereafter to be charged upon this berth, as occupant, or upon the said permittee or occupier in respect thereof or payable by either in respect thereof.

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

DATED at the City of Edmonton,
this
of
thousand nine hundred and

day }
one }
Deputy Minister of Lands and Mines.

I, , accept

this permit and agree to all the terms and conditions thereof.

..... (SEAL)
Signature of Permittee.

.....
Witness to Signature of Permittee.

FORM "H"

RATES OF DUES ON PERMIT BERTHS AND PERMITS

Boxwood of poplar	per cord	20c
Boxwood of other kinds of timber.....	per cord	75c
Building logs of poplar	per lineal foot	1/3c
Building logs and cribbing other than poplar 9 inches and over at butt end.....	per lineal foot	1 1/2c
Building logs and cribbing other than poplar under 9 inches at butt end.....	per lineal foot	1c
Cordwood of poplar (green)	per cord	15c
Cordwood of other kinds of timber (green).....	per cord	50c
Cordwood of fire-killed or dry timber.....	per cord	15c
Fence rails of poplar, not exceeding 5 inches at butt end.....	each	1c
Fence rails of other kinds of timber, not exceeding 5 inches at butt end.....	each	3c
Fence posts (round), not exceeding 7 feet long and 6 inches at top end.....	each	2c
Each additional lineal foot		1/4c
Fence posts (split), not exceeding 7 feet long and 6-inch face	each	1c
Each additional lineal foot.....		1/6c
Fence posts of poplar and willow, not exceeding 7 feet long.....	each	1/3c
Fence droppers, not exceeding 5 feet in length and 3 inches at butt end.....	each	1/6c
Lath (No. 1)	per thousand	25c
Lath (Nos. 2 and 3).....	per thousand	15c
Lath bolts	per cord	75c
Piling of less than 9 inches at butt end.....	per lineal foot	1 1/4c
Piling of timber other than poplar 9 inches and over at butt end.....	per lineal foot	2c
Poles not exceeding 25 feet long and not more than 6 inches at top end.....	per lineal foot	3/4c
Poles not exceeding 30 feet long, over 6 inches at top and not exceeding 8 inches.....	per lineal foot	1c
Poles over 30 feet long and not more than 35 feet, and not exceeding 8 inches at top end.....	per lineal foot	1 1/2c
Poles over 35 feet long and not exceeding 8 inches at top end	per lineal foot	2c
Poles of all lengths over 8 inches at top end.....	per lineal foot	2 1/2c
Pulpwood of poplar	per cord	25c
Pulpwood of other timber	per cord	\$1.00
Radio or other poles not exceeding 6 inches at butt end.....	each	8c
Railway Ties (No. 1), 8 feet long when hewn.....	each	9c
Railway Ties (No. 2), 8 feet long when hewn.....	each	7c
Railway Ties (No. 3 and cull), 8 feet long when hewn.....	each	5c
Railway Ties (No. 1), 8 feet long when sawn.....	each	8c
Railway Ties (No. 2), 8 feet long when sawn.....	each	6c
Railway Ties (No. 3 and cull), 8 feet long when sawn.....	each	4c
Railway Ties (Nos. 1, 2, 3 and cull), each lineal foot over 8 feet long.....	per lineal foot	1 1/2c
Railway Ties of poplar, 8 feet long.....	each	2c
Railway Ties of poplar, each lineal foot over 8 feet long.....	per lineal foot	1/4c
Roof poles, not exceeding 7 inches at butt end.....	each	3c
Sawn lumber of poplar.....	per M. feet B.M.	50c
Sawn lumber of other timber.....	per M. feet B.M.	\$2.50
Shingles	per thousand	25c
Shingle bolts	per cord	75c
Slabs and edgings (on sale).....	per cord	15c
Slabs and edgings being residue from mills manufacturing lath	per cord	10c

All other products of the forest not enumerated, 10 per cent on selling price at point of shipment, except sawdust, on which no dues shall be charged.

TIMBER FOR THE DEVELOPMENT OF MINES

Nine inches and over in diameter at butt		
Dead timber	per lineal foot	1/3c
Green timber	per lineal foot	1 1/2c
Five inches up to but not including 9 inches in diameter at butt—		
Dead timber	per lineal foot	1/6c
Green timber	per lineal foot	3/4c
Round lagging not to exceed 5 inches in diameter at butt—		
Dead timber	per M. lineal feet or per cord	25c
Green timber	per M. lineal feet or per cord	\$1.25
Ties for tramways, 5-inch face and under—		
Dead timber	per lineal foot	1/4c
Green timber	per lineal foot	1/2c
Poplar mine timber shall be one-third the rates of dues above men- tioned.		

Approved and Ordered,

LIEUTENANT GOVERNOR,
Edmonton, Wednesday, May 28th, 1941.

The Executive Council has had under consideration the report of the Honourable the Minister of Lands and Mines, dated May 22nd, 1941, stating that REGULATIONS GOVERNING THE GRANTING OF YEARLY LICENSES AND PERMITS TO CUT TIMBER ON PROVINCIAL LANDS in the Province of Alberta were made by Order in Council dated the 25th day of July, 1940, and numbered O.C. 1020/40; and

WHEREAS it is proper and convenient to amend the said regulations;

THEREFORE, upon the recommendation of the Honourable the Minister of Lands and Mines, the Executive Council advises that pursuant to the provisions of The Provincial Lands Act, 1939, being Chapter 10 of the Statutes of Alberta, 1939, that the said regulations be and are hereby amended as follows:—

- (1) By adding at the end of Section 71, thereof, the following:

“Where any overcut has been made by a permittee in excess of 25% of the amount for which the permit issued, the permittee shall be required to pay at least double dues on the total amount of the overcut”.

- (2) By striking out Form “E” of the Schedule to the said Regulations, and substituting therefor a new Form “E”, as follows:

FORM “E”

RATE OF DUES ON LICENSE TIMBER BERTHS

Building logs of poplar	per lineal foot	½c
Building logs and cribbing other than poplar, 9 inches and over at butt end	per lineal foot	2c
Building logs and cribbing other than poplar, under 9 inches at butt end	per lineal foot	1½c
Cordwood of poplar	per cord	15c
Cordwood of other kinds of timber (green)	per cord	75c
Cordwood of fire-killed or dry timber, other than poplar	per cord	25c
Fence posts (round), not exceeding 7 feet long and 6 inches at top end	each	2c
Each additional lineal foot		¼c
Fence posts (split), not exceeding 7 feet long and 6-inch face	each	1c
Each additional lineal foot		⅙c
Lath (No. 1)	per thousand	30c
Lath (Nos. 2 and 3)	per thousand	20c
Lath bolts	per cord	\$1.00

Piling less than 9 inches at butt end	per lineal foot	1½c
Piling of timber other than poplar, 9 inches and over at butt end	per lineal foot	3c
Poles not exceeding 25 feet long and not more than 6 inches at top end	per lineal foot	¾c
Poles not exceeding 30 feet long, over 6 inches at top and not exceeding 8 inches	per lineal foot	1c
Poles over 30 feet long and not more than 35 feet and not exceeding 8 inches at top end	per lineal foot	1½c
Poles over 35 feet long and not exceeding 8 inches at top end	per lineal foot	2c
Poles of all lengths over 8 inches at top end	per lineal foot	2½c
Sawn lumber of poplar	per M. feet B.M.	75c
Sawn lumber of other timber	per M. feet B.M.	\$3.00
Railway Ties (No. 1), 8 feet long	each	10c
Railway Ties (No. 2), 8 feet long	each	8c
Railway Ties (No. 3 and cull), 8 feet long	each	6c
Railway Ties (Nos. 1, 2, 3 and cull), each lineal foot over 8 feet long	per lineal foot	1½c
Railway Ties of poplar, 8 feet long	each	2c
Railway Ties of poplar, each lineal foot over 8 feet long	per lineal foot	¼c
Shingles	per thousand	50c
Shingle bolts	per cord	\$1.00
Slabs and edgings (on sale)	per cord	15c
Slabs and edgings being residue from mills manufacturing lath	per cord	10c

Or such rate of dues agreed to and set out in a sale contract.

All other products of the forest not enumerated, 10 per cent on selling price at point of shipment, except sawdust and shavings, on which no dues shall be charged.

Unless otherwise stated in the notice of sale, when a timber berth is sold at a price per M. feet B.M. on sawn lumber in excess of the rate herein set forth, the dues payable on railway ties shall be commensurate with the price set out in the sale contract, and when a timber berth is sold at a price per railway tie (No. 1) in excess of the rate herein set forth, the dues payable on sawn lumber and on railway ties of other grades shall be commensurate with the price set out in the sale contract".

- (3) By striking out Form "H" of the Schedule to the said Regulations, and substituting therefor a new Form "H" as follows:

FORM "H"

RATES OF DUES ON PERMIT BERTHS AND PERMITS

Boxwood of poplar	per cord	25c
Boxwood of other kinds of timber	per cord	\$1.00
Building logs of poplar	per lineal foot	½c
Building logs and cribbing other than poplar, 9 inches and over at butt end	per lineal foot	2c
Building logs and cribbing other than poplar, under 9 inches at butt end	per lineal foot	1½c

Cordwood of poplar	per cord	15c
Cordwood of other kinds of timber (green)	per cord	75c
Cordwood of fire-killed or dry timber, other than poplar	per cord	25c
Fence rails of poplar, not exceeding 5 inches at butt end	each	1½c
Fence rails of other kinds of timber, not exceeding 5 inches at butt end	each	3c
Fence posts (round), not exceeding 7 feet long and 6 inches at top end	each	2c
Each additional lineal foot		¼c
Fence posts (split), not exceeding 7 feet long and 6-inch face	each	1c
Each additional lineal foot		⅙c
Fence posts of poplar and willow, not exceeding 7 feet long	each	½c
Fence droppers, dry, not exceeding 5 feet in length and 3 inches at butt end of dry timber and willow	each	⅙c
Lath (No. 1)	per thousand	30c
Lath (Nos. 2 and 3)	per thousand	20c
Lath bolts	per cord	\$1.00
Piling of less than 9 inches at butt end	per lineal foot	1½c
Piling of timber other than poplar, 9 inches and over at butt end	per lineal foot	3c
Poles not exceeding 25 feet long and not more than 6 inches at top end	per lineal foot	¾c
Poles not exceeding 30 feet long, over 6 inches at top and not exceeding 8 inches	per lineal foot	1c
Poles over 30 feet long and not more than 35 feet and not exceeding 8 inches at top end	per lineal foot	1½c
Poles over 35 feet long and not exceeding 8 inches at top end	per lineal foot	2c
Poles of all lengths over 8 inches at top end	per lineal foot	2½c
Pulpwood of poplar	per cord	25c
Pulpwood of other timber	per cord	\$1.00
Radio or other poles not exceeding 6 inches at butt end	each	8c
Railway Ties (No. 1), 8 feet long	each	10c
Railway Ties (No. 2), 8 feet long	each	8c
Railway Ties (No. 3 and cull), 8 feet long	each	6c
Railway Ties (Nos. 1, 2, 3 and cull), each lineal foot over 8 feet long	per lineal foot	1½c
Railway Ties of poplar, 8 feet long	each	2c
Railway Ties of poplar, each lineal foot over 8 feet long	per lineal foot	¼c
Roof poles, not exceeding 7 inches at butt end	each	3c
Sawn lumber of poplar	per M. feet B.M.	75c
Sawn lumber of other timber	per M. feet B.M.	\$3.00
Shingles	per thousand	50c
Shingle bolts	per cord	\$1.00
Slabs and edgings (on sale)	per cord	15c
Slabs and edgings being residue from mills manufacturing lath	per cord	10c

All other products of the forest not enumerated, 10 per cent on selling price at point of shipment, except sawdust and shavings, on which no dues shall be charged.

TIMBER FOR THE DEVELOPMENT OF MINES

Nine inches and over in diameter at butt

Dead timberper lineal foot 1/2c
Green timberper lineal foot 1 1/2c

Five inches up to, but not including, 9 inches in diameter at butt

Dead timberper lineal foot 1/5c
Green timberper lineal foot 3/4c

Round lagging not to exceed 5 inches in diameter at butt

Dead timberper M. lineal feet or per cord 50c
Green timberper M. lineal feet or per cord \$1.50

Ties for tramways, 5-inch face and under

Dead timberper lineal foot 1/4c
Green timberper lineal foot 3/4c

Poplar mine timber shall be one-third the rates of dues
above mentioned.

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- (4) By adding at the end of Section 82 thereof, a new Paragraph (b), reading as follows:

“82. (b) Any person who has obtained an Agricultural Lease pursuant to Order in Council dated the 11th of June, 1940, and numbered O.C. 793/40, or a Cultivation Lease pursuant to Order in Council dated the 25th of July, 1940, and numbered 1019/40, may be granted a yearly permit to sell, barter, or otherwise dispose of any timber that may have been cut by him in the preparation of the land for cultivation, subject to dues at two-thirds the rates prescribed in Form “H”, of the schedule to these regulations payable immediately upon the sale of the timber. A permit must be obtained before sale, barter or other disposition is made of the timber. A fee of 25c must accompany the application for the permit”.

This order is to be effective on, from and after the 1st day of June, 1941.

SCHEDULE

Form "K"

Rates of Dues on Licensed Timber Berths

Acquired Pursuant to Regulations Established under the
Dominion Lands Act.

Building logs of poplar	per lineal foot	1/2¢
Building logs and cribbing other than poplar		
9 inches and over at butt end	per lineal foot	2¢
Building logs and cribbing other than poplar		
under 9 inches at butt end	per lineal foot	1 1/2¢
Cordwood of poplar	per cord	15¢
Cordwood of other kinds of timber (green)	per cord	75¢
Cordwood of fire-killed or dry timber other than poplar	per cord	25¢
Fence posts (round), not exceeding 7 feet		
long and 6 inches at top end	each	2¢
Each additional lineal foot		1/4¢
Fence posts (split), not exceeding 7 feet		
long and 6-inch face	each	1¢
Each additional lineal foot		1/6¢
Lath (No. 1)	per thousand	30¢
Lath (Nos. 2 and 3)	per thousand	20¢
Lath bolts	per cord	\$1.00
Piling less than 9 inches at butt end	per lineal foot	1 1/2¢
Piling of timber other than poplar 9 inches and over at butt end	per lineal foot	3¢
Poles not exceeding 25 feet long and not more than 6 inches at top end	per lineal foot	3/4¢
Poles not exceeding 30 feet long, over 6 inches at top and not exceeding 8 inches .	per lineal foot	1¢
Poles over 30 feet long and not more than 35 feet and not exceeding 8 inches at top end .	per lineal foot	1 1/2¢
Poles over 35 feet long and not exceeding 8 inches at top end	per lineal foot	2¢
Poles of all lengths over 8 inches at top end	per lineal foot	2 1/2¢
Railway Ties (No. 1), 8 feet long	each	10¢
Railway Ties (No. 2), 8 feet long	each	8¢
Railway Ties (No. 3 and cull), 8 feet long	each	6¢
Railway Ties (Nos. 1, 2, 3 and cull), each lineal foot over 8 feet long	per lineal foot	1 1/2¢
Railway Ties of Poplar, 8 feet long	each	2¢
Railway Ties of Poplar, each lineal foot over 8 feet long	per lineal foot	1/4¢
Sawn lumber of poplar	per M. feet B.M.	60¢
Sawn lumber of other timber	per M. feet B.M.	\$1.75
Shingles	per thousand	50¢
Shingle bolts	per cord	\$1.00
Slabs and edgings (on sale)	per cord	15¢
Slabs and edgings being residue from mills manufacturing lath	per cord	10¢

All other products of the forest not enumerated, 10 per cent on selling price at point of shipment, except sawdust and shavings, on which no dues shall be charged.