

CHAPTER 53
CROWN LANDS ACT
GENERAL PROVISIONS

1. In this Act, unless the context otherwise requires, Interpretation.
- (a) "approval" of a settlement lot means the publication of notice in *The Royal Gazette* of the approval of an application for a lot;
 - (b) "Crown Lands" means such Crown or public lands or Crown domain as are within, and belong to Her Majesty in the right of the Province, and whether or not any water flow over or cover the same;
 - (c) "lumber" or "timber" means and includes trees, logs, bark, timber, pulpwood, and wood of every and any description;
 - (d) "Minister" means the Minister of Natural Resources;
 - (e) "settler" means a person whose application for a settlement lot has been approved but to whom the grant of the lot has not been issued;
 - (f) "timber license" includes pulp and paper license, Forest Management License and any other license respecting the utilization of timber issued under this Act;
 - (g) "anniversary date" in relation to a timber license means the first day of April in each year regardless of the day and month when that license is issued; and
 - (h) "timber berth" includes timber license or a division of a timber license described as to general location and area in acres. R.S. c. 53, s. 1; 1963 (2nd), c. 18, s. 1; 1968, c. 24, s. 1.

Minister to have charge. 2. The Minister shall have charge of the carrying out of this Act. R.S. c. 53, s. 2.

SURVEYS AND CLASSIFICATION

Surveys of Crown Lands. 3. The Lieutenant-Governor in Council may cause the Crown Lands, or any part thereof, to be surveyed or examined, and a full report thereof shall be placed and kept on file in the office of the Minister. R.S. c. 53, s. 3.

4. Repealed. 1968, c. 24, s. 2.

Setting apart of Crown Lands as forest reserves. 5. (1) The Lieutenant-Governor in Council may set apart certain areas of vacant Crown Lands to be held as forest reserves, and no application for a timber license shall be accepted for any part of any area so set apart unless such tract or lot of land is opened for timber license applications under the provisions of subsection (2).

Opening up forest reserves for licenses. (2) Upon the report of the Minister that any lands included in forest reserves are suitable for timber license, and recommending that they be opened for timber license applications, the Lieutenant-Governor in Council may declare that the same shall be open for timber license applications on and after a date to be named in the Order in Council, after which date they shall be dealt with as vacant Crown Lands. R.S. c. 53, s. 5.

5A. The Lieutenant-Governor in Council upon application by the Minister of Education may set apart certain areas of Crown Lands not exceeding ten acres to be used for school purposes. 1966, c. 47, s. 3.

TIMBER LICENSES

Forest Management Licenses. 6. (1) Notwithstanding section 66, the Lieutenant-Governor in Council may authorize the Minister to issue licenses to be known as Forest Management Licenses

(a) to the holders of pulp and paper licenses;

(b) to the purchasers of licenses at public auction;

- (c) to purchasers by tender;
- (d) to persons who undertake by agreement to construct and operate mills for the manufacture of forest products; or
- (e) to persons who undertake by agreement to increase the manufacturing capacity of existing forest products manufacturing mills;

having regard to the public interest and all possible employment in dependant communities and to the maximum utilization of the forest resources in such area.

(2) Forest Management Licenses shall be available to the holders of other timber licenses, if they desire to surrender and cancel their existing license.

(3) Notwithstanding section 66, the Lieutenant-Governor in Council may authorize the Minister, within fifteen years prior to the expiry date of a pulp and paper license, to issue a Forest Management License for the area covered by a pulp and paper license and that Forest Management License is

- (a) to be for a period not exceeding fifty years from the date of the Order-in-Council authorizing its issue;
- (b) not to be effective until the licensee pays the initial fee therefor and such other fees as are applicable to Forest Management Licenses; and
- (c) is not to be effective until the pulp and paper license has been terminated.

(4) A Forest Management License may be for all species and products or for certain specified species and products and shall describe the lands on which such species and products may be cut.

(5) Forest Management Licenses may be

- (a) for one year with the right of renewal by

annual renewals which shall be not less than one year nor more than fifty years; or

(b) for a term of not more than fifty years;

as determined by the Lieutenant-Governor in Council on the advice of the Minister, having regard to the licensee's forest management plan, his investment in improvements on the area under license, or in mills dependent on the area under license for a supply of logs or other primary forest products, and to his agreements filed with the Minister to supply primary forest products to a mill established or to be established within the Province, provided also that the Minister may at his discretion on each anniversary date of a license extend the right of renewal or the term of that license by one year.

(6) Notwithstanding section 66, the Lieutenant-Governor in Council may authorize the Minister to increase the area of any existing timber license when it is proved by the licensee to the satisfaction of the Minister that the area contained in such timber license is not sufficient to provide raw material necessary for the manufacturing plant operated by the licensee and taking into consideration the supplies of primary forest products otherwise available to the licensee.

(7) A licensee of one or more timber licenses which contain in total more than one hundred square miles shall submit a forest management plan to the Minister within such time as may be determined by the Minister and if the licensee fails to file such plan, the Minister may cause a survey of the area to be made and a forest management plan to be prepared at the expense of the licensee.

(8) The forest management plan referred to in subsection (7) shall be prepared in accordance with instructions and requirements prescribed by the Minister.

(9) Where the licensee refuses or fails to give a satisfactory undertaking that he will comply with a forest management plan, or having given such an undertaking does not carry out that plan, the Lieutenant-Governor in Council may cancel the timber license of that licensee.

(10) All forestry work done on Crown Lands in compliance with this section which requires plans or reports to be submitted to the Minister shall be done by or under the direction of a Registered Professional Forester and shall be submitted by him. R.S. c. 53, s. 6; 1962, c. 7, s. 1; 1963 (2nd), c. 18, s. 2; 1968, c. 24, s. 3.

7. (1) Timber Licenses shall be subject to initial and annual renewal charges to be determined by the Minister in accordance with regulations approved by the Lieutenant-Governor in Council having regard to the area of productive forest under license, the estimated volume of standing timber and the estimated allowable annual cut as set out in the licensee's forest management plan and approved by the Minister.

Powers of
Lieutenant-
Governor in
Council.

(2) Timber Licenses shall be subject to such fees and charges for forest protection as may be determined by the Lieutenant-Governor in Council having regard to the cost of services rendered by the Province in the interests of protecting the forests on the area under license.

(3) Timber Licenses shall be subject to stumpage or royalty charges to be determined from year to year by the Lieutenant-Governor in Council having regard to the market value of primary forest products, or by tender or public auction.

(4) The Lieutenant-Governor in Council shall make rules and regulations governing the cutting and removing of forest products from Crown Lands and the rules and regulations shall form a part of each Timber License and be binding on each licensee. R.S. c. 53, s. 7; 1962, c. 7, s. 1; 1968, c. 24, s. 4.

8. (1) Notwithstanding section 66, the Minister may sell by tender the right to cut certain classes and quantities of timber from vacant Crown Lands whether or not included in a Forest Reserve and whether or not a Forest Management License is subsequently granted for the area specified in the tender.

Powers of
Minister.

(2) The Minister may by tender fix the stumpage to be paid for forest products cut under authority of short term

Forest Management Licenses.

(3) The Minister may grant a permit to cut such quantities of any class of forest products from vacant Crown Lands whether or not included in a Forest Reserve, as he deems reasonable having regard to

- (a) the requirements of forest industries in the area;
- (b) all possible employment in dependent communities; and
- (c) the maximum utilization of a Forest Reserve in such areas.

(4) The Minister may authorize certain members of his staff of the Department of Natural Resources to grant permits to cut small quantities of firewood or other forest products from vacant Crown Lands whether or not included in a Forest Reserve and to fix the limit of such quantities.

(5) Permits granted under subsections (3) and (4) do not convey exclusive rights for any area and expire on a date to be fixed by the Minister and in no case extend beyond the last day of March following the date granted.

(6) Permits granted under subsections (3) and (4) are subject to such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. R.S. c. 53, s. 8; 1962, c. 7, s. 1; 1968, c. 24, s. 5.

Removal of
Crown Lands
from license.

9. (1) When an area of Crown Lands under Forest Management License or timber license is required for a purpose other than the growing of trees, the Minister with the approval of the Lieutenant-Governor in Council, may, subject to subsection (2), withdraw the area so required from the license.

(2) If the licensee cuts and removes the forest products from the area in accordance with the instructions of the Minister within a time limit set by the Minister after the licensee has been notified of the intention to withdraw the area from license, he shall be allowed no compensation for

such withdrawal, but if the licensee does not cut or remove the forest products from the area, the Minister may allow him compensation not exceeding one-half crown royalty for such quantities as he deems to be reasonable having regard to the species normally cut by the licensee and the allowable cut for the area.

(3) Notwithstanding subsection (1), the Minister may withdraw areas from timber licenses where such areas are required for use as rights-of-way in construction of highways or transmission lines. R.S. c. 53, s. 9; 1962, c. 7, s. 1; 1968, c. 24, s.s. 6,7.

10. (1) The holder of a Timber License may file with the Minister in writing a protest concerning the assessment of fees or dues under his license. Arbitration Board.

(2) The Minister, upon receiving a protest under subsection (1) shall refer the matter to a Board of Arbitration composed of three persons, one of whom shall be named by the Minister, one by the licensee and the third by the two persons previously named.

(3) The Board of Arbitration shall report its findings to the Minister whose decision shall be final and the Minister shall publish the report of the Board and the reasons for the decision in the next following Annual Report of the Department. R.S. c. 53, s. 10; 1962, c. 7, s. 1; 1968, c. 24, s. 8.

11. (1) No person shall hold a Timber License renewable for more than one year for an area larger than that which, in the opinion of the Minister, is sufficient to supply his reasonable requirements for primary forest products on a sustained yield basis. Term of license.

(2) In determining any matter under subsection (1), the Minister shall take into account the supplies of primary forest products otherwise available to the licensee.

(3) The Minister with approval of the Lieutenant-Governor in Council may remove from a timber license such areas as in the opinion of the Minister are not required to supply the licensee's reasonable requirements as

set forth in subsection (1) and having regard to all possible employment in dependent communities and to the maximum utilization of the forest resources in such areas.

Compensation. (4) No compensation shall be payable to a licensee for timber in the areas so removed.

(5) The Minister may determine an amount of compensation for improvements constructed in such area to be paid by the Crown to the licensee from whom such area is taken, and may determine the amount to be paid by a subsequent licensee for such improvements. R.S. c. 53, s. 11; 1962, c. 7, s. 1; 1968, c. 24, s.s. 9,10.

ANNUAL STATEMENT BY LICENSEES

Statement
of timber
operations.

12. Each licensee of Crown Lands in the Province shall not later than the first day of April furnish the Minister with a sworn statement of all operations made by the licensee under the licence stating the quantity, number of pieces, superficial contents and kind of logs, lumber or other timber cut or made upon the area held under licence during the twelve months previous to the said first day of April; and also on request the quantity cut or made upon his granted land during the same twelve months. R.S. c. 53, s. 12; 1966, c. 47, s. 1.

Penalty.

13. If a licensee fails to comply with the provisions of section 12, or if any statement furnished as to lumber cut on licensed lands be found wilfully inaccurate, the licensee thereby forfeits all right to his license and the Minister may declare the license annulled, and the births and limits vacant. R.S. c. 53, s. 13.

OTHER PROVISIONS RESPECTING LICENSES

License to be
under seal of
the Department.

14. Every license to cut timber upon Crown Lands may be executed by the Minister or Deputy Minister and under the seal of the Department of Natural Resources. R.S. c. 53, s. 14; 1968, c. 24, s. 11.

Registration.

15. It is not necessary that a record of any such license be kept in the office of the Provincial Secretary, or that the same be registered in that office. R.S. c. 53, s. 15.

16. The lumber cut within the limits of a timber license or any other license issued under this Act or any lease or area defined in a cutting permit and by virtue of such authority, is and remains the property of the Crown until the royalty or stumpage thereon is paid and the Crown shall have the first lien and charge upon all property of the licensee, lessee or permittee so as to secure the payment of the royalty or stumpage, provided always that the lien and charge shall not apply to a licensee holding a license as a trustee in which case that lien or charge shall operate against the person creating the trust, and when a promissory note is taken for the payment of the royalty or stumpage, the property in the lumber for the royalty or stumpage of which such note is given, remains and is the property of the Crown until the note is paid. R.S. c. 53, s. 16; 1968, c. 24, s. 12.

Property in
Crown until
stumpage paid.

17. (1) In case of the non-payment of a sum of money due by any person for stumpage on lumber cut on lands leased from the Crown, or for royalty or stumpage due on lumber cut on Crown Lands under any license from the Crown, and whether such sum of money shall have been secured by any promissory note or has not been so secured, it shall be lawful for the Crown, by or through any of its seizing officers appointed under the authority of this or any other Act, or any other officer authorized in that behalf, to seize and sell at public auction, for cash, after giving fourteen days' notice of the time and place of sale to the operator, if practicable, or if not then to the party in whose possession the lumber may be, and after public notice posted up for a like period in at least three public places in any parish in which the lumber or any part thereof may be then situated, all or any part of the said lumber or anything into which the same may have been manufactured; and after deducting the amount due for royalty or stumpage and all expenses of sale, the balance, if any, shall be paid over to the licensee or his assigns.

Sale by Crown
of lumber where
stumpage unpaid.

(2) Where the timber to be seized or to be sold is mixed up with other timber from vacant Crown Lands or private lands the whole of the timber may be seized and sold unless separated to the satisfaction of the Minister.

(3) All permanent employees of The Forest Service are seizing officers for the purposes of this Act. R.S. c. 53, s. 17; 1968, c. 24, s. 13.

Seizing officers.

Action for
the lumber.

18. The Crown, either before or after the stumpage becomes due and before sale as mentioned in section 17, or the purchaser at said sale, may bring and maintain an action of replevin, trespass or trover, for the said lumber. R.S. c. 53, s. 18.

Assignment of
timber license.

19. (1) A timber license shall be transferable only on the records maintained by the Minister upon presentation of an instrument in writing executed by the transferor or on submission of such evidence as shall establish the facts mentioned in clause (a) or (b) of subsection (6) to the satisfaction of the Minister and upon presentation of the timber license for endorsement of the name of the new holder thereon.

(2) Subject to subsection (6), no transfer of a timber license is effective until

(a) the Minister with the approval of the Lieutenant-Governor in Council, consents in writing to such transfer; and

(b) payment of a fee in the amount of forty dollars per square mile, or such greater amount as may be established by the Lieutenant-Governor in Council has been made to the Minister.

(3) The Minister may consent to the transfer of a timber license on being satisfied that the transfer is in the public interest having regard to employment in dependent communities and maximum utilization of the forest resources of the area subject to the timber license.

(4) The Minister may require the proposed transferee of the timber license to submit a forest management plan satisfactory to the Minister for the lands subject to the timber license either separately or in conjunction with other lands.

(5) The consent of the Minister may be given subject to, or upon compliance with, such terms and conditions as the Minister may prescribe.

(6) In the discretion of the Minister subsections (2), (3), (4) and (5) do not apply when the Minister is satisfied that the proposed transfer

(a) is by way of security for borrowed money or other indebtedness;

(b) is in implementation of a gift by will or of a transmission consequent on death or otherwise arises by operation of law or is to a trustee in bankruptcy, a liquidator acting upon the winding up of the licensee, the committee of a mentally infirm person or to some other trustee, fiduciary or court officer in circumstances where no money or valuable consideration is being paid or given for such transfer;

but in such cases a fee in the amount of five dollars per timber berth shall be paid to the Minister as a condition of the registration of the timber license in the name of the transferee.

(7) Where a timber license has been assigned or transferred by way of security only, if the security is forfeited at any time under the provisions of the security instrument or by operation of law the Minister may require the holder of the timber license to comply within a reasonable time with subsection (4) as if the assignment or transfer had been otherwise than by way of security only.

(8) This section applies to all timber licenses issued before or after the coming into force of this section and shall be deemed to have applied to all transfers of timber licenses made before the coming into force of this section. R.S. c. 53, s. 19; 1960, c. 23, s. 1; 1968, c. 24, s. 15; 1971, c. 25, s. 1.

19A. (1) The Minister with the approval of the Lieutenant-Governor in Council may exchange

(a) Crown lands subject to a timber license for Crown lands subject to any other timber license;

or

(b) Crown lands not subject to a timber license for Crown lands subject to a timber license.

(2) The Minister shall not recommend an exchange of Crown lands under this section unless he is satisfied that the exchange is beneficial to the management of Crown lands.

(3) No fee is payable on an exchange of Crown lands under this section. 1971, c. 25, s. 2.

HAULING ROADS

- Petition by licensee for hauling road; memorandum by Minister.
20. (1) Where a licensee of Crown Lands files in the office of the Minister a petition setting out the *termini* and location of a proposed hauling road over the lands of another licensee, or over granted lands, with duplicate plans of the proposed road, the Minister may issue a permission with a duplicate of said plan attached, granting to the petitioner the privilege of the hauling road for a period to be stated in such memorandum.
- Fee.
- (2) The fee for writing and issuing such permission and duplicate plan shall be in the discretion of the Minister.
- When road may be used.
- (3) Upon the issue of the permission the petitioner may use the hauling road for the period mentioned in such memorandum. R.S.c. 53, s. 20.
- Notice to owner of granted lands.
21. No such permission shall be issued with respect to granted lands until such notice as the Minister may deem proper has been given to the owner or occupant of the granted lands. R.S.c. 53, s. 21.
- Assessment of damages.
22. The damage, if any, sustained by the owner of granted lands, by reason of the use of a hauling road by a licensee, shall be determined at such time and in such manner as the Minister may prescribe, and the amount thereof be forthwith paid by the licensee to the owner. R.S.c. 53, s. 22.

TRESPASSERS ON CROWN LANDS

- Penalty for removing property from Crown lands without license.
23. No person shall cut down or damage any lumber on Crown Lands, or open any mine, or dig or raise any minerals belonging to the Crown, or take, use, remove or carry away from Crown Lands any property thereon belonging to the Crown, without license from the Minister, or other legal authority, under a penalty of not less than ten dollars nor more than one hundred dollars for each act in violation hereof. R.S.c. 53, s. 23.
- Power to seize property.
24. (1) All lumber which has been, without license aforesaid, cut upon or removed from Crown lands, or anything made therefrom, and all minerals which may be raised or removed from any mine or lands belonging to the Crown, or which has been taken, removed, used or carried from any Crown Lands without such license as aforesaid, may be seized and taken possession of by any seizing officer duly appointed.
- (2) Where the timber to be seized is mixed with other timber from licensed Crown Lands or from private lands the whole of the timber may be seized and taken possession of unless separated to the satisfaction of the Minister. R.S.c. 53, s. 24; 1968, c. 24, s. 15.

25. The seizing officer shall, within ten days after the seizure give notice thereof to the trespasser if practicable or, if not, then to the party, if any, in actual or apparent possession at the time of seizure. R.S. c; 53, s. 25.

Notice of seizure.

26. (1) Any property so seized shall, unless claim therefor is made as hereinafter provided, be sold by the seizing officer at public auction to the highest bidder therefor, provided however that, when the value of the property so seized is less than \$200.00 or when in his opinion the circumstances warrant, the Minister may direct the immediate sale and removal of the property in such manner as he sees fit, subject to the right of a claimant to compensation by the Crown for loss if his claim is subsequently established as hereinafter provided.

Public sale by seizing officer unless property claimed.

(2) When sold by public auction fourteen days' notice of the time and place of the sale shall be given by advertisement in some newspaper published in the county where the property so seized may have been situate at the time of the seizure, or if there is no newspaper so published, then by publication in *The Royal Gazette* for two successive issues, and by notices posted up in at least three public places in the said county at least fourteen days before the time of sale; the sale shall be for cash, payable at the time of sale, and the seizing officer shall transmit forthwith the net proceeds of the sale to the Minister after deducting all costs, charges, and expenses attending the seizure and sale.

(3) Where the timber to be sold is mixed up with other timber from licensed Crown Lands or from private lands the whole of the timber may be sold unless separated to the satisfaction of the Minister. R.S. c. 53, s. 26; 1968, c. 24, s. 16.

27. The claim referred to in section 26 shall be made by the claimant in writing, on oath, setting forth fully and specifically the nature of the ownership which the claimant has in the property so seized, or any part thereof, and if of a part, specifying which part by giving the marks or number of pieces, or such other description as shall render the same easily distinguishable, and that he believes the property has been unjustly taken, seized and detained from him; and such

Claim of ownership to property seized.

claim shall be served by delivering a copy thereof to the seizing officer, or by filing a copy thereof in the office of the Minister within fourteen days after the seizure; and if the property so seized, or such part thereof as aforesaid, is not released within ten days after service as aforesaid, either the claimant or the seizing officer may make application, supported by affidavit, to the judge of the County Court of the county in which the seizure was made, for a summons requiring the other party to appear before such judge, at a time and place therein named, to show cause, by affidavit or otherwise, why the property so seized should not be released, or condemned, as the case may be. R.S. c. 53, s. 27.

Service of
summons and
affidavits.

28. The summons shall be served at least one week before the return thereof on the party against whom issued, by delivering to him a copy thereof, together with a copy of the affidavits upon which it is granted, and it shall, from the time of the service thereof, operate as a stay of the sale of the said property if advertised as aforesaid. R.S. c. 53, s. 28.

Hearing.

29. Upon the return of the summons the judge shall hear the parties and any evidence by affidavit, or otherwise, and the witnesses they may produce, and determine the matter according to the very right thereof, and award costs to either party as he may think just, which costs shall be taxed by the clerk of the said Court. R.S. c. 53, s. 29.

Subpoenas.

30. Subpoenas for the attendance of witnesses before the judge at the return of the said summons may be issued out of the said County Court in like manner as subpoenas of the attendance of witnesses at the trial of causes in the court, and shall have the like force and effect. R.S. c. 53, s. 30.

Where trial
by jury pro-
ceedings to be
as in action
of trespass.

31. If the judge on the hearing is satisfied that there is good cause why the right of the claimant, or seizing officer as the case may be, should be tried by a jury, he may make an order authorizing the issuing of a writ of summons out of the County Court as aforesaid against such seizing officer, or claimant as the case may be, in like manner and in the same form as an action of trespass or trover, and thereupon the like proceedings shall be had as in actions of trespass or trover in the said Court, except as hereinafter provided, notwithstanding the value of the property seized shall exceed

two hundred dollars. R.S. c. 53, s. 31.

32. The claimant shall, before defence, give a bond to the Crown, with two sureties, to the satisfaction of the clerk of the said Court, in the penal sum of one hundred dollars, conditioned for the payment of costs to the seizing officer. R.S. c. 53, s. 32.

Security for costs by claimant.

33. Where after the issue of the writ of summons mentioned in section 28, the claimant files with the clerk of the Court a bond to the Crown, with two sureties to the satisfaction of such clerk, conditioned that the said claimant shall prosecute his suit with effect, and that he will pay to the Crown such sum as the jury on the trial of the said cause may find to be the value of the property so seized, or any part thereof, with costs of the suit, the judge may make an order requiring the seizing officer to deliver the property to the claimant. R.S. c. 53, s. 33.

Release of property on bond by claimant.

34. If the judge on the hearing, or the jury on the trial, of the said cause finds the title to the property, or any part thereof, to be in the claimant, the judge shall, if the property seized is not already delivered over to the claimant as provided in section 33, make an order requiring the seizing officer to deliver to the claimant the property so found to be in him. R.S. c. 53, s. 34.

Delivery of property to claimant.

35. If the said property shall have been delivered to the claimant in obedience to an order made, as provided in section 33, and the jury on the trial of the cause shall find that the property so seized as aforesaid, or any part thereof, is not in the claimant, they shall assess the value thereof, and render their verdict for the amount so assessed, and thereupon judgment shall be entered up in the cause against the claimant for such amount with costs of suit. R.S. c. 53, s. 35.

Assessment of value on finding against claimant when property delivered to him.

36. If the judge on the hearing or the jury on the trial of the said cause shall not find the property so seized as aforesaid, or some part thereof, to be in the claimant, and the same has not been delivered to him by the seizing officer in obedience to the judge's order, the seizing officer shall proceed to sell the said property, or such part thereof, as may by such finding be declared not to be in the claimant, by

Order to sell when property not delivered to claimant.

giving notice of the sale thereof in the manner provided in section 26. R.S. c. 53, s. 36.

Costs of claimant.

37. If, on such hearing or trial, the property so seized, or any part thereof, is found to be the property of the claimant, it is in the discretion of the judge to determine whether the claimant shall be entitled to his costs of the hearing or the suit, or any part thereof, which costs, when taxed, shall be paid by warrant out of the Provincial treasury. R.S. c. 53, s. 37.

No action to lie when judge certifies reasonable cause for seizure.

38. If the judge who tried the cause shall certify there was reasonable cause for making the seizure, even though the property shall have been found in the claimant, no action shall be maintained against any person concerned in the seizure or prosecution thereof, and any such person may, if an action is brought against him in respect of such seizure or the prosecution thereof, plead the general issue, and give the special matter in evidence. R.S. c. 53, s. 38.

Release of property on order of Minister.

39. The Minister may order the release of any property so seized as aforesaid, upon the payment of such sum not less than three times the rates payable in case the same had been cut or carried away under license therefor duly obtained, and such other terms and conditions as to him shall seem just and reasonable. R.S. c. 53, s. 39; 1968, c. 24, s. 17.

Recovery of penalties.

40. All penalties and forfeitures under the provisions of this Act may, in addition to any other mode provided therefor by law, be prosecuted by information of the Attorney General, and where judgment shall be awarded therein, it shall be with costs against the offender, and the prosecution shall be commenced within one year after the commission of the act for the commission of which the penalty or forfeiture is incurred. R.S. c. 53, s. 40.

Obstruction of seizing officer.

41. A person who assaults or obstructs a seizing officer in the execution of his duty, or any person in his aid, or who wilfully removes, cuts, or sets loose anything seized as aforesaid, is liable to a penalty not exceeding four hundred dollars nor less than forty dollars in the discretion of the Court where prosecuted and if said penalty be not paid after conviction, such person shall be imprisoned for a term not

exceeding one year, nor less than ten days, at the like discretion. R.S. c. 53, s. 41.

42. The penalty provided by section 41 may be prosecuted and recovered upon complaint of any seizing officer, or by information of the Attorney General, or in any other mode provided by law. R.S. c. 53, s. 42.

Recovery
of penalty.

43. Notwithstanding the provisions of sections 23 to 42 inclusive, whenever it is made to appear to the Minister that any person has entered upon any portion of the Crown Lands of the Province, and refuses after reasonable notice, of which the Minister shall be the judge, to remove therefrom, the Minister may direct in writing the sheriff of the county in which such lands are situate, or, in case of the illness, absence or unfitness to act of such sheriff, then any coroner or other suitable person, to remove such person from said Crown Lands. R.S. c. 53, s. 43.

Removal of
persons from
Crown lands.

44. It is the duty of such sheriff, coroner or other person directed as aforesaid, to employ all means which may be necessary to effect such removal, and for such purpose said sheriff, coroner or other person may summon such of the inhabitants of the county to assist him as he shall deem necessary, or may hire persons for the purpose. R.S. c. 53, s. 44.

Duty of
sheriff.

45. No person is liable to an action or other proceeding for obeying any direction given by such sheriff, coroner or other person so directed as aforesaid, nor for the use of any degree of force which may be necessary to effect the removal of any person from said Crown Lands, whether such person was or was not notified to remove therefrom, as provided by section 43. R.S. c. 53, s. 45.

Protection
of person
acting under
sheriff's
direction.

46. A person who refuses to remove from Crown Lands when required by such sheriff, coroner or other person, is liable to a penalty of not less than fifty dollars, or to imprisonment for not less than ten days, nor more than three months, or to both fine and imprisonment, and any person who resists such sheriff, coroner or other person, or anyone acting in their aid, or by their direction, is liable to a further penalty of not exceeding six months' imprisonment in addition to that hereinbefore provided. R.S. c. 53, s. 46.

Penalty for
refusing to
remove.

Penalty for refusing to assist.

47. Any person summoned by such sheriff, coroner or other person to assist him as provided by section 44, and who refuses or neglects to do so, is liable for each such refusal or neglect, to a penalty not exceeding twenty dollars. R.S. c. 53, s. 47.

Payment of expenses.

48. The Minister may authorize payment of all reasonable expenses incurred in carrying out any of the provisions of sections 43 to 47 inclusive. R.S. c. 53, s. 48.

MANUFACTURING CONDITIONS

Licenses subject to the manufacturing conditions.

49. All sales of timber licenses by the Minister, which convey the right to cut and remove timber and all licenses or permits to cut timber on the limits or berths so sold, and all other authority conferred by the Minister, by virtue of which timber may be cut upon Crown Lands, shall be so made, issued or granted subject to the conditions set forth in the first regulation of Schedule A, and it shall be sufficient, if the conditions are cited as "The Manufacturing Conditions," in such licenses, permits, agreements or other writings. R.S. c. 53, s. 49; 1968, c. 24, s. 18.

Regulations in Schedule approved.

50. The regulations set out in said Schedule A are approved and confirmed and declared to be legal and valid to all intents and purposes, and the same apply to all licenses or permits hereafter issued, whether for the first time or in renewal of licenses or permits heretofore issued or granted. R.S. c. 53, s. 50.

Shipping of unmanufactured lumber cut on Crown Lands.

51. Notwithstanding anything contained in this Act or in the Schedule hereto, the Lieutenant-Governor in Council, on the recommendation of the Minister, may grant licensees the privilege, when it is shown to be in the public interest after full inquiry into all the circumstances of the case, to ship unmanufactured lumber cut on Crown Lands to countries outside of Canada, under such conditions and stipulations as the Lieutenant-Governor in Council may deem just and equitable. R.S. c. 53, s. 51.

SETTLEMENT OF CROWN LANDS

52. The Minister of Natural Resources may, upon the

- order of the Lieutenant-Governor in Council grant to the Farm Adjustment Board such portions of the Crown Lands of the Province suitable for agricultural development as may be deemed advisable in the public interest, upon payment by the Board for such lands at their real and true value, and the Board may then deal with such lands as authorized by the *Farm Settlement Act*. R.S. c. 53, s. 52; 1963 (2nd), c. 18, s. 3; 1968, c. 24, s. 19.
53. The Minister may ratify a transfer or alienation to an applicant of rights in improvements from a settler unable to carry out the settlement requirements. R.S. c. 53, s. 53; 1963 (2nd), c. 18, s. 3.
54. The period of residence of a settler upon his settlement lot is not transferable. R.S. c. 53, s. 54; 1963 (2nd), c. 18, s. 3.
55. The person to whom a lot has been approved under this Act may bring an action for trespass committed on the lot while he is entitled to possession under this Act, but nothing in this Act shall interfere with the right of the Crown to seize any lumber cut in violation of this Act or any regulation framed thereunder. R.S. c. 53, s. 55.
56. If a settler does not perform all the requirements and duties or does anything in contravention of any of the conditions of the regulations under this Act, the Minister may by notice sent to the settler by registered mail at his last known address notify him that from and after a certain date stated in such notice, all his rights to the lot approved to him shall be forfeited and from and after the said date all the rights of the said settler in and out of the said lot both at law and in equity shall be forfeited and become void, and all improvements on the said lot shall thereupon become vested in the Crown, but the Minister may for good reason restore such rights. R.S. c. 53, s. 56.
57. Where the rights of a settler in a lot have been forfeited under section 56, the improvements, if any, on the said lot may be sold by the Minister and the Minister may order any part or all of the amount so received to be paid to the former settler or into the Consolidated Fund. R.S. c. 53, s. 57; 1968, c. 24, s. 20.

Grant of Crown
Lands to Farm
Adjustment
Board.

Transfer of
settler's rights

Period of
residence not
transferable.

Allottee may
bring action.

Forfeitures
of rights.

Subsequent
application
for lot where
rights forfeited.

- Granting of lot. 58. When a settler files with the Minister his own affidavit and the affidavit of a Forest Ranger that all the regulations, conditions and duties aforesaid have been fulfilled and performed, and upon the Minister being satisfied of the truth of the facts set forth in said affidavits a grant of the lot shall issue to the applicant. R.S. c. 53, s. 58.
- Veterans. 59. (1) In the case of a settler who served in the air, naval or military forces of Canada during World War I or World War II, either in Canada or Overseas, and who left the forces with an honourable record, or who has been honourably discharged, the Minister may waive such conditions precedent to the issuing of a grant, as to him seems advisable.
- (2) In any case in which an application has been approved for the granting of a lot under chapter 30 of *The Revised Statutes, 1927*, to any person, who, after such approval, enlisted for active service in His Majesty's Armed Forces in World War II and has been honourably discharged therefrom, the lot so applied for may be granted to such person without further compliance with settlement conditions. R.S. c. 53, s. 59.
- Reserve in grants. 60. (1) All grants of land hereafter issued shall be subject to a reserve in full ownership by the Crown of a strip or portion of land, three chains in depth from the banks of any stream or lake, on each side thereof, and the riparian ownership of the said streams and lakes shall remain wholly vested in the Crown; provided always that the owner or occupier of any lot abutting upon any said strip of land shall have a right of way across the strip to and from the stream or lake.
- (2) The Minister may, however, reduce the depth of the said reserve or grant such reserve or any part thereof in the case of an island or lands of small extent, or when he considers such reduction or grant to be in the public interest, but such grant shall expressly reserve to the Crown all fishing rights in the waters contiguous thereto. R.S. c. 53, s. 60.
61. (1) If the Minister is satisfied that any applicant for or purchaser, grantee, or lessee of, any Crown Land, or any

assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated or neglected to comply with any of the conditions of the application, sale, grant or lease, or if the approval, sale, grant or lease has been, or is, made or issued by mistake, or contrary to the law or to the regulations, he may cancel such approval, grant or lease, and resume the land therein mentioned, and dispose of it as if no approval, grant or lease thereof had ever been made.

Cancellation of approval, grant or lease.

(2) The provisions of this section apply to every approval, sale, grant or lease made, either before or after the passing of this Act. R.S. c. 53, s. 61.

Application of section.

GRANTS TO MUNICIPALITIES, SCHOOLS AND CHURCHES, AND FOR BUILDING LOTS

62. Upon order of the Lieutenant-Governor in Council there may be issued for the purposes hereinafter set forth a grant of any part of the Crown Lands, including the Crown Lands of the Blue Bell Tract in Victoria County and of any other Crown Lands which have been acquired by the Crown for any special purpose, or set apart solely for disposition to actual settlers. R.S. c. 53, s. 62.

Certain lands to be granted on Order in Council.

63. (1) The purpose for and the conditions under which Crown Lands may be granted under section 62 are as follows:

Purposes and conditions under which lands may be granted.

(a) Upon the application of any municipality in the Province and upon approval of the Minister, a grant may issue to such municipality of a tract of land not exceeding two hundred and fifty acres to be used by such municipality for a municipal home;

(c) Upon the application of the legal representatives of any religious denomination or of the congregation of any religious denomination in the Province and upon the approval of the Minister, a grant may issue to the proper party or parties to receive and hold land for such religious denomination or congregation, of a tract of land not exceeding ten acres to be used by such religious denomination or congregation for the purposes

of a place of worship for such denomination or congregation;

(d) (i) Upon the application of a claimant to a lot by possessory title and upon satisfactory proof of occupation; provided that not more than one hundred and ten acres may be sold or granted to any claimant;

(ii) The provisions of subsection (3) shall not apply to this subsection.

(2) Before any grant shall issue under the provisions of subsection (1), there shall be paid to the Province by the person to whom such land is so authorized to be granted, a price for such land to be fixed by the Minister, to be not less than one dollar per acre, and also all fees, costs and expenses in connection with the surveying of the said lands so to be granted.

(3) The purpose for which any land is granted under the provisions of subsection (1) shall be set forth in the grant thereof, and the said land shall be used for the purposes for which it is granted and for no other purpose, and, if it is used for any other purpose, then upon the request of the Minister, the party or parties or its or their successors shall reconvey said land to the Crown in right of the Province. R.S. c. 53, s. 63; 1966, c. 47, s. 2.

Survey of
building lots.

64. Notwithstanding section 63 the Minister may, whenever he considers it in the public interest, cause a survey of building lots to be made on any of the Crown Lands of the Province, including the Crown Lands of the Blue Bell Tract in Victoria County, and any other Crown Lands which have been acquired and set apart solely for disposition to actual settlers, or for any other purpose, and sell at public auction such building lot or lots so surveyed at a price not less than an upset price to be fixed by him. R.S. c. 53, s. 64.

LEASING OF CROWN LANDS FOR GRAZING AND OTHER PURPOSES

Grants for
other purposes.

65. (1) The Minister with the approval of the Lieutenant-Governor in Council may grant a lease of Crown

Land for purposes, other than the cutting of trees, as may be deemed advisable.

(2) A lease

(a) may be granted for a term deemed justified by the proposed use of the land and the proposed investment of the lessee as stated in the application for the lease but not exceeding fifty years;

(b) may be renewable for a further term or terms subject to conditions then fixed by the Minister with the approval of the Lieutenant-Governor in Council;

(c) may be at such rental as may be agreed upon and with or without royalties;

(d) may be cancelled by the Minister if the lessee fails to carry out the terms, covenants and conditions of the lease; and

(e) may not be assigned unless with the consent in writing of the Minister.

(3) (a) The holder of a lease granted for a purpose requiring as a condition thereof payment of a royalty on materials or products removed or taken from such Crown Lands, without any notice or demand to that effect, shall at the times specified in such lease, or if no time is specified within ten days after being served with a notice, deliver to the Minister a statement setting forth the quantity and value of any materials or products removed or taken under authority of such lease during the period for which the statement is required;

(b) The statement required under subsection (1) shall be verified by an affidavit of the lessee or some person acting for the lessee having knowledge of the facts.

(4) Section 66 does not apply to this section.

(5) Notwithstanding that section 66 was not complied with, all leases heretofore made under this section and still subsisting at the time of the coming into force of this section are hereby ratified and confirmed subject to their terms and conditions. R.S.c. 53, s. 65; 1971, c. 25, s. 3.

SALE OR LEASE OF CROWN LANDS BY AUCTION

- Sales and leases to be by public auction. 66. (1) Except as otherwise provided in this Act, or other Act of the Legislature, all grants, leases or assurances of Crown Lands, rights or interests therein, shall be void, unless the same are made upon sale or lease to the highest bidder at public auction, after due notice in *The Royal Gazette*, and the consideration thereof is made payable to Her Majesty.
- Easements. (2) Notwithstanding the provisions of subsection (1), the Lieutenant-Governor in Council, upon the recommendation of the Minister, may grant easements over Crown Lands for such periods and upon such terms and conditions as to him shall seem meet.
- Execution of leases. (3) All such instruments except grants of Crown Lands may be executed by the Minister or Deputy Minister and under the seal of the Department. R.S. c. 53, s. 66.

GENERAL PROVISIONS

- Execution of grants. 67. Notwithstanding anything in this or in any other Act contained, every grant of land from the Crown shall issue under the hand of the Minister and the Great Seal of the Province. R.S. c. 53, s. 67.
- Copy of grant to be deposited. 68. An original duplicate copy of every grant from the Crown shall be deposited in the office of the Minister. R.S. c. 53, s. 68.
- Minister may demand copy of survey, etc. 69. (1) The Minister may require the holder of a timber license to furnish him with an authenticated copy of any survey, cruise, estimate or report made by or for the licensee of any area held under the license together with a copy of any map, plan or drawing relating to such survey, cruise, estimate or report.
- (2) Failure to comply with any of the provisions of this section shall be sufficient cause for cancellation of the license. R.S. c. 53, s. 69.
- Minister may examine books, etc. 70. The Minister may at any time, by himself or by any person duly authorized for that purpose, make an examination and inspection of any books of account, bank accounts, statements, documents, surveys, cruises, maps, plans or other papers or records of any licensee of Crown

Lands in any way relating to the operations of such licensee with respect to any Crown Lands held under license. R.S. c. 53, s. 70.

71. (1) The Lieutenant-Governor in Council

(a) may designate an area of Crown Lands in the northeastern sector of the Province as an area where the Minister may develop the forest based resources through multiple-use management programmes; and

(b) may, within the area designated in clause (a), authorize the Minister to

(i) enter into an agreement with a holder of a timber licence for the implementation of multiple-use management programmes and the distribution of timber to primary wood using industries, or

(ii) cancel or suspend a timber licence for the purpose of setting apart of forest reserve.

(2) Where a timber licence is cancelled or suspended the Minister may determine the amount of compensation for improvements constructed in the area of the licence to be paid by the Crown to the licensee.

(3) No compensation is payable to a licensee for timber in the area affected by the cancellation or suspension of a timber licence.

71A (1) For the purpose of increasing the benefit to the Province from Crown Lands set apart as a forest reserve, the Lieutenant-Governor in Council may establish a forest reserve authority and constitute it a body corporate and politic.

(2) The objects of the forest reserve authority are

(a) to attain the efficient use and economic development of, and

(b) to improve the distribution of timber from,

the Crown Lands set apart as a forest reserve.

(3) The Lieutenant-Governor in Council may

(a) assign a name to the forest reserve authority;

(b) appoint not less than three nor more than seven persons as members of the forest reserve authority;

(c) prescribe the duties, term of office and remuneration of each member of the forest reserve authority; and

(d) guarantee the repayment of any money borrowed by the forest reserve authority.

(4) The forest reserve authority may

(a) organize and supervise the harvesting and transportation of timber in the forest reserve, and

(b) allocate the timber from the forest reserve and the wood residues produced therefrom in order to achieve the objects set out in subsection (2).

(5) The forest reserve authority has the powers of a company under the *Companies Act* but shall not borrow without the approval of the Lieutenant-Governor in Council.

PURCHASES BY CROWN

72. (1) In respect to the lands granted to The New Brunswick Railway Company, wherever in the grants thereof provision is made for the sale of such lands to settlers at a price not less than seventy-five cents per acre, and subject to such regulations as the Lieutenant-Governor in Council might prescribe, the Lieutenant-Governor in Council may purchase from the said company the said lands or any part thereof and pay to the company therefor the price of seventy-five cents per acre, and upon tender to the company by the Minister of such price, the company shall be bound to reconvey the lands to Her Majesty, and the same shall thereupon be held solely for the purposes of settlement, and shall be dealt with according to the provisions of sections 52 to 61.

N.B. Railway
Lands.

(1A) Where in the course of settlement any of the lands reconveyed under subsection (1) become isolated lots of land unsuitable for actual settlement, the same may, notwithstanding subsection (1) or any other legislation, be dealt with according to the other provisions of this Act respecting the disposal of Crown Lands.

Lands unsuitable
for settlement.

(2) The Lieutenant-Governor in Council may make such arrangements as he may deem advisable in the public interest for securing the settlement of other lands of the said company, and if deemed advisable may incur the necessary cost of making surveys either in conjunction with the company or otherwise of lands suitable for settlement and of opening up the same to settlement by the building of roads; and the expenses incurred by the Lieutenant-Governor in Council for the last mentioned purpose shall be paid out of the current revenue of the Province. R.S. c. 53, s. 72; 1963 (2nd), c. 18, s. 4.

Settlement of
land.

73. (1) Any lands in the Province may be purchased by the Province upon order of the Lieutenant-Governor in Council, the deed thereof to be to the Crown in right of the Province and payment for any lands so purchased may be made from the Consolidated Fund or as otherwise ordered.

Purchase of
other wild
lands.

(2) Any lands purchased under subsection (1) may be sold or disposed of under the authority of the Lieutenant-Governor in Council and the net proceeds from each such sale shall be placed in the Consolidated Fund.

(3) Notwithstanding section 67 all instruments conveying such lands may be executed by the Minister or Deputy Minister and under the seal of the Department.

(4) The provisions of subsection (1) of section 66 of the Crown Lands Act shall not apply to such sale or disposal. R.S. c. 53, s. 73; 1964, c. 25, s. 1; 1968, c. 24, s.s. 23,24.

Exchange of
Crown Lands.

73A. Notwithstanding subsection (1) of section 66, the Lieutenant-Governor in Council may order Crown Lands to be exchanged for other lands, and sections 67 and 73 apply *mutatis mutandis*. 1962, c. 7, s. 3.

Regulations.

74. (1) The Lieutenant-Governor in Council may make such regulations as he may deem necessary or expedient,

(a) for the preservation of the forests, and their protection from fire, insects, or other means of destruction;

(b) for regulating the cutting and removal of timber from Crown Lands;

(c) for regulating the terms and conditions of leases for grazing purposes, or for growing small fruits, or any other purpose as set out in section 65;

(ca) for preparing the forest management plan referred to in subsection (7) of section 6;

(d) for regulating the terms and conditions upon which settlement lots are to be granted;

Prima facie
evidence of
regulations.

(e) amending "The Manufacturing Conditions" set out in Schedule A;

(f) for the better carrying out of the provisions of this Act, or to meet cases which

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may arise and for which no provision is made hereby;

and all regulations so made shall have the same force and effect as if herein contained and enacted, and an offence against any such regulation may be stated as having been made in contravention of this Act.

(2) A copy of *The Royal Gazette* containing any such regulation shall in all Courts be *prima facie* evidence of the making and publication of the regulation, and that the same is in force and effect. R.S. c. 53, s. 74; 1963 (2nd), c. 18, s. 5; 1968, c. 24, s. 25.

SCHEDULE A

(Section 49)

1. Every timber license or permit conferring authority to cut timber on the ungranted lands of the Crown, shall contain and be subject to the condition that all such timber cut under the authority of such license or permit, shall be manufactured in Canada into merchantable pulp or paper, or into sawn lumber, woodenware utensils, or other articles of commerce or merchandise; and such condition shall be observed by the holder of any such timber license or permit, and by any other person who cuts or causes to be cut any of such timber under the authority thereof, and all such timber cut into logs or lengths or otherwise, shall be manufactured in Canada as aforesaid; and it is hereby declared that the cutting of spruce or other softwood trees or timber, suitable for manufacturing pulp or paper, into cord wood or other lengths or pulpwood rossed or peeled, is not manufacturing the same within the meaning of this regulation. R.S. c. 53, Schedule A, s. 1; 1968, c. 24, s. 26.

2. Should any holder of a timber license or permit, or any servant or agent of such holder, or any person acting for him or under his authority or permission, violate or refuse to keep and observe the condition named in the preceding regulation, then, and in such case, the license or permit to cut timber on the limit or berth, territory, lot or lots included in the license or permit, and on which, or on any part of which, there was a breach of such regulation or a refusal to observe

Schedule A.

or keep the same, shall be suspended and held in abeyance, and shall not be reissued, nor shall a new license or permit issue unless and until so directed by the Lieutenant-Governor in Council, and then only upon such terms and conditions as the Lieutenant-Governor in Council may impose. R.S. c. 53, Schedule A, s. 2; 1968, c. 24, s. 26.

3. The Minister, his officers, servants and agents, may do all things necessary to prevent a breach of the aforesaid condition and to secure compliance therewith, and may, for such purpose, take, seize, hold and detain all logs, timber or wood so cut as aforesaid and which it is made to appear to the Minister it is not the intention of the licensee, owner or holder, or person in possession of to manufacture, or cause to be manufactured, as aforesaid in Canada, or to dispose of to others who will have the same so manufactured in Canada, until security shall be given to Her Majesty, satisfactory to the Minister, that the said condition will be kept and observed, and that such logs, timber or wood will be manufactured in Canada as aforesaid, and in the event of the refusal on the part of the licensee, owner or holder, or person in possession of such logs, timber or wood, to give security within four weeks after notice of such seizure and demand of security by or on behalf of the Minister, then the Minister may sell, or cause to be sold, such logs, timber or wood by public auction, after due advertisement, to some person or persons who will give such security to Her Majesty as the Minister may require, that such logs, timber or wood shall be manufactured in Canada. The proceeds of such logs, timber or wood shall, after such sale, and after deducting all expenses of such seizure and sale, and any sum due and owing to Her Majesty for or in respect of any timber dues, trespass dues, ground rent or on account of the purchase of any timber or timber berths by the owner, licensee or holder of a permit, or other person who has cut or caused to be cut such logs, timber or wood, or who is the owner or holder of the same, to be paid over to the person entitled to the same. R.S. c. 53, Schedule A, s. 3.

4. After seizure the burden of proving that the timber is to be manufactured in Canada shall be on the owners of such timber. R.S. c. 53, Schedule A, s. 4.

5. Where the timber to be seized is mixed up with

other timber, the whole of the timber may be attached and dealt with accordingly until satisfactorily separated. R.S. c. 53, Schedule A, s. 5.

Schedule A.

6. In every case where a violation of the manufacturing conditions contained in any license, permit, agreement or other writing entered into under the provisions of this Act or under chapter 30 of the Revised Statutes, N.B., 1927, has taken place, and in every case where any such violation may hereafter take place, and the logs, timber or wood have been or shall be removed from Canada unmanufactured, the Lieutenant-Governor in Council is hereby authorized to impose upon and collect from the holder of any license or permit upon which said logs, timber or wood was cut, or upon any purchaser or owner of said logs, timber or wood, in the manner hereinafter provided, a charge of not more than five dollars per cord. R.S. c. 53, Schedule A, s. 6.

7. In order to ascertain whether or not there has been a violation of the manufacturing conditions by any holder of a license or permit, and, if so, the quantity of logs, timber and wood liable to the said charge, the Minister may hold an investigation under the provisions of the *Inquiries Act*, of which investigation the holder of any license or permit upon which it is alleged that logs, timber or wood has been cut, and dealt with in violation of said manufacturing conditions, or the purchaser or owner of said logs, timber or wood, shall have notice to attend and shall be given an opportunity to be heard. R.S. c. 53, Schedule A, s. 7.

8. The Minister shall proceed to enquire as to whether or not a violation of the manufacturing conditions has taken place in respect of the lands in reference to which the enquiry is being made, and, if he so finds, he shall ascertain the quantity of logs, timber or wood that has been cut thereon, and dealt with contrary to said conditions, and shall report his findings to the Lieutenant-Governor in Council; and the onus of proving that the manufacturing conditions have been complied with shall be upon the license holder, purchaser, or owner, as the case may be, and "license holder" shall mean the original licensee or assignee. R.S. c. 53, Schedule A, s. 8.

9. The Lieutenant-Governor in Council may, by Order in Council, impose the said charge upon the license holder, purchaser or owner, as the case may be, whereupon the said amount named in said Order in Council shall become a Crown debt recoverable by the Minister in his own name from the license holder, purchaser or owner, in any court of competent jurisdiction; a certified copy of such Order in Council shall be *prima facie* evidence in all courts.