



## CHAPTER 24.

## An Act to amend the "Land Act."

R. S. 1897, c. 113.

[12th March, 1906.]

**H**IS 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, 1906." Short title.

**2.** Section 2 of chapter 113 of the Revised Statutes, 1897, being Amends s. 2. the "Land Act," is hereby amended by striking out all the words in the nineteenth and twentieth lines of the said section, and by substituting therefor the following:—

"Crown Lands" shall mean and include such ungranted Crown or Interpretation of public lands or Crown domain as are within and belong to His Majesty "Crown Lands." in right of the Province of British Columbia, and whether or not any waters flow over or cover the same."

**3.** Section 5 of the "Land Act" is hereby repealed and the following section is substituted therefor:— Re-enacts s. 5.

*"Pre-emption of Crown Lands."*

"5. Except as hereinafter appears, any person being the head of a Pre-emption of family, a widow, or single man over the age of eighteen years, and Crown Lands being a British subject, or any alien, upon his making a declaration of his intention to become a British subject before a Commissioner, Notary Public, Justice of the Peace, or other officer appointed therefor, which declaration shall be in the Form No. 1 in the Schedule of this Act, and upon his filing the same with the Commissioner, may for agricultural purposes record any tract of unoccupied and unreserved Crown Lands (not being an Indian settlement) not exceeding one hundred and sixty acres in extent: Provided, that such right shall only

extend to lands bonâ fide taken up for agricultural purposes, and shall not be held to extend to any of the aborigines of this continent, except to such as shall have obtained permission in writing to so record by a special order of the Lieutenant-Governor in Council: Provided also, that such right shall not extend to the foreshore, tidal lands, the bed of the sea, or lands covered by any navigable water."

Re-enacts s. 9.

**4.** Section 9 of the "Land Act" is hereby repealed and the following substituted therefor:—

Shape of pre-emption claim.

"9. Every piece of such unoccupied, unsurveyed, and unreserved land as aforesaid, sought to be pre-empted under the provisions of this Act, shall, save as hereinafter is provided, be of rectangular or square shape, and one hundred and sixty acres shall either measure forty chains by forty chains (equal to eight hundred and eighty yards by eight hundred and eighty yards), or twenty chains by eighty chains (equal to four hundred and forty yards by seventeen hundred and sixty yards). Eighty acres shall measure twenty chains by forty chains, and forty acres shall measure twenty chains by twenty chains. All lines shall be run true north and south, and true east and west."

Amends s. 29.

**5.** Section 29 of the "Land Act," as amended by section 2 of chapter 38 of the Statutes of 1899, is hereby amended by adding thereto the following words:—

Cancellation of pre-emption record obtained for other than agricultural purposes.

"And the Chief Commissioner may cancel any such record when it shall be shown to his satisfaction that the same has been obtained for other than agricultural purposes."

Amends sub-section (1) of s. 30.

Sale of Crown Lands.

**6.** Sub-section (1) of section 30 of the "Land Act," as enacted by section 4 of chapter 30 of the Statutes of 1901, is hereby amended by inserting after the word "shall," in the eighth line thereof, the words "forthwith after such staking."

Amends sub-sec. (1) of s. 30.

**7.** There is hereby inserted, after sub-section (1) of section 30 of the "Land Act," as enacted as aforesaid, the following sub-sections:—

Land that may not be granted.

"(1a.) There shall not be granted under the provisions of this section any foreshore lands, tidal lands, the bed of the sea, or lands covered by any navigable water:

Minimum area that may be purchased.

"(1b.) The minimum area that may be purchased under the provisions of this section shall be forty acres, except in cases where such area cannot be obtained."

Re-enacts sub-sec. (2) of s. 41.

**8.** Sub-section (2) of section 41 of the "Land Act," as enacted by section 6 of chapter 38 of the Statutes of 1899, and as amended by section 2 of chapter 15 of the Statutes of 1903, is hereby repealed and the following sub-section is substituted therefor:—

Procedure to obtain leasehold.

"2. Any person desirous of procuring a lease for any of the purposes referred to above shall, before entering into possession of the

particular part of said lands he or they may wish to acquire, place at one angle or corner of the land to be applied for a stake or post at least four inches square, and standing not less than four feet above the surface of the ground, and upon such initial 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 of his intention to apply for such lease to be posted on some conspicuous part of the land applied for by him, and on the Government Office, if any, in the district, for two months. He shall also forthwith publish a notice of his intention to apply for such lease two months in the British Columbia Gazette, and in some newspaper published and circulating in the district where such land is situate, or, in the absence of such newspaper, in the one nearest thereto."

**9.** Sub-section (3) of section 41 of the "Land Act," as enacted by section 6 of chapter 38 of the Statutes of 1899, is hereby repealed and the following sub-section is substituted therefor:—

Re-enacts sub-sec. (3) of s. 41.

"3. After the expiration of the two months' notice, and within three months from the date of its first publication in the British Columbia Gazette, he shall make application in writing to the Chief Commissioner of Lands and Works for a lease over such land. Such application shall be in duplicate, and shall be illustrated by plans and diagrams showing approximately the position thereof and shall give the best practicable written description of the plot of land over which the privilege is sought. The Chief Commissioner of Lands and Works may, if there appears to be no valid objection, give notice to such applicant that a lease will issue as desired, provided the applicant has the land surveyed in a legal manner within six months from the date of such notification."

Application of lease.

**10.** Sub-section (3) of section 42, as enacted by section 7 of chapter 30 of the Statutes of 1901, is hereby amended by striking out the last three lines of said section, and inserting in lieu thereof the following:

Amends sub-sec. (3) of s. 42.

"All timber cut under lease, special licence or general licence, from Provincial lands lying west of the Cascade Range of Mountains, must be manufactured within the confines of the Province of British Columbia, otherwise the lease, special licence or general licence shall be cancelled."

Condition as to manufacture of timber.

**11.** Paragraph (c) of section 51 of the "Land Act," as enacted by section 6 of chapter 30 of the Statutes of 1903-04, is hereby amended by striking out the words "thirty days after the last," where they occur in the first line thereof, and inserting in lieu thereof the words "two months from the first."

Amends paragraph (c) of s. 51.

Application for special licence to cut timber.

Amends sub-sec. (3)  
of s. 53.

**12.** Sub-section (3) of section 53 of the "Land Act," as enacted by section 3 of chapter 33 of the Statutes of 1905, is hereby amended by adding at the end thereof the following :—

Renewal of special  
timber licences.

"When any such licence shall be granted in respect of land situated 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."

Assignments of tim-  
ber leases and special  
timber licences to be  
filed in Department  
of Lands and  
Works.

**13.** Every assignment of a timber lease or special timber licence shall be filed in the Department of Lands and Works and a fee of two dollars shall be payable in respect thereof.

Validation of special  
timber licences here-  
tofore issued.

**14.** All special timber licences and all renewals thereof heretofore granted shall be deemed to have been legally granted, but nothing in this section contained shall affect any legal proceeding now pending respecting any such licence or renewal thereof.

Amends s. 55.

**15.** Section 55 of the "Land Act" is hereby amended by adding thereto the following sub-sections :—

Operations under  
hand loggers'  
licences.

"(2.) The holder of a licence granted under this section shall not use steam power, or machinery operated by steam power, in carrying on lumbering operations under such licence.

Penalty.

"(3.) Any person being the holder of a licence granted under this section, who shall violate the provisions of the preceding sub-section hereof, shall be liable, on summary conviction before a Stipendiary Magistrate, to a penalty not exceeding one hundred dollars."

Validation of certain  
leases heretofore  
granted.

**16.** The leases hereinafter set out and which have already been granted are hereby validated and confirmed, and shall have the same force and effect as if granted after the passing of this Act:—

Lease dated September 12th, 1900, issued to Andrew Richards ;

Lease dated October 15th, 1901, issued to Ross Mahon ;

Lease dated February 26th, 1904, issued to W. E. Norris and P. A. Hovelaque ;

Lease dated July 28th, 1904, issued to the Crescent Oyster Company, Limited ;

Lease dated June 27th, 1905, issued to Crescent Oyster Company, Limited ;

And lease dated June 27th, 1905, issued to Crescent Oyster Company, Limited :

Provided that with respect to any applications for leases of Crown lands within the meaning of this Act, made before the passage of this Act, if the applicants therefor have bonâ fide complied with the provisions of sub-sections (2) and (3) of section 41 of said chapter 113 to the satisfaction of the Chief Commissioner of Lands and Works, the

Chief Commissioner of Lands and Works may, notwithstanding that the said applications were made and the provisions of the said subsections (2) and (3) were complied with before the passage of this Act, grant leases of such Crown lands under the provisions of this Act.

**17.** After the passing of this Act there shall be reserved from all grants of Crown land extending to the sea, or any inlet thereof, a strip of land one chain in width, measured from high water mark. 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.

Lands reserved from all Crown grants.

**18.** The "Land Act" is hereby amended by adding thereto, after section 30, the following section :—

"30A. The Lieutenant-Governor in Council may, upon such terms and conditions as may be deemed advisable, sell to any incorporated city, owning and operating its own system of water works, so much of the unappropriated and unoccupied Crown lands as form the whole or any portion of the natural watershed from which such city draws its water supply."

Crown lands may be conveyed to incorporated cities for water works purposes.

**19.** Any holder of a timber leasehold or of a special timber licence who may desire to secure a right of way across any Crown-granted lands for the purpose of constructing chutes, flumes, a road or roads or other works for use in getting out timber from the limit covered by his lease or licence, shall give—

Right of way across Crown-granted lands for chutes, etc.

- (1.) Thirty days' notice of his intention to apply for authority to construct and use such chutes, flumes, road or 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 :
- (2.) Thirty days' notice to the owner of the land over which the proposed works are to be constructed or roads made :
- (3.) In the event of the applicants and owner of Crown-granted lands not agreeing to the proposed work, or as to the price to be paid by the applicants for the use of and for the damage to the lands of the owner of the Crown-granted lands by reason of the construction of said works, then the matter shall be submitted to arbitration, the applicant and owner naming one arbitrator each, according to the provisions of the Arbitration Act, and subject to the conditions hereinafter set forth in next two succeeding paragraphs :
- (4.) The applicant shall only have a right of way forty feet wide, and all works shall be confined on this area, and the title obtained by the applicant shall only be an easement ; and not more than one right of way can be obtained over the area

covered by one Crown grant, unless the same shall be more than one mile in width; and the applicants further shall furnish security, to the satisfaction of the owner, to indemnify him from damage arising from the operations carried on by the applicants; and in event of dispute as to the amount of security, the matter shall be referred to arbitration, as is hereinbefore provided :

- (5.) Such chute, flume or road shall not be located on any lands on which buildings may have been erected, or which may be in use as gardens or orchards :
- (6.) The benefits and burdens shall enure to the heirs, executors administrators, successors and assigns.

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VICTORIA, B. C. :

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