CHAPTER 82

The Crown Timber Act

1. In this Act, (Interpretation.

(a) "Department" means Department of Lands and Forests;
(b) "Minister" means Minister of Lands and Forests;
(c) "public lands" includes lands heretofore designated as Crown lands, school lands and clergy lands. R.S.O. 1937, c. 36, s. 1.

2.—(1) The Minister, or any officer or agent authorized by him to do so, may grant licences to cut timber on the ungranted public lands, and timber on patented lands where the timber on them remains the property of the Crown, at such rates, and subject to such conditions, regulations and restrictions as may from time to time be prescribed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 36, s. 2 (1).

(2) Where timber on the ungranted public lands and timber on patented lands where the timber on them remains the property of the Crown, has been killed or damaged and in the opinion of the Minister any other timber in such area ought to be cut for the purpose of economic forest utilization, the Minister may authorize the salvage of such timber to prevent waste at such rates and subject to such conditions, regulations and restrictions as the Minister may deem proper. 1949, c. 22, s. 1.

(3) No such licence shall be granted for a longer period than 12 months from its date and if, in consequence of incorrectness of survey, or other error or from any other cause, a licence is found to comprise lands included in a licence of an earlier date, the licence last granted shall be void in so far as it interferes with the one previously granted, and the holder or proprietor of the licence so rendered void shall have no claim upon the Crown for indemnity or compensation by reason of such avoidance. R.S.O. 1937, c. 36, s. 2 (3).

3.—(1) Notwithstanding anything in any general or special Act or in any Order in Council or regulation made pursuant thereto or in any licence, lease, agreement, permit or other
document under which the right to cut any kind or class of
timber is claimed or exercised, the Lieutenant-Governor in
Council may make regulations increasing or decreasing the
Crown dues payable in respect of any kind or class of timber
and increasing or decreasing the annual ground rent and fire
protection charge payable in respect of any timber berth or
limit or concession area to take effect at a time to be specified
in such regulations.

**(2)** Where by the terms of any licence, lease, agreement,
permit or other document under which the right to cut any
kind or class of timber is claimed or exercised, a price is fixed
for any kind or class of timber and such price is stated to be
inclusive of Crown dues or a price is fixed without reference to
Crown dues, such price shall be deemed to be increased or
decreased from time to time, as the case may be, by the amount
whereby Crown dues may be increased or decreased under
subsection 1. 1948, c. 21, s. 1.

**(3)** Where under any general or special Act, regulation,
licence, lease, agreement, permit or other document the right
to cut pulpwood is claimed or exercised and provision is made
for the measurement and return of pulpwood cut in bolts
exceeding 8 feet in length, such pulpwood shall be measured
and returned in units of 85 cubic feet of solid wood, and a unit
shall be deemed to be a cord.

**(4)** The Minister may allow bolts in lengths of 8 feet to be
measured and returned either as cords or as units of 85 cubic
feet of solid wood, and a unit shall be deemed to be a cord.

**4.**—(1) The licence shall describe the land upon which
the timber may be cut, and shall confer for the time being
on the licensee the right to take and keep exclusive possession
of the land so described, subject to such conditions, regulations
and restrictions as may be prescribed.

**(2)** The licence shall vest in the holder all rights of property
in all trees, timber and lumber cut within the limits specified
in the licence during the term thereof, whether the same are
cut by authority of the holder of the licence, or by any other
person, with or without his consent.

**(3)** The licence shall entitle the holder to seize such trees,
timber or lumber where the same are found in the possession
of any unauthorized person, and also to maintain an action
against any wrongful possessor or trespasser, and to prose-
cut all trespassers and other offenders to punishment and to recover damages, if any.

(4) All proceedings pending at the expiration of any licence may be continued to final termination as if the licence had not expired. R.S.O. 1937, c. 36, s. 3 (1-4).

(5) The rights conferred on the licensee under this section shall be subject to the rights to which the locatee or purchaser of the land and those claiming under him, are entitled under The Public Lands Act. R.S.O. 1937, c. 36, s. 3 (5); 1949, c. 22, s. 3.

(6) Subject to any rights which may have accrued to the Crown prior to the issue of the licence, every renewed licence shall be deemed to have taken effect from the 1st day of April of the season for which it was granted. R.S.O. 1937, c. 36, s. 3 (6); 1939, c. 13, s. 1.

(7) If the licensee is not in arrear to the Crown on account of dues, ground rent, fire protection charges or other charges, the Minister or any officer or agent authorized by him to do so, may renew the licence or renewed licence of such licensee for a further period of 12 months, and such renewal may be effected by attaching to the licence or renewed licence an endorsement providing for such renewal and such endorsement shall have indicated thereon any change which may have been made in the terms and conditions of the licence. R.S.O. 1937, c. 36, s. 3 (7).

5. Every licensee who removes any timber or causes any timber to be removed from the land described in the licence before it has been scaled by an officer of the Department shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than an amount equal to twice the amount payable to the Crown under this Act in respect of such timber and not more than an amount equal to five times the amount so payable. 1944, c. 14, s. 1.

6.—(1) The Minister may, with the approval of the Lieutenant-Governor in Council, grant rights to cut timber on the ungranted public lands and timber on patented lands where the timber on them remains the property of the Crown, for such periods and for such consideration and subject to such conditions, regulations and restrictions as the Minister may deem proper.

(2) Sections 2, 5, 7, 8 and 9 and all the other provisions of this Act and any regulations made thereunder shall apply.
in the case of all timber cut under rights granted under this section. 1947, c. 24, s. 1.

(3) Where rights to cut timber are granted under subsection 1 the Minister may from time to time,

(a) determine the prices at which species of timber may be cut where the prices for such species are not specifically set out in the cutting authority; and

(b) grant rights to cut additional species not set out in the cutting authority at such prices and upon such terms and conditions as he may deem proper. 1949, c. 22, s. 4.

7. All licences, leases, agreements, permits or other documents heretofore or hereafter granted or made under which the right exists to cut any kind or class of timber on the ungranted public lands or on patented lands where the timber on them remains the property of the Crown, shall be subject to the manufacturing conditions set out in the Schedule. 1948, c. 21, s. 2, part.

8. The Lieutenant-Governor in Council may suspend the operation of one or more of the manufacturing conditions for such period as to him may seem proper, and as to any district or districts which he may define so as to permit the exportation of any kind or class of timber in an unmanufactured or partially manufactured state during such period, and from such district or districts. 1948, c. 21, s. 2, part.

9. The Lieutenant-Governor in Council may make such regulations as may be necessary to enable the Minister to carry into effect the object and intent of the manufacturing conditions. 1948, c. 21, s. 2, part.

10. The Lieutenant-Governor in Council may prescribe penalties that may be imposed for contravention of any of the manufacturing conditions. 1948, c. 21, s. 2, part.

11. The Minister may, so far as the same affects poplar trees and timber and subject to such terms and conditions as to him may seem meet, suspend the operation of the "manufacturing conditions" for such period as to him may seem proper and as to any district or districts which he may define, so as to permit the exportation of poplar pulpwood during such period and from such district or districts. R.S.O. 1937, c. 36, s. 10.
12. The Minister at any time before the completion of
the settlement duties and the filing in the Department of
proof of such completion may grant licences covering or in-
cluding lands sold by the Crown under The Public Lands
Act, and the timber thereon. R.S.O. 1937, c. 36, s. 11.

13. All such licences shall be good, valid and effectual
though issued or renewed after the expiry of three years
from the date of the sale of such lands. R.S.O. 1937, c. 36,
s. 12.

14. The Minister, where he deems it in the public interest
so to do, may confirm, vary or cancel any timber cutting
privileges heretofore granted on timber areas without public
competition as required by the Crown timber regulations.
R.S.O. 1937, c. 36, s. 13.

15. Wherever a timber limit or area is offered for sale
by public competition the Minister may stipulate a time
limit in which the timber is to be cut and removed, subject
to the acquiring by the operator of an annual licence to cut
as required by this Act, and may also, when he deems it in
the public interest, extend the time of cutting beyond the
time prescribed in the terms and conditions of any sale.
R.S.O. 1937, c. 36, s. 14.

16.—(1) Notwithstanding anything in any general or
special Act or in any timber licence, lease, concession, agree-
ment or other document under which the right to cut timber is
claimed or exercised, the Minister shall have authority to fix
the size and kind of trees and timber which may be cut on the
unpatented public lands of Ontario and on patented lands
where the trees and timber thereon remain the property of
the Crown, and such authority may be exercised in such parts
of Ontario and for such times and on such conditions as the
Minister may direct, and any directions so given may in like
manner be varied from time to time.

(2) Saving and excepting existing rights provided by sec-
tion 103 of The Mining Act and without extending the scope
of subsection 1 hereof, the Minister may exercise the author-
ity and give the directions provided for in subsection 1 with
respect to the timber included in any licence, lease, concession,
agreement or other document heretofore granted, made or
entered into or which may hereafter be granted, made or
entered into by the Crown.

(3) Every corporation, firm or individual who directly,
or by any servant, agent or employee cuts or assists in cutting
without authority to do so, shall be guilty of an offence and
could be punished for a period not exceeding six months in
prison or a fine not exceeding $250.00.
any trees or timber contrary to any directions given under the authority of this section shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than $100 for each offence and in default of payment of such penalty may be imprisoned for a term of not more than three months. R.S.O. 1937, c. 36, s. 15.

Road allowances.

17.—(1) Every Government road allowance included in a timber licence, granted under section 2, shall be deemed to be ungranted public lands, within the meaning of that section.

Rights of licence.

(2) The licensee shall have all the rights in respect of every such road allowance, and the trees, timber and lumber thereon, or cut thereon, as were, or by section 2, might be conferred upon him in respect of any other public lands embraced in such licence, and the trees, timber and lumber thereon, or cut thereon, except that he shall not be entitled to take or keep exclusive possession of such road allowance:

By-laws not to prevail against licence.

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

Wasteful forest practices forbidden.

18.—(1) No person shall commit wasteful practices in forest operations.

Regulations.

(2) The Lieutenant-Governor in Council may make regulations,

(a) defining wasteful practices in forest operations;

(b) prescribing the penalties that may be imposed for contravention of any regulation made under this section.

Recovery of penalties.

(3) The penalties provided for by this section shall be recoverable at the suit of and in the name of the Minister in any court of competent jurisdiction. 1948, c. 21, s. 3.

Persons cutting saw-logs to keep record and deliver same to officer of Department.

19. Every person who cuts saw-logs on public lands shall cause to be kept in each shanty, camp or lumbering establishment such records and books as may be prescribed by the Minister, which shall be open at all times to the inspection of any Crown timber agent, Crown timber ranger, or other officer of the Department, and shall at the end of the season be verified by the oath of the person who made the
entries therein and be delivered to an officer of the Department authorized to receive the same. R.S.O. 1937, c. 21, s. 18.

20.—(1) Every person who obtains a licence shall, at the expiration thereof, make to the officer or agent who grants the same, or to the Minister, a return of the number and kind of trees cut, and of the quantity and description of saw-logs, or of the number and description of sticks of square timber manufactured and carried away under the licence; and the return shall be verified by the oath of the holder of the licence, or his agent, or by his foreman. R.S.O. 1937, c. 21, s. 19 (1).

(2) Every person who refuses or neglects to furnish such return shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than $100 and not more than $500. R.S.O. 1937, c. 36, s. 19 (2); 1944, c. 14, s. 2.

21.—(1) All timber cut under a licence shall be liable for the payment of the Crown dues thereon with interest and expenses so long as and wherever the timber or any part of it may be found in Ontario, whether in the original logs or manufactured into deals, boards or other stuff.

(2) When any licence holder is in default for, or has evaded the payment of dues to the Crown on any part of his timber or saw-logs, such dues, interest and expenses may be levied on any other timber or saw-logs or their manufactured product, belonging to the defaulter, and cut under licence, together with the dues thereon, and interest and the expenses incurred.

(3) All officers or agents entrusted with the collection of such dues may follow all such timber, saw-logs or their manufactured product and may seize and detain the same wherever found until the dues, interest and expenses are paid or secured. R.S.O. 1937, c. 36, s. 20.

22. Bonds or promissory notes taken for the Crown dues either before or after the cutting of the timber, as collateral security, or to facilitate collection, shall not affect the lien of the Crown on the timber, but the lien shall subsist until the dues are actually paid. R.S.O. 1937, c. 36, s. 23.

23.—(1) A person who without authority cuts or employs or induces any other person to cut, or assist in cutting timber of any kind on public lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away, timber of any kind, so cut,
(a) shall not acquire any right to the timber so cut, or any claim to any remuneration for cutting, preparing it for market or conveying it to or towards market; and

(b) shall, in addition to the loss of his labour and disbursements, pay to the Department $15 for each tree cut, removed or carried away.

Recovery of payments.  (2) The Minister may,

(a) reduce any amount payable under subsection 1; and

(b) upon payment of the amount payable under this section transfer the timber to such person. 1945, c. 5, s. 2.

Recovery of sum.  (3) Such sum shall be recoverable at the suit and in the name of the Minister, and the burden of proving his authority to cut shall be upon the person sued. R.S.O. 1937, c. 36, s. 24 (3).

Timber cut without authority mixed with other timber. 24. Where timber cut without authority has been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed at the mills or elsewhere as to render it impossible or very difficult to distinguish the timber so cut without authority from other timber with which it is mixed, the whole of the timber so mixed shall be deemed to have been cut without authority on public lands, and until satisfactorily separated by the owner shall be liable to seizure and forfeiture accordingly. 1949, c. 22, s. 6.

Seizing officer may command assistance. 25. Any officer or person who in the discharge of his duty under this Act seizes timber may in the name of the Crown call in any assistance necessary for securing and protecting it. R.S.O. 1937, c. 36, s. 26.

Timber may be seized. 26. The Minister may order timber which is cut on the ungranted public lands or on patented lands where the timber on them remains the property of the Crown to be seized by an employee of the Department where,

(a) a person is cutting under authority and owes any dues to the Crown in respect of such timber or land; or

(b) a person is cutting without authority. 1949, c. 22, s. 7, part.
27. Where timber or its manufactured product is seized and no claim is made within 30 days from the date of seizure, the timber or its manufactured product shall be forfeited to and shall become the property of the Crown and may be disposed of in such manner as the Minister may direct and the proceeds from such disposal shall be dealt with in such manner as the Minister may determine. 1949, c. 22, s. 7, part.

28. Where timber is seized for non-payment of Crown dues, or for any other cause of forfeiture, or where any prosecution is brought for any penalty or forfeiture under this Act, and a question arises whether the dues have been paid, or whether the timber was cut on public lands, the burden of proving payment, or that the timber was not cut on public lands, as the case may be, shall lie on the owner or claimant of the timber. R.S.O. 1937, c. 36, s. 27.

29.—(1) The alleged owner or claimant of the timber seized may, upon at least four days notice to the Minister, apply to a judge of the county or district court of the county or district in which the timber is, for an order for the delivery of the timber to him, and the judge on receiving security by bond of the alleged owner or claimant, with two good and sufficient sureties, to be approved by the Minister, or by the officer or agent, in such sum as shall also be so approved to pay double the value of the timber in case the cause of forfeiture is established, may direct the delivery of the timber to the alleged owner or claimant.

(2) The bond shall be taken in the name of the Minister and shall be delivered to and be kept by him.

(3) The judge, upon the application of either party, may try whether the seizure was or was not justifiable, and shall either declare the timber to be forfeited or order it to be released. R.S.O. 1937, c. 36, s. 28 (3-5).

(4) If the timber is declared to be forfeited to the Crown under subsection 3 it shall again be delivered up to the Minister or to an officer or agent of the Department and may be disposed of in such manner as the Minister may direct and the proceeds from the disposal shall be dealt with in such manner as the Minister may determine.

(5) Where timber is seized for non-payment of dues owing to the Crown the timber may be surrendered to the alleged owner or claimant upon payment to the Minister of all unpaid dues.
dues with interest thereon and costs and expenses incurred by
the Minister. 1949, c. 22, s. 8 (2).

30. Every person who avails himself of any false state-
ment or oath to evade the payment of Crown dues, shall forfeit
the timber on which dues are attempted to be evaded. R.S.O.
1937, c. 36, s. 29.

31.—(1) Any agreement heretofore or hereafter entered
into by His Majesty or by the Minister with any person for
the supply of wood or timber to be used in the manufacture
of pulp or similar material to be taken from public lands
shall not prevent His Majesty or the Minister from selling,
leasing, granting or otherwise disposing of any of the wood
or timber of the Crown not specifically sold or allotted to
such person, or from issuing or granting licences or permits
to other persons to cut and take any wood or timber not so
specifically sold or allotted, or from selling, leasing, granting
or otherwise disposing of any public lands whether such
lands are or are not included in such allotments or agree-
ments or in licences issued in pursuance of them; and other
agreements may be made with any other persons to cut and
take wood or timber from the public lands for making pulp
or for similar or other purposes, without rendering His Majesty
or the Minister liable in damages in case of the exhaustion
of the supply of such wood or timber, or of the inability of
any person with whom a prior agreement was made to obtain a
sufficient supply thereof during the whole period for which
the agreement is to run or during which the supply of wood or
timber is contemplated by any such agreement, unless in
respect of any quantity so specifically sold or actually allotted,
or the wood and timber upon specified lands actually allotted,
agreed to be allotted to or for such person and no claim
or demand against His Majesty or the Minister shall be made
or maintained through or by reason of such sale or other dis-
position.

(2) No such agreement shall extend beyond the period of
21 years from its date. R.S.O. 1937, c. 36, s. 30.

32.—(1) Whenever it is made to appear to the Minister
that the operations of any holder of a timber licence, pulp
concession, permit or other authority to cut timber are or are
likely to be so conducted as to endanger any standing timber
or cause the destruction thereof by fire, he shall have power by
a writing under his hand to suspend the operation of the
licence, pulp concession, permit or other authority at any time
between the 25th day of April and the 1st day of August for
such period as he shall deem expedient, and during such period
all cutting of timber by the licensee or other holder, his servants or agents, shall cease unless express leave therefor is granted by the Minister.

(2) Any violation of this provision shall render the licensee Penalty.

or other holder liable to a penalty of not less than $10 and not more than $100.

(3) The Minister may in his discretion in the case of such violation, declare the licence, pulp concession, permit or other authority to cut timber to be forfeited, and all rights of any holder thereof shall thereupon immediately determine, but such forfeiture shall in no way affect the liability of any holder for any payments due the Crown in respect of timber cut or otherwise in connection therewith, and the right of the Crown to proceed under this Act to collect the same shall remain as if no forfeiture had taken place.

(4) The Lieutenant-Governor in Council may make such regulations as he may deem necessary or proper to regulate the cutting of timber on Crown lands between the 25th day of April and the 1st day of August, and may prescribe penalties for the contravention of any such regulations. R.S.O. 1937, c. 36, s. 31.

33. All Crown dues, interest, costs, expenses and penalties imposed under this Act and all other charges and claims of the Crown upon or in connection with trees or timber standing on, or which have been cut on the public lands of Ontario, or upon or in connection with trees or timber standing on, or which have been cut on patented lands where by the terms or conditions of the sale of such lands the timber on such patented lands remained the property of the Crown, shall, in preference and priority to any and all other fees, charges, liens or claims whatsoever, be a lien and charge upon the trees and timber so standing or which have been so cut, and upon all manufactured products of the trees so cut, and also upon the property whether real or personal, movable or immovable, of the person liable to pay such Crown dues, interest, costs, expenses or penalties. R.S.O. 1937, c. 36, s. 32.

34. Where personal property subject to a lien and charge under section 33, is under seizure or attachment or has been seized by the sheriff, or by a bailiff of any court, or is claimed by or in possession of any assignee for the benefit of creditors, or liquidator, or trustee, or authorized trustees in bankruptcy, or where such property has been converted into cash and is undistributed, the Minister may give to the sheriff, bailiff,
assignee, or liquidator, or trustee, or authorized trustee in bankruptcy, notice of the amount due or owing under such lien and charge, and in such case the sheriff, bailiff, assignee or liquidator, or trustee, or authorized trustee in bankruptcy shall pay the amount of the same to the Treasurer of Ontario in preference to and in priority over any and all other fees, charges, liens or claims whatsoever. R.S.O. 1937, c. 36, s. 33.

35. The penalties imposed by or under the authority of this Act or of the regulations, except the regulations made under section 18, shall be recoverable under The Summary Convictions Act. R.S.O. 1937, c. 36, s. 34; 1948, c. 21, s. 4.

36. This Act shall be subject to the provisions of The Provincial Forests Act. R.S.O. 1937, c. 36, s. 35.

SCHEDULE
(Section 7)

MANUFACTURING CONDITIONS

1. All timber that may be cut under the authority of The Crown Timber Act shall, except as hereinafter provided, be manufactured in Canada.

2. Felling and cutting trees into lengths shall not be deemed to be manufacturing within the meaning of these conditions.

3. Timber that is used in Canada in an unmanufactured state for fuel, building or other purposes shall not be subject to these conditions.

1948, c. 21, s. 5.