



CHAPTER 344

An Act to Amend and Consolidate the Law Respecting the Operation of Saw Mills

1. This Act may be cited as The Saw Mills Act. Short title.

2. In this Act Interpretation.
 - (a) "Crown lands" means land the timber on which belongs to the Crown;
 - (b) "licence" means a licence to operate a mill issued or renewed under this Act;
 - (c) "licensee" means the person to whom a licence has been issued;
 - (d) "mill" means a saw-mill;
 - (e) "Minister" means the Minister of Mines, Agriculture and Resources;
 - (f) "regulations" means regulations made under this Act;
 - (g) "timber" means round logs.

3. A person shall not operate a mill in Newfoundland unless he is the holder of a licence. Mill not to be operated without licence.

- 4.—(1) A person who wishes to have a licence issued or renewed shall apply to the Minister for the licence and pay the fee prescribed by the regulations. Application for licence.

- (2) An application under subsection (1) for the issue or renewal of a licence shall be in such form as the Minister pre- Form of application and fee.

scribes and shall be accompanied by such fees, if any, as may be prescribed by the regulations.

Minister may issue licence.

(3) When the Minister receives an application for the issue or renewal of a licence setting forth the information required of the applicant named therein together with the fee, if any, prescribed by the regulations he may, subject to this Act, issue a licence to the applicant or renew the applicant's licence.

Contents of licence and rights under it.

(4) A licence shall specify

(a) the mill in respect of which it is issued, and

(b) the name of the person to whom it is issued, and

entitles the licensee to operate the mill specified therein.

Validity of licence.

(5) A licence is valid until and expires on the thirty-first day of December of the year in which it is issued or renewed.

License gives limited rights

5. A licence does not convey to the licensee any right other than the right to operate a mill.

Minister may refuse licence.

6. The Minister may refuse to issue or renew a licence in respect of a mill in any locality if in his opinion it is not in the public interest to have a mill in operation in that locality.

Cancellation of licence.

7. The Minister may cancel a licence if he is of the opinion that the operation of the mill in respect of which the licence was issued is contrary to the public interest or if the licensee violates or fails to comply with any of the provisions of this Act or the regulations.

Permit to erect mill buildings.

8. Where a licensee wishes to operate a mill on Crown land he shall before operating thereon get a permit from the Crown Lands Division of the Department of Mines, Agriculture and Resources to erect on the land such mill buildings as may be necessary for the operation of the mill.

Removal of mill, etc. where licence expires or is cancelled.

9.—(1) When a licence expires or is cancelled under this Act and the mill in respect of which the licence was issued is on Crown land the licensee shall within six months after the date of the expiration or cancellation of the licence remove the mill and all buildings or machinery forming part thereof from the land

and if he does not do so within that time the mill and those buildings and machinery becomes the property of the Crown.

(2) The Minister may in such manner and for such consideration, if any, as he deems fit dispose of any mill, building or machinery which becomes the property of the Crown under subsection (1).

Minister may dispose of mill, etc.

(3) No compensation shall be paid to a licensee or to any person claiming under him or on his behalf in respect of a mill, buildings or machinery which becomes the property of the Crown under subsection (1), and no action lies on behalf of that person against any other person into whose hands the mill, building or machinery comes under subsection (2) in respect of compensation or payment therefor.

No compensation for loss of mill, etc.

10. Every licensee shall

- (a) on or before the thirty-first day of March in each year furnish to the Minister in such form as the Minister prescribes an annual return sworn to by the licensee or his agent or an employee who has knowledge of the facts contained in the return showing the quantity of timber and all products of timber sawed during the preceding calendar year in the mill in respect of which the licensee held a licence;
- (b) keep such books and records, if any, as the Minister requires in which the licensee shall enter a record of the quantity of timber cut or sawed or purchased for the mill in respect of which the licensee held a licence and the disposition of the timber and the licensee, his agent or employee having the custody of those books and records shall produce them for inspection whenever required to do so by an officer appointed by the Minister for the purpose; and
- (c) exercise strict and constant supervision over his operations and take all possible steps to detect and prevent the origin and spread of fire in the area in which his operations are conducted.

Licensee to make annual returns, keep records, supervise operations and prevent fires.

Lien or charge
on mill and
timber.

11. Without prejudice to any lawful means of recovering the same, all monies owing to the Minister in respect of a mill are a lien or charge upon the mill and the lumber or any products therein in favour of the Crown in priority to any other mortgage or charge.

Board
measure.

12. The quantity of the product of a mill in respect of which a licence is issued shall be determined by board measure and board measure is the measure of lumber in superficial square feet on the basis of board one inch thick and in estimating board measure each of the following equals one thousand feet board measure:

10,000 shingles
7,000 laths
6,000 half drum staves
4,500 drum staves
4,500 fish tub staves
2,000 herring barrel staves
1,600 tierce staves
1,400 fish cask staves

Licensee to
take pre-
cautions
against fire.

13. Every licensee shall

- (a) provide himself with a copy of The Forest Fires Act and shall keep a copy of the Act in some prominent place in his mill and in each camp operated in connection with the mill;
- (b) explain the provisions of that Act to every person employed by him before permitting him to begin work; and
- (c) ensure that every person employed by him in or in connection with his mill is fully informed about the provisions of that Act and shall read or cause that Act to be read to him before any operation permitted by the licence is begun.

Regulations.

14.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations

- (a) prohibiting all unnecessary waste of timber in sawing

or manufacturing timber;

- (b) regulating the disposal of waste from mills;
- (c) providing for the grading of any or all products of a mill and establishing standards by which different grades of those products shall be known;
- (d) appointing inspectors of any and all phases of mill operations;
- (e) providing forms which may be required under this Act;
- (f) prescribing the fees to be paid on the issue or renewal of licences;
- (g) generally for the better carrying out of the provisions of this Act.

(2) Regulations may be made to apply to the whole or to any part of Newfoundland specified in the regulations.

Application of regulations.

(3) Regulations have effect from the date of publication in *The Newfoundland Gazette* or such other date as may be stated in the regulations, and the regulations shall be laid before the Legislature within fifteen days after they are made if the Legislature is then in session or, if it is not, within fifteen days after the commencement of the next ensuing session.

Publication and effective date.

15. A person who operates a mill without a licence is, in addition to any fine or penalty provided by this Act, liable to pay to the Minister the amount of the fees which he would have been required to pay if a licence had been issued to him in respect of the period of such operation, and the amount may be recovered by civil suit taken in the name of the Minister.

Recovery of fees.

16. A person who saws or causes to be sawed

Offence.

- (a) any timber in a mill in respect of which a licence has not been issued; or
- (b) in any mill any timber obtained from Crown land by any person otherwise than in accordance with The Crown Lands Act and regulations made thereunder,

is guilty of an offence and liable on summary conviction to a penalty not exceeding twenty dollars for every log sawed, and the penalty may be recovered before a court of summary jurisdiction upon the complaint of any person designated for the purpose by the Minister, and any such complaint may be made at any time within six years from the time that the matter of such complaint arose.

Penalty.

17. Every person who contravenes or fails to comply with this Act or the regulations is guilty of an offence and is in addition to any other penalty provided by this Act liable to a fine not exceeding five hundred dollars or in default of payment of the fine to imprisonment for a period not exceeding six months.