



CHAPTER 28.

An Act to amend the "Land Act."

1908, c. 30.

[10th March, 1910.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Land Act Amendment Act, Short title. 1910."

2. Subsection (1) of section 34 of chapter 30 of the Statutes of 1908, being the "Land Act," is hereby repealed, and the following subsection is substituted therefor:—

"34. (1.) Every person desiring to purchase unsurveyed, unoccupied and unreserved Crown lands shall first place at one angle or corner of the land to be applied for a legal post, and upon such post he shall inscribe his name and the angle represented thereby, thus: 'A. B.'s N.E. Corner,' meaning north-east corner (*or*, as the case may be), and shall cause a written or printed notice to be posted thereon, giving a description in detail of the length and direction of the boundary lines of the land sought and date of location, and of his intention to apply for permission to purchase the said land. Such notice shall be in the following form:—

"I, A. B., intend to apply for permission to purchase acres of land bounded as follows:—Commencing at this post; thence north chains; thence east chains; thence south chains; thence west chains (*or*, as the case may be).

Name (*in full*).

Agent for (*name in full*).

Dated

Agent may stake.

Application to purchase.

“Land may be staked or located by an agent under this section. After the land is so staked and marked the applicant shall, within thirty days after the location thereof, if located within ten miles of the office of the Commissioner having jurisdiction over said lands, post a notice in writing in the office of the Commissioner for the district in which the land is situated of his intention to apply for permission to purchase said land. One additional day shall be allowed for posting such notice for every additional ten miles or fraction thereof. Such notice, which shall be in the Form No. 9 of the Schedule hereto, shall describe as accurately as possible the location of the land to be applied for, especially with reference to the nearest known point, or to some creek, river, stream or other waters, and shall state the name of the land district within which the said land is situate, the boundaries and extent of such land, the date of location, and the name, residence and occupation of the applicant. The applicant shall also make a statutory declaration (in duplicate) in the Form No. 8 of the Schedule hereto, and deposit the same with the Commissioner at the time of posting the notice last hereinbefore referred to. Within thirty days after the staking of said land, if staked within ten miles of the office of the Commissioner, the applicant shall commence and continue the publication of the notice in said Form No. 9, at his own expense, for two months in the British Columbia Gazette, and in a local newspaper published and circulating in the land recording district or division of land recording district, as the case may be, administered by the Commissioner for such district or division of such district; or, in the absence of such local paper, in the one nearest thereto. One additional day shall be allowed for such advertisements for every additional ten miles or fraction thereof. The applicant shall, within three months from the date of the first publication of such notice in the British Columbia Gazette, make application (in duplicate) to the Commissioner for permission to purchase said land, which application shall be made upon the printed form supplied, and shall conform to all the requirements of said form; and the applicant shall also file a statutory declaration (in duplicate) of publication of notice, and deposit with the Commissioner a sum equal to fifty cents per acre on the area applied for, and the Commissioner shall issue a certificate of purchase therefor. The Commissioner shall forward one copy of the application, and of the declarations, together with his report thereon, to the Lands Department, Victoria. The Chief Commissioner shall take into consideration any objections, protests or adverse claims that may be lodged with him, and shall decide whether such applicant is entitled to the first right to purchase said land. The Chief Commissioner shall also consider whether it is in the public interest to sell the said land. If his decision is against selling the same, said application shall be considered abandoned and the deposit of fifty cents per acre shall be refunded. If his decision

Protests.

Chief Commissioner may decline to sell.

is in favour of selling the same, he shall forthwith notify the applicant, who shall have the land required surveyed, at his own Survey. cost, by a duly authorised British Columbia Land Surveyor, in accordance with the provisions of this Act, and the deposit of fifty cents per acre shall be credited towards the payment of the purchase price."

3. Section 36 of said Act is hereby repealed, and the following Re-enacts s. 36. section is substituted therefor:—

"36. So much of the unappropriated and unoccupied lands of the Province, the surveys of which have been duly made and confirmed in the British Columbia Gazette, which are not the sites of towns or the suburbs thereof, nor Indian settlements, and as are not reserved from sale by the Lieutenant-Governor in Council, may be classified in the same manner as unsurveyed lands, and purchased at the same price: Provided, however, that the provisions contained in subsections (11) and (14) of section 34 shall apply to lands under this section; and, further, that it shall not be lawful to sell any lands under the authority of this section in such a manner as to dispose of more than six hundred and forty acres, measuring eighty by eighty chains: Sale of surveyed lands.

"Provided, also, that whenever so ordered by the Lieutenant-Governor in Council, such surveyed lands, as may be deemed expedient from time to time, may be put up at public sale (of which due and sufficient notice shall be given) at an upset price not less than the classified price provided by this Act:

"Provided, further, that the Crown grants of such lands may contain such building conditions as the Lieutenant-Governor in Council may from time to time deem proper."

4. Subsection (1) of section 37 of said Act is hereby amended by Amends subsec. (1) of s. 37. striking out all the words in said subsection down to the word "Provided," in the tenth line thereof, and by substituting therefor the following:—

"37. (1.) All Crown grants hereafter issued of lands, the right to which was acquired subsequent to the seventeenth day of April, 1896, shall contain the provision that in the event of any lands thereby granted being divided into lots containing one acre or less, one-fourth of all the blocks of lots, or one-fourth of all the lots where they are not divided into blocks, shall be reconveyed to the Crown. Such Crown grant shall be in the Form No. 7 in the Schedule hereto. The blocks so to be reconveyed to the Crown shall be ascertained as follows: The Chief Commissioner of Lands shall first select one block and the owner three, and so in turn; the Chief Commissioner selecting one and the owner three of the unchosen blocks until the division is made. Where the land is not divided into blocks of lots, but into lots, the same method of selection shall be pursued with When land divided into lots containing one acre or less one-fourth of lots to be reconveyed to Crown.

regard to lots as is above set out with regard to blocks of lots. The plan of such division into blocks of lots or lots shall not be filed in any Land Registry Office nor acted upon by any District Registrar of Titles until it is proved to the satisfaction of the District Registrar of the office in which such plan is sought to be filed that there has been a conveyance to the Crown of the lots selected by the Chief Commissioner of Lands under the above provisions."

Amends Form No. 7. **5.** Form 7 attached to said Act is hereby amended by striking out the second last proviso, and by substituting therefor the following:—

Crown grant. "Provided, also, that in the event of any of the lands hereby granted being divided into lots containing one acre or less, one-fourth of all the blocks of lots, or one-fourth of all the lots where the lots are not divided into blocks, to be selected as provided in the Land Act, shall be reconveyed to Us and Our successors."

Re-enacts subsec.
(3) of s. 57.

6. Section 57 of the said Act is hereby amended by inserting after subsection (3) thereof the following subsection:—

Transfer and re-
newal of special
timber licences.

"(3a.) Every special timber licence shall be transferable and shall be renewable from year to year while there is on the land included in such licence merchantable timber in sufficient quantity to make it commercially valuable (proof whereof must be furnished to the satisfaction of the Chief Commissioner), if the terms and conditions of the licence, and the provisions of the Land Act and of any regulations passed by Order in Council respecting or affecting the same have been complied with: Provided, however, that the holder of any licence who wishes to renew under the provisions of this subsection shall surrender his old licence and all privileges appertaining thereto within two years from the first day of April, 1910, and shall at such time apply for the renewal thereof under the provisions of this subsection, and shall, in addition to all other payments to be made hereunder, pay a fee of twenty dollars: Provided that such renewal shall be subject to the payment of such rental or licence fee and such tax and royalty, and to such terms and conditions, regulations and restrictions as are fixed or imposed by any Statute or Order in Council in force at the time renewal is made, or at any time thereafter. When any such licence shall be granted in respect of land situate within ten miles of an incorporated town or city, or in respect of land situate in the vicinity of any registered townsite, the same may be renewed only at the discretion of the Chief Commissioner: Provided that whenever the land included within any such licence shall, after an inspection has been made by the Chief Commissioner, be ascertained to be fit for settlement and to be required for that purpose, the Chief Commissioner may require the licensee to carry on and complete the cutting and removal of the timber thereon within such reasonable time as the Chief Commissioner may fix and prescribe, and on the expiration of such time or

any extension thereof the licence shall be cancelled and the land included therein shall be opened for settlement on such terms and conditions as the Lieutenant-Governor may think fit."

7. Section 58 of the said Act is repealed, and the following substituted therefor:— Re-enacts s. 58.

"58. Any holder of a timber leasehold, timber land in fee-simple or of a special timber licence who may desire to secure a right-of-way across any lands for the purpose of constructing chutes, flumes, roads or other works for use in getting out timber from the limit covered by his lease or licence shall give thirty days' notice of his intention to apply to the Chief Commissioner of Lands for authority to construct such chutes, flumes, roads or other works by an advertisement published one month in the British Columbia Gazette and in a newspaper published or circulated in the district in which the land is situated. The applicant shall also give thirty days' notice to the owner of the land over, through or upon which such chutes, flumes, roads or other works are to be constructed. Such notice may be given personally or in such manner as may be directed by the Chief Commissioner. The Chief Commissioner is hereby empowered to grant or refuse such application upon such terms and conditions as the circumstances may warrant. The applicant shall be granted only a right-of-way forty feet wide, and all works shall be confined to said area, and the title obtained by the applicant shall be only an easement: Provided that compensation for said right-of-way shall be paid for before an entry is made on said land, and if the parties cannot agree on the amount of said compensation, then the same shall be submitted to arbitration and settled in accordance with the terms and under the provisions of the Arbitration Act. Such chutes, flumes, roads or other works shall not be located or constructed on any lands on which buildings have been erected or which may be in use as gardens or orchards. The benefits and burdens hereinbefore mentioned shall enure to the heirs, executors, administrators, successors and assigns of the persons affected."

Right-of-way across lands for timber chutes, etc.

8. Section 61 of the said Act is hereby repealed, and the following substituted therefor:— Re-enacts s. 61.

"61. Every assignment of a timber lease or special timber licence shall be filed in the Department of Lands, and a fee of five dollars shall be payable in respect of each lease or licence assigned."

Assignments of timber leases and special timber licences.

9. Section 69 of the said Act is hereby repealed, and the following substituted therefor:— Re-enacts s. 69.

"69. Every lessee or licensee of timber lands, and every person operating a mill or other industry which may cut or use timber or cord-wood upon or in respect of which any royalty or tax is by this Act reserved or imposed, shall keep correct books of account of all timber or cord-wood cut or received by or for them, and shall render

Accounts and returns.

monthly statements thereof, or if demanded shall furnish a true copy of the tallyman's or scaler's daily work, duly sworn to, which shall contain all such particulars as the Chief Commissioner may require; and such books of account shall be open at all reasonable hours for the inspection of any person appointed for carrying out the provisions of this Act, and such lessee or licensee, or person operating a mill or other industry, shall pay monthly all sums of money, as are so shown to be due, to the Chief Commissioner of Lands:

“(a.) Provided that, if, after said inspection of such books of account, it shall be found that in any previous statement there is still an amount of timber not reported, and which is subject to royalty or tax, then the said lessee or licensee of timber lands, and every person operating a mill or other industry, who is in arrear of such royalty, shall forthwith pay such arrears, and shall be subject to all the provisions of this Act for non-payment of same.”

Re-enacts s. 85.

10. Section 85 of the said Act is hereby repealed, and the following substituted therefor:—

Reservation of strip
one chain in width
from high tide.

“85. There may be reserved a strip of land one chain in width, measured from high-water mark, from all Crown land extending to the sea, or any inlet thereof, for which application is made to pre-empt, lease or purchase. The land so reserved, or any portion thereof, may be used for a highway, or may be leased or granted upon such terms as the Lieutenant-Governor in Council may deem proper.”

Re-enacts s. 125.

11. Section 125 of the said Act is hereby repealed, and the following substituted therefor:—

Fees.

“125. The fees hitherto collected and received by the Lands Department shall be deemed to have been lawfully collected and received, and the following fees shall hereafter be due and payable, viz.:—

“For every record or certificate of improvement, two dollars:

“For every record of abandonment, two dollars:

“For every Crown grant, ten dollars:

“For every lease, five dollars:

“For filing assignment of each lease, five dollars:

“For surveys, such fees as are considered by the Department sufficient to defray the cost.”

VICTORIA, B. C.:

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