

Regulations respecting Forest Protection in the Dominion Parks.
Order in Council, 16th September, 1915, P.C. No. 2149.

Forest protection in the Dominion Parks shall be regulated as follows:—

WARDENS

1. The Minister of the Interior, hereinafter called the Minister, may appoint wardens for the purpose of carrying out the provisions of the Dominion Forest Reserves and Parks Act, and every such warden shall have, for the purposes of said Act, and within the district for which he is appointed warden, all the powers of a forest officer, and be a forest officer within the meaning of Section 5, of Chapter 10 of 1-2 George V, as amended by Section 1 of Chapter 18 of 3-4 George V.

2. Every such warden shall be engaged in no other employment than his official duties as such warden.

FOREST FIRES

3. Any warden may order any person between the ages of sixteen and sixty years (other than clergymen, postmasters, railway station agents, members of the medical profession, telegraph operators, conductors, engineers, brakemen, firemen and trainmen), residing or being within a Dominion Park and within fifteen miles of a forest fire in any Dominion Park, to proceed at once to the locality of such fire and assist in extinguishing it, and any person neglecting or refusing without lawful excuse to obey any such order shall be guilty of an offence and liable on summary conviction thereof to the penalties prescribed by these regulations.

4. Compensation for fighting forest fires shall be made at the daily rate of wages prevailing at the time in the district in which the fire occurs, with board, or a reasonable allowance therefor, added, but no employee of the Department shall receive any remuneration for such services in addition to the remuneration he is in receipt of as such employee. Any person who is required to fight a forest fire and does not assist to the satisfaction of the officer in charge in extinguishing such fire, shall receive no pay and shall be liable to the penalties prescribed by these regulations.

USE OF FIRE

5. The period from the first day of April to the first of November in each year shall be known as the close season in respect to the setting of fire, and no person shall, during such season, set out or cause to be set out, or started, any fire in the open air within the limits of any Dominion Park, except for the purpose of cooking, obtaining necessary warmth, or for insect smudges, without first having obtained written permission therefor from the Superintendent of such Park. Provided, that any warden or fire ranger may with reasonable care set out fire or cause the same to be set out under his instructions at any time for the purpose of protecting

the timber or decreasing fire danger or for any other purpose required for the proper administration of the Park.

6. Every person who makes or starts a fire in the open air for cooking and camping purposes shall:—

(a) Clear away all brushwood, dry leaves and other combustible material from a space having a radius of at least ten feet in the centre of which the fire shall be kindled.

(b) Exercise and observe every possible precaution to prevent such fire from spreading, and carefully extinguish the same before quitting the place.

7. No person shall, during the close season negligently drop or throw down upon any combustible material in any Dominion Park, any burning match, lighted cigar, cigarette, or other burning substance. The use of wax matches, such as wax vesta or the wax flamer type, is prohibited.

8. No person shall, without a written permit from the Superintendent, have on hand at any one time a larger quantity than five (5) gallons of gasoline or other inflammable fluid, excepting that contained in the tank of an automobile or motor car. If a larger quantity is kept in reserve the same shall be stored in an iron tank and be fitted with a pump and galvanized iron pipe coupled at every joint with a tight coupling. Such tank shall also be provided with a filling pipe fitted with a tight screw cap, and shall be kept under conditions satisfactory to the Superintendent.

9. No person shall, without a written permit from the Superintendent, have or keep any gunpowder, fireworks, dynamite, dualine or other explosive, in any Dominion Park. Any such material shall be kept only under such conditions as may be prescribed by the Superintendent.

10. Any person being within any Dominion Park and observing a forest fire starting in such Park, shall forthwith use his best endeavours to extinguish it. If such fire is beyond his control he shall report it to the nearest Park officer and inform the Superintendent with as little delay as possible.

11. Every person cutting timber within any of the Parks, and every person located in or travelling or passing through any of the Parks, shall be required to comply with all the provisions of any Act or Regulations established by the Government of the Dominion or of the Province in which such Park is situated, for the protection of Forests against fire and any breach of such Act or Regulation shall be held to be a breach of the regulations hereby established, and shall render the person making such breach liable to any penalty provided by these regulations.

12. Every engine operated by the power of steam, passing through or located in a Dominion Park, shall by the company or authority using the same, be provided with and have in use all the most improved and efficient appliances to prevent the escape of fire, and it shall be the duty of every engineer in charge of any such engine to use all necessary means and appliances to prevent the escape of fire.

WILFUL REMOVAL OR DESTRUCTION OF PARKS PROPERTY

13. No person shall cut or remove any timber, or injure any green trees or shrubs, or remove or displace any mineral deposits, natural curiosities, or rare plants, in any Dominion Park, unless he has license or authority from the Government of Canada or the Minister of the Interior to do so.

14. No person shall remove, deface or destroy any notice posted in a Dominion Park in regard to the prevention of forest fires, or any other matter relating to the administration of Dominion Parks, or any post, or other mark indicating the boundary of a Dominion Park.

INQUIRIES

15. Every person entering or passing into, across or through any of the Parks, shall, when requested to do so by the Superintendent, or any warden or any other officer having charge of the control of such park, truthfully answer any inquiries made to him by such Superintendent, warden or officer as to his name, his post office address, the duration or the proposed duration of his stay in the Park and the portion thereof he intends to visit or has visited, and shall give such other information as may concern Park administration.

TRAVELLING PARTIES

16. Every person in charge of labourers, or of any survey, exploring or touring party, or any other party in any Dominion Park, shall provide himself with a copy of these regulations, and shall read them to such persons or party; and in case a breach of these regulations is committed by any of them the person so in charge shall be liable to the penalty for such breach as if committed by himself, unless he establishes that such breach was committed without his consent and contrary to his instructions, but such liability on the part of the person so in charge of any such party or persons shall not relieve any member of his party from personal liability for any such breach.

17. Every guide employed by any party travelling through any of the Parks shall, before the departure of such party, notify the Superintendent of the number, the names and addresses of the members of the party, the date of departure, the route to be travelled, the proposed duration of their stay in such Park, and of the firearms carried by the party.

PENALTIES

18. As provided in the Dominion Forest Reserves and Parks Act, Chapter 10, 1-2 George V, any person violating any provisions of these regulations shall, in addition to any civil liability thereby incurred, be liable on summary conviction to a penalty of not more than one hundred dollars (\$100), and in default of immediate payment of such penalty, and of the costs of prosecution, such persons may be imprisoned with or without hard labour for any term not exceeding six months.

Regulations for the Removal of Timber in Dominion Parks.

Order in Council, 30th April, 1915, P.C. No. 915.

The removal of timber in the Dominion Parks shall be governed as follows:—

PERMITS

1. Permits for the cutting of dead or fallen timber may be granted by the Superintendent of any Park hereinafter called the Superintendent, subject to the conditions herein contained:—

2. Such permits shall be issued subject to the following conditions:—

(a) The permittee shall cut only such timber as is designated in the permit;

(b) The permittee shall take all merchantable material of the timber so designated;

(c) No roads shall be made and no green timber or young growth shall be destroyed except such as may, in the judgment of the Superintendent to be expressed in writing, be necessary to carry out the rights granted under the permit;

(d) Trees shall not be cut higher than 18 inches from the ground without written permission of the Superintendent;

(e) The permittee shall exercise a strict and constant supervision to prevent the origin or spread of forest fires;

(f) The permittee shall gather into heaps suitable for burning all tops, branches and other debris resulting from operations under his permit in accordance with the instructions of the Superintendent.

3. If required by the Superintendent, the permittee shall chain off the area granted and plant a post at each of the corners thereof, and tie it to the section lines or to some topographical features so that it may be identified in departmental records.

4. Any breach of the Regulations or conditions of the permit by the permittee or failure to comply with any instruction consistent with the spirit of these Regulations given by the Superintendent, or other Park's Officer shall render all permits held by the permittee liable to a summary cancellation by the Superintendent in writing, and the privilege of such permittee obtaining any further permits shall be in the discretion of the Minister of the Interior, hereinafter called the Minister. In questions of dispute the decision of the Minister shall be final.

5. All permits for cutting of timber in Dominion Parks and all rights thereunder shall be subject to these Regulations and to any amendments that may be made thereto.

PERMITS.

RESIDENT'S PERMITS.

6. A permit may be issued to any *bona fide* householder in a park to cut for his own use twenty-five (25) cords of dead wood, free of dues from an area limited to five (5) acres. Such permit shall not be transferable and shall be valid for a period not to exceed three months, but in no case shall it be valid beyond the 31st March next following the date of issue. Such permits shall be returned on or before the date of expiration to the Office of the Superintendent with statutory declaration as to quantities of wood cut thereunder. No person shall be granted more than one such permit during a period of any three months of any year.

7. The permittee shall be required, on the issue of such permit, to pay a fee of twenty-five (25) cents and no such permit shall be issued to any person who has not made return of all such former permits which have been issued to him.

TIMBER PERMIT GRANTED WITHOUT COMPETITION

8. Permits may be granted without competition to cut all the merchantable dead timber in areas not exceeding 160 acres. The permittee shall be required, on issue of such permit, to pay a fee of twenty-five (25) cents and the sum of \$7.50 to be applied as dues, as hereinafter mentioned, and no portion of such payments shall be returned whether the permittee operates or not. Remaining dues shall be paid on or before the return of the permit.

9. Such permit shall not be transferable and shall expire on or before the 31st of March next following the date of the issue thereof and shall be returned on or before such date of expiration thereof to the Office of the Superintendent with statutory declaration as to the kinds and quantities of timber cut thereunder. No such permit shall be issued to any person who has not made return of all such former permits issued to him.

10. No such permit shall be issued to any firm or corporation or to any member thereof, while there is outstanding such permit in the name of the firm or corporation or any member thereof.

11. The Superintendent may require each applicant for a permit to furnish satisfactory proof that such permit is applied for for his own exclusive use and benefit.

TIMBER PERMITS GRANTED BY PUBLIC COMPETITION

12. The Minister may by public competition dispose of the right to obtain annual permits to cut all the merchantable dead timber in areas not exceeding two square miles, the ground rent to be thirty dollars (\$30.00) per square mile per annum, payable in advance. Such rental is to be applied as dues on timber cut in so far as such dues do not exceed the rental.

13. Application for any parcel to be put up by public competition shall be received by the Superintendent of the Park concerned, and forwarded to the Commissioner of the Dominion Parks with

the recommendation of the Superintendent. Such application shall be accompanied by a deposit of thirty dollars (\$30). In case no advertisement is made for tenders, or if advertisement is made and the depositor is not the successful applicant, his deposit will be returned. If advertisement is made and no tender is received, the deposit will be forfeited to His Majesty. If the depositor is the successful applicant, the deposit will be retained and applied to the dues, or in case he fails to take out a permit as required by these Regulations, it will be forfeited to His Majesty.

14. In surveyed districts the description of the parcel shall state the section, township and range, but in unsurveyed districts or where such description is impracticable the description shall be by metes and bounds tying the parcel of land either to a section line or some prominent topographical feature, sufficient to enable the lands to be identified in departmental records.

15. On receipt of such application by the said Commissioner, if approved, sealed tenders addressed to the Minister will be called for by advertisement in the public press.

16. More than one parcel may be granted to an individual or group of individuals, but each parcel must be tendered for separately.

17. Each tender must be accompanied by an accepted cheque on a chartered bank in favour of the Minister for the amount of the bonus which the applicant is prepared to pay for the right to obtain a permit.

18. The successful applicant shall take out a permit within sixty days from the date of the grant of such right. He shall pay on the issue of such permit twenty-five (25) cents as office fee and the aforementioned ground rent. All dues in excess of the ground rent, or in case the permittee has made an application deposit, all dues, in excess of the combined sum of the ground rent and the application deposit, shall be paid on or before the date required for the return of the permit.

19. Each such permit shall expire on the 31st day of March next succeeding the date of the issue thereof and shall be returned to the Superintendent immediately after the expiration thereof with a statutory declaration as to the quantity and sorts of timber, if any, cut thereunder.

20. The Minister may, at his option, grant a renewal of such permit for three consecutive years, and may grant a further renewal for two additional consecutive years, provided that all fees, dues, rentals and other charges in respect to such permit or any renewal thereof, and all dues thereon in arrears shall have been duly paid, and that the operations of the permittee shall have been satisfactory to the Superintendent.

21. In case any person to whom a parcel is awarded fails to take out a permit for such parcel within sixty days after the date of award; or in case a permittee fails to make renewal when the right to do so has been granted within sixty days after the expiration of the permit, the right to obtain such permit or such renewal, as the

case may be, and the deposit or bonus made in that connection may at the discretion of the Minister be forfeited to the Crown.

22. The right to obtain such permit on any parcel, or the permit itself, or any interest therein, shall not be assigned or transferred without the consent of the Minister, nor until any outstanding permit in the name of any of the parties concerned has been returned duly completed to the Office of the Superintendent, and all dues and other charges shall have been paid thereon. The fee for the registration of such assignment or transfer shall be two (\$2) dollars in advance.

23. One-half of the cost of patrolling and fighting fire to guard the timber covered by any such permit shall be defrayed by the permittee, the Crown defraying the other half. Such cost will be apportioned so that it will bear the same proportion to the total cost of fire guarding the whole park as the area covered by such permit bears to the area of the whole park. Payment of such cost shall be made on or before the 31st day of March following the date of such apportionment.

GREEN TIMBER PERMITS

24. The Minister may, by public competition or otherwise, dispose of the right to obtain a permit to cut green timber for thinning out dense growths making roads or any other improvement in Dominion Parks. Every such permit shall state the quantity and sort of timber granted and the dues charged for each sort. No ground rent shall be charged but all dues shall be paid on issue of such permit and shall remain the property of the Crown whether the permittee operates or not. The permittee shall be entitled to only one renewal of such permit.

25. Sections 14 to 24, both inclusive, which apply to permits for dead timber shall, excepting Sections 19 to 21, apply also to green timber permits.

DUES

26. The dues to be charged for dry wood shall be as follows:—

A. For timber, mining props, railway ties, posts and rails measuring:

(1) Eleven inches and over in diameter at the butt, one-fifth cent ($\frac{1}{5}c.$) per lineal foot.

(2) Nine (9) to eleven (11) inches in diameter at the butt end, one-tenth ($\frac{1}{10}$) of a cent per lineal foot.

(3) Five (5) to nine (9) inches in diameter at the butt end, one-twentieth ($\frac{1}{20}c.$) of a cent per lineal foot.

(4) Under five (5) inches in diameter at the butt end, free, if piled separately and thus made available for inspection.

B. For cordwood, twelve and a half cents ($12\frac{1}{2}c.$) per cord. Wood to be classed as cordwood must before removal be cut into lengths not more than four (4) feet.

27. The dues to be charged for green wood shall be as follows, payable on issue of the permit:

A. For timber, mining props, railway ties, posts and rails measuring:

(1) Eleven (11) inches and over in diameter at the butt end, three-fifths of a cent ($\frac{3}{5}$ c.) per lineal foot.

(2) Nine (9) to eleven (11) inches in diameter at the butt end, three-tenths of a cent ($\frac{3}{10}$ c.) per lineal foot. (O. in C. 14 July, 1915, P.C. No. 1647.)

(3) Five (5) to nine (9) inches in diameter at the butt end, three-twentieths of a cent ($\frac{3}{20}$ c.) per lineal foot.

(4) Under five (5) inches in diameter at the butt end, free, if piled separately and thus made available for inspection.

B. For cordwood, twenty-five cents (25c.) per cord. Wood to be classed as cordwood must before removal be cut into lengths not more than four (4) feet.

28. Statement of all timber removed by any permittee from any Dominion Park shall be made to the Superintendent thereof, quarterly, by the permittee removing such timber. Such statements shall give all information required as may be specified on forms prescribed by the Department; no such timber shall be shipped until the Superintendent of the Park concerned has been notified and permission has been given by him for shipment.

SEIZURES

29. All timber cut within any Dominion Park upon which any dues are in arrears, or which has been cut without proper authority, shall be liable to seizure whether it is in the possession of the person by whom it was cut or of any other person, and whether it has or has not been removed from the Park, and in case such timber is seized, the person by whom it was cut shall in the discretion of the Minister, forfeit all permits and all right to obtain a permit within a Dominion Park, in addition to any other penalty provided by the Forest Reserves and Parks Act or by these Regulations.

30. Double dues may be charged on all timber seized and unless they are paid forthwith and unless the person who cut the timber can establish to the satisfaction of the Superintendent that the cutting was done without wilful intent to contravene the Regulations, the timber shall be confiscated and may be disposed of by public auction after the same shall have been advertised as prescribed by the Superintendent and if no bid equal to the amount due to His Majesty on such timber is received it may be disposed of by private sale.

31. If timber cut in a Dominion Park, on which any dues are in arrears, or which has been cut without proper authority has been removed beyond the reach of the Superintendent, the person responsible for the cutting shall be liable to a payment of at least double dues on the quantity so cut, as determined by the Superintendent, providing that such person can establish that such arrearage of dues existed or cutting of timber was done without wilful intent to infringe these Regulations; in case he cannot so establish such intent to the satisfaction of the Superintendent, he shall be liable to a fine of not less than (\$1.00) dollar, and not more than three (\$3.00) dollars for every tree unlawfully cut.

32. If any green timber is cut upon any area granted under a permit for dry timber it shall be presumed to have been cut by such permittee, and he shall be liable to the penalty prescribed by these Regulations, and such permit shall be cancelled and at the option of the Minister the permittee shall not be entitled to hold or obtain any permit in any Dominion Park; provided that if such cutting has been done under special permit, or if the permittee shall prove to the satisfaction of the Minister that such cutting was not done by him or by his direction, or by his permission, or through any negligence on his part, he shall be absolved from the penalties and relieved from the liabilities prescribed by the Clause.

33. The Superintendent or any Parks' Officer shall have authority to make seizures of timber as herein provided.

REMOVAL OF PRIVATE PROPERTY

34. Upon the expiration of any timber permit the permittee shall forthwith remove from the Crown land covered by such permit, or used in the operation thereof, all logs, cordwood, buildings, chutes and other property belonging to him. Any such property that is not so removed shall be the property of the Crown.

STAMPS ON FLOATED TIMBER

35. No timber shall be put into a lake or stream in a Dominion Park to be floated until it is marked with a stamp furnished by the permittee, and approved by the Superintendent of the Park and until a copy of said stamp is placed on record in the Office of the Superintendent.

REMOVAL OF LIVE TREES

36. The removal of young live trees from the Dominion Parks shall be subject to such terms and conditions as may be prescribed by the Minister.

PENALTY

37. As provided by Section 20 of the Forest Reserves and Parks Act, Chap. 10, 1-2 George V, any person violating any of these Regulations shall, in addition to any civil liability thereby incurred, be liable on summary conviction to a penalty of not more than one hundred (\$100) dollars, and in default of immediate payment of such penalty and the costs of prosecution, such person may be imprisoned with or without hard labour for any term not exceeding six months.

**Regulations for the Removal of Ice from Dominion Parks,
approved by Order in Council, 29th June, 1916, P.C. No.
1536.**

No person shall remove ice from lakes or streams within Dominion Parks without permission;

Any person desiring to remove ice from waters within a Dominion Park shall make application to the Superintendent of the Park who may issue the necessary permit to do so;

Permits shall be of two kinds:

(1) Resident's permits issued to persons residing in the Park to cut ice for their own use;

(2) as amended by O. in C. 24 Oct., 1916, P.C. No. 2606.

Permits to cut ice for sale.

The fee for resident's permits shall be twenty-five cents.

The fee for permits to cut ice for sale, shall be five dollars.

Returns of the quantities cut shall be furnished by the permittee to the Department at such times and in such manner as the Minister of the Interior may require.

**Regulations governing Cinematographs, Moving Picture Machines,
or similar apparatus, within Dominion Parks, approved by
Order in Council, 27th April, 1912, P.C. No. 1066.**

That the following Regulations be established to be observed by every user, exhibitor and operator of a cinematograph, moving picture machine, or other similar apparatus within the Dominion Parks.

1. No theatre or place of amusement shall operate a cinematograph, moving picture machine or other similar apparatus without first securing a license from the Park Superintendent therefor. A fee of \$1 shall be payable for such license. No person shall operate any of these machines without first securing an operator's license from the Park Superintendent at a fee of \$1, and the license shall not be transferable. These licenses shall expire on May 31 next after date of issue.

The Park Superintendent shall at any time have authority to cancel such licenses for cause.

2. All machines shall be located within a cabinet of style and size agreeable to the Park Superintendent. The cabinet shall be lined inside throughout with two-ply of fourteen pound pure asbestos paper and covered with metal, door opening outward with spring and shall have no lock (provided that any other fireproof cabinet that passes inspection of the Park Superintendent or officer authorized to inspect same may be used) and shall be equipped with an automatic cut-off, each opening to be equipped with fusible links or wire, all wires conveying electricity to this cabinet to be properly insulated by porcelain tubes or other proper insulating substances. A switch within the cabinet shall be enclosed in a fireproof box.

In the event of the lamps of the machine being lighted by any means other than electricity the equipment shall be subject to the approval of the Park Superintendent.

The cabinet shall be kept clean and free from any articles not required for performance. A fire extinguisher of the Carbonic Acid Gas, or other pattern approved by the Park Superintendent, in good working order shall be kept within the cabinet.

3. All machines shall be equipped with fireproof magazines, automatic fire shutter, asbestos wire connections throughout not smaller than No. 8 (except as hereinafter provided) and shall be worked by hand. Where a rheostat is used it shall be set on marble, or slate at least one inch thick in a fireproof box. All films shall be transferred from one spindle to another in a metal rewinding box. Machines using smaller current may on written permission from the Park Superintendent, use No. 10 wire lamp connections.

4. Every operator shall be of the full age of 18 years. He shall examine his machine and wire connections daily, and must devote his time entirely to machine while operating. He shall not permit any person to enter or remain in the cabinet between the times of the opening and the closing of the theatre to the public (except the Park Superintendent, or other officer authorized by him to inspect the machine) and no smoking or lighting of matches (except where necessary to light the lamps of the machine where the lamps are lighted by any means other than electricity) shall be allowed at any time, nor shall reading matter be allowed in the cabinet or on the person of the operator. No operator shall operate a machine while under the influence of liquor.

5. All "Exits" shall be marked with a sign, with letters not less than six inches long, with word "Exit" and to be accompanied with a red light (and no other red lights to be used on the premises). Where the building is lighted by any means other than electricity, special precaution shall be taken to prevent explosions from lamps or fire from any inflammable material coming in contact with the lights. All doors shall open outwards and shall not be locked during time exhibitions are held. All exits must be thrown open for use at the conclusion of every performance.

6. The cabinet shall occupy a position which does not interfere with an aisle or passageway.

7. Two fire extinguishers of the Carbonic Acid Gas, or other pattern approved by the Park Superintendent in good working order, besides a sand pail and shovel, shall be kept continuously near the operating cabinet.

8. All halls, passageway, stairways, or approaches shall be kept free and unobstructed by any campstool, chair, sofa, hinged seat or other obstruction, or by allowing the public to stand in the aisles.

9. All licenses shall be issued subject to the implied condition that no exhibition will be permitted on the Lord's Day except in connection with religious services by permit of the Park Superintendent.

10. The Park Superintendent (or any one designated by him) shall have authority to examine all films to be exhibited within the Park, and to prohibit the exhibition of films that depict criminal or immoral scenes or films or any supplementary performances, such as songs or recitations which may, in his judgment, be in any way objectionable.

COAL MINING REGULATIONS

Regulations for the disposal of coal mining rights, the property of the Crown, in the Provinces of Manitoba, Saskatchewan, and Alberta, the Yukon Territory, the Northwest Territories, the Railway Belt in the Province of British Columbia, and within the tract containing three and one-half ($3\frac{1}{2}$) million acres of land acquired by the Dominion Government from the said Province of British Columbia, and referred to in subsection (b) of section 3 of the Dominion Lands Act.

"Minister" shall mean the Minister of the Interior.

"Surveyed land" for the purposes of these regulations, shall mean a section or a part of a section, one of the boundaries of which has been defined by a surveyed line, and one of the corners of which has been marked on the ground by a survey post or mound, and the official plan of which, showing such survey and marking, has been approved by the Surveyor-General.

"Coal mining location" shall mean a tract of land, containing coal, located or staked in accordance with these regulations.

"Locator" shall mean the person who locates or stakes a coal mining location, in the manner prescribed in these regulations.

"Year" shall mean a period of twelve consecutive calendar months.

1. The coal mining rights which are the property of the Crown in the Provinces of Manitoba, Saskatchewan and Alberta, the Yukon Territory, the Northwest Territories, the railway belt in the province of British Columbia, and within the tract containing three and one-half million acres of land acquired by the Dominion Government from the province of British Columbia, and referred to in subsection (b) of section 3, of the Dominion Lands Act, may be leased by the Minister at an annual rental of \$1 per acre, payable yearly in advance.

Provided, however, that these regulations shall not apply to school lands or to any land comprised within the Rocky Mountains Park of Canada, or within Dominion Forest Reserves, or to land within the Jasper Forest Park of Canada, or other reserves made by Parliament, or by order of the Governor in Council, or to land within any incorporated city, town or village, unless otherwise specially provided by the Governor in Council.

The term of the lease shall be twenty-one years, renewable for a further term of twenty-one years, provided the lessee furnishes evidence, satisfactory to the Minister, to show that during the term of the lease he has complied fully with the conditions of such lease, and with the provisions of the regulations regarding the disposal and operation of coal mining rights which may have been made from time to time by the Governor in Council, and subject to renewal for additional periods of twenty-one years on such terms and conditions as may be prescribed by the Governor in Council.

2. The maximum area of coal mining location shall be 2,560 acres, and no person shall be permitted to acquire more than one location, except by assignment.

Provided that a person who has been granted a lease for a location, and who subsequently abandons or assigns the same, may, after the expiration of twelve months from date of the said lease, be permitted to secure another location;

Provided further, however, that such right of relocation shall not be granted unless all payments on account of rent, royalty, or other liability to the Department, due by such person, have been fully made up to the date of the registration by the Department of the assignment of his right to such lease, or up to the date upon which the notice of his abandonment of the same was received by the Department.

3. The location applied for, if it comprises surveyed land, shall consist of sections or legal subdivisions of sections, but the several parcels comprising the location must adjoin, and the whole area applied for shall not exceed four miles in its greatest dimension, nor shall the length exceed four times the breadth.

4. Application for a coal mining location, comprising surveyed land, shall be filed by the locator in person with the Agent of Dominion Lands for the district in which the location is situated, or with a sub-agent for such district for transmission to the Agent, but priority of application shall be based upon the date of the receipt of such application in the office of the Agent of Dominion Lands for the district, which shall be the office of record for all applications for coal mining locations. The application shall contain a full description by section, part of section, township and range, of the land applied for.

5. Application for a coal mining location, situated in unsurveyed territory, shall be filed by the locator in person with the Agent of Dominion Lands for the district in which the location is situated, or with a sub-agent for such district for transmission to the Agent, within thirty days from the date upon which the location applied for was staked in accordance with section (6) of these regulations. If, however, the location is distant more than one hundred miles from the office of the agent, or sub-agent, the locator shall be allowed one additional day for each ten miles, or fraction thereof, in excess of one hundred miles. If the application is not filed within the time prescribed, it shall not be considered.

6. Application for a location situated in unsurveyed territory shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a plan showing the position of such location in its relation to some prominent topographical feature or other known point. The plan shall contain sufficient data to admit of the position of the location applied for being definitely shown in the records of the department. The location must be rectangular in form, except where a boundary of a previously located tract is adopted as common to both locations, the length not to exceed four times the breadth.

The application shall be accompanied by evidence, supported by affidavit of the locator, to show that the following requirements have been fully complied with:—

(a) That the location applied for has been defined on the ground by the locator in person by planting two wooden posts, at least four inches square, and standing not less than four feet above the ground—such posts being numbered “1” and “2” respectively. The distance between post No. “1” and post No. “2” shall not exceed 21,120 feet and upon each post shall be inscribed the name of the locator and the date of the location. Upon post No. “1” there shall be written in addition to the foregoing, the words “Initial Post,” the approximate compass bearing of post No. “2,” and a statement of the number of feet lying to the right and to the left of the line between post No. “1” and post No. “2” thus: (Initial post, direction of post No. “2” is.....feet lie to the right and.....feet to the left of the line between post No. “1” and post No. “2.”)

When the tract which an applicant desires to lease has been located, he shall immediately mark the line between post No. “1” and post No. “2,” so that it can be distinctly seen, in a timbered locality, by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set posts of the above dimensions or erect mounds of earth or rock not less than two feet high and two feet in diameter at the base in such a manner that the line may be distinctly seen.

(b) All the particulars required to be inscribed on posts No. “1” and No. “2,” shall be set out in the application and shall be accompanied by a plan showing the position of the tract in its relation to some prominent topographical feature or other known point, such plan to contain sufficient data to admit of the location being shown definitely on the records of the Department.

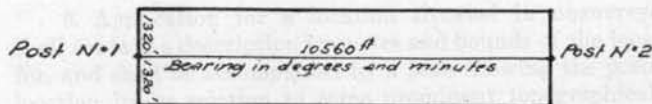
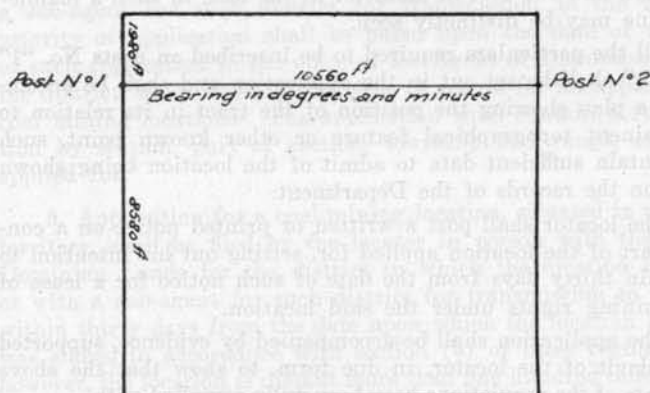
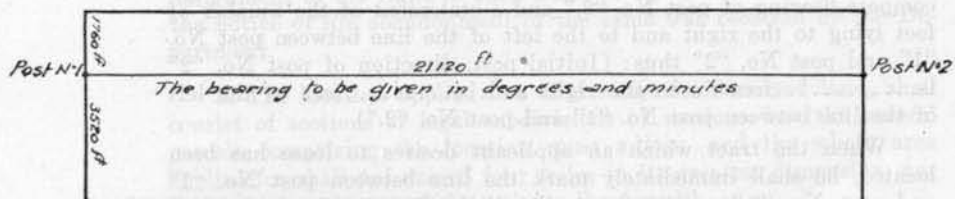
(c) The locator shall post a written or printed notice on a conspicuous part of the location applied for, setting out his intention to apply within thirty days from the date of such notice for a lease of the coal mining rights under the said location.

(d) The application shall be accompanied by evidence, supported by the affidavit of the locator, in due form, to show that the above requirements of the regulations have been fully complied with.

(For purposes of illustration, the following diagrams are given to show the manner in which coal mining locations may be laid out in unsurveyed territory.)

DIAGRAM SHOWING MODE OF STAKING

A location should be staked along its greatest dimension.



7. Where two or more persons lay claim to the same location, or to portions of the same locations, the right to acquire a lease shall be in him who can prove to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by demarcation in the manner prescribed in these regulations, and that he made application for a lease thereof within the specified time.

8. As soon as the survey of a township has been confirmed, all coal mining leaseholds, embracing any portion of such township so

surveyed and confirmed shall, if the Minister so directs, be made to conform to the Dominion Lands system of survey by the substitution of a new lease describing by sections, legal subdivisions of sections, or regular portions of legal subdivisions, as nearly as may be the tract embraced in the leasehold in so far as the township so surveyed is concerned.

The remainder of the leasehold, which may still be in unsurveyed territory, shall continue to be described as in the lease originally issued, until such portion is included in a confirmed survey.

9. As soon as the survey of a township has been confirmed, all coal mining leaseholds embracing any portion of the township so surveyed and confirmed shall be subject to the withdrawal forthwith from the lease, without compensation to the lessees, of any portions which, in accordance with such confirmed survey, are found to be the property of the Hudson's Bay Company: Provided, however, that upon such withdrawal being made from any location in good standing, the rental paid on the land so withdrawn, in whole or in part, may, in the discretion of the Minister, be refunded to the lessee.

10. The lessee shall commence active operations on his leasehold within one year from the date upon which he may be notified by the proper officer of the Department of the Interior to do so, and shall produce from such operations the quantity of coal specified in the said notification. Such notification shall not be given until the expiration of at least one year from the date of the lease, and shall set out the quantity of coal which the lessee is required to mine and produce at the pit's mouth ready for shipment, which quantity, however, may be increased from time to time, upon thirty days' notice to that effect being given to the lessee, but in no case shall the maximum quantity required to be mined exceed ten tons per annum for each acre leased. In case operations are not commenced within the time specified in the notice, or if the required quantity of coal is not mined during each year, the lease shall be subject to cancellation in the discretion of the Minister.

11. The lessee shall not assign, transfer or sublet the rights described in his lease, or any part thereof, without the consent in writing of the Minister being first had and obtained.

12. The boundaries beneath the surface of coal mining locations shall be the vertical planes or lines in which their surface boundaries lie.

The lessee, however, shall not mine or excavate any coal within sixty feet from the boundary lines of the location which may be leased to him, and the rights and privileges granted under the lease shall not extend to the mining of any coal which lies within sixty feet from the said boundary lines, nor shall the lessee make or suffer to be made any opening underground into any adjoining lands through the said barrier of sixty feet which it is intended shall remain as a protection from water accumulating and from fire occurring in the mine which may be opened on the location, or in mines adjacent thereto, as well as for the prevention of subsidence.

13. All leases of coal mining rights issued under these regulations shall be subject to the provision that actual settlers shall be entitled to buy at the pit's mouth whatever coal they may require

for their own use, but not for barter or sale, at a price not to exceed \$2.75 per ton, and the lease issued for coal rights shall be made subject to such provision.

14. The lease shall be in such form as may be determined by the Minister of the Interior, in accordance with the provisions of these regulations.

15. A fee of \$5 shall accompany each application for a lease, which will be refunded if the rights applied for are not available, but not otherwise.

16. The applicant for a lease of coal mining rights shall be given a period of thirty days from the date of the receipt of his application within which to pay to the Agent of Dominion Lands for the district the full amount of the rental for the first year of the term of the lease at the rate of one dollar an acre. If the rental is not received within the time specified, the application shall absolutely lapse, and the rights applied for shall again become available for other disposition in the discretion of the Minister. The lease, if issued, shall bear date the day upon which the application was granted.

17. If during the term of the lease the lessee shall fail to pay the rental in advance for each subsequent year, at the rate of one dollar (\$1) an acre per annum, within thirty days after the date upon which the same became due, the lease shall be subject to cancellation in the discretion of the Minister and to the immediate forfeiture of all the rights granted thereunder.

18. If the location is situated in surveyed territory, and the surface rights thereof have been patented or have been disposed of by the Crown under any Act or regulation which contemplates the issue of patent, or if the surface rights have been disposed of temporarily under a terminable grant, the Minister may, in consideration of the expenditure to be incurred by the locator on the tract leased, in prospecting operations, and upon application to that effect, in the proper form, being filed with the Agent, or Sub-agent, of the district in which the location is situated, waive the payment of the rental for the first and second years of the term of the lease, subject to the following conditions:—

(a) Each such application shall be accompanied by a fee of one hundred dollars (\$100) which amount will be deducted from the expenditure which the locator shall be required to incur in prospecting operations on his leasehold during the first year of the term of his lease. Such fee shall be refunded to the locator if the application is not granted.

(b) Subject to the deduction of the one hundred dollar fee, as provided in the foregoing subsection (a), the locator shall expend in actual prospecting operations upon his leasehold, by recognized methods, during each of the first and second years of the term of his lease, the sum of not less than one dollar (\$1) for each acre of the total area of his location, and shall, prior to the termination of each of the said two years submit evidence, satisfactory to the agent, supported by affidavit, to show that he has incurred the required expenditure in actual prospecting operations, by recognized methods,

on the tract covered by his location. If the lessee fails to submit such evidence in the manner prescribed, the lease shall be subject to cancellation in the discretion of the Minister and to the immediate forfeiture of all the rights granted thereunder.

19. In addition to the rent, a royalty at the rate of five cents per ton of two thousand pounds, shall be levied and collected on the merchantable output of the mine, and such royalty shall be payable monthly to the agent from the date upon which operations may be commenced. The person operating a mine shall furnish the Agent of Dominion Lands with sworn returns monthly, or at such times as the Minister of the Interior may direct, accounting for the full quantity of merchantable coal mined.

No royalty, however, shall be levied or collected on coal mined in the Yukon Territory for a period of five years from the 7th of April, 1918.

In the event of its being found necessary, after the operator of the mine has been requested three times in writing to forward any overdue return, to send a mining inspector or other officer to secure the same, the Minister may charge and may collect from the recorded owner of the location so in default, the expenses incurred in connection with securing such return, and failure to make payment of the expenses so incurred shall render the lease subject to immediate cancellation.

20. Every lessee of coal mining rights which are not being operated shall furnish the Agent of Dominion Lands with a sworn statement to that effect at least once in each year.

21. Default in payment of the royalty, or in furnishing the returns, if continued for thirty days after notice has been posted at the mine, or conspicuously on the property in respect of which it is demanded by the Agent of Dominion Lands, or by his direction, may be followed by cancellation of the lease, or the imposition of a fine in the discretion of the Minister of the Interior.

22. Any attempt to defraud the Crown by withholding any part of the revenue thus provided for, by making false statements of the amount taken out, may, in the discretion of the Minister, be punished by fine, or by the cancellation of the lease in respect of which fraud or false statement has been committed or made. In respect to the facts as to such fraud or false statements or non-payment of royalty or failure to furnish returns, the decision of the Minister of the Interior shall be final.

23. An agent of Dominion Lands or any other officer or person so designated by the Minister, shall have the right to enter upon any land comprised within a coal mining location, or the workings therein; to examine all records and books of account of the lessee or operator of such mining location, and to make such other examination as may be deemed necessary in order to ascertain whether or not the terms of the lease for such location are being duly complied with.

24. The lease shall in all cases include the coal mining rights only, the property of the Crown, but the lessee may, upon application, be granted a yearly lease at a rental of \$1 per acre per annum, payable yearly in advance, of whatever area of the available surface

rights of the tract described in the coal mining lease the Minister may consider necessary for the efficient and economical working of the rights granted under such lease.

25. In case the surface rights of a coal mining location are covered by a timber license, grazing or petroleum lease, mining claim or other form of terminable grant which does not contemplate the issue of patent, the lease shall not authorize entry thereon, except the permission of the Minister is first had and obtained, and such permission shall be given subject to such conditions for the protection of the rights of such lessee or licensee as it may be considered necessary to impose.

26. In case the surface rights of a coal mining location have been patented, or have been disposed of by the Crown under any Act or regulation which contemplates the earning of patent for such surface rights, and the lessee of the coal mining rights cannot make an arrangement with the owner of the surface rights, or his agent, or the occupant thereof, for entry upon the location, or for the acquisition of such portion of the surface rights as may be necessary for the efficient and economical operation of the rights acquired under this lease, he may, provided the mineral rights in the land affected, with access thereto, and the right to use and occupy such portion of the said land as may be necessary for the effectual working of the minerals therein, have been reserved to the Crown in the original grant of the surface rights, apply to the Minister for permission to submit the matter in dispute to arbitration. Upon receiving such permission in writing, it shall be lawful for the lessee to give notice to the owner, or his agent, or the occupant, to appoint an arbitrator within a period of sixty days from the date of such notice, to act with another arbitrator named by the lessee, in order to determine what portion of the surface rights the lessee may reasonably acquire:—

(a) For the efficient and economical operation of the rights and privileges granted him under his lease.

(b) The exact position thereof, and

(c) The amount of compensation to which the owner or occupant shall be entitled.

The notice mentioned in this section shall be according to a form to be obtained upon application to the Agent of Dominion Lands for the district in which the land in question is situated, and shall, when practicable, be personally served on the owner of such land, or his agent, if known, or the occupant thereof, and after reasonable efforts have been made to effect personal service without success, then such notice shall be served by leaving it at, or sending it by registered mail, to the last known place of abode of the owner, agent, or occupant, and by posting a copy of the same in the office of the Agent of Dominion Lands for the district in which the land in question is situated. Such notice shall be served, if the owner, or his agent, resides in the district in which the land is situated, ten days, if out of the district, and if in the province or territory, twenty days, and if out of the province or territory, thirty days, before the expiration of the time limited in such notice. If the owner, or his agent, or the occupant of the land, refuses or declines to appoint an

arbitrator, or when for any reason, no arbitrator is so appointed in the time limited therefor in the notice provided for by this section, the Agent of Dominion Lands for the district in which the land in question is situated shall forthwith, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent, or occupant, or that such owner, agent, or occupant wilfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent, or occupant, as above provided, appoint an arbitrator on his behalf.

27. In case the two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator select a third arbitrator, and when such two arbitrators cannot agree upon a third arbitrator, the Agent of Dominion Lands for the district in which the land in question is situated, shall forthwith select such third arbitrator.

28. All the arbitrators appointed under the authority of these regulations shall be sworn before a Justice of the Peace to the impartial discharge of the duties assigned to them, and after due consideration of the rights of the owner and the needs of the lessee, they shall decide as to the particular portion of the surface rights which the latter may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease, the area thereof, and the amount of compensation therefor to which the owner or occupant shall be entitled.

29. In making such valuation the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals thereunder.

30. The award of any two such arbitrators made in writing shall be final, and shall be filed with the Agent of Dominion Lands for the district in which the land is situated, within twenty days from the date of the appointment of the last arbitrator. Upon the order of the Minister the award of the arbitrators shall immediately be carried into effect.

31. The arbitrators shall be entitled to be paid a per diem allowance of \$5, together with their necessary travelling and living expenses while engaged in the arbitration, and the costs of such arbitration shall be borne by the lessee.

32. Where a coal mining location comprises adjoining lands included in one or more leases of unsurveyed territory, acquired by assignment or otherwise under the provisions of these regulations, recorded in the name of one lessee, and situated more than ten miles from a railway when the leases were issued, and where the lessee of such location can show that he has expended in actual prospecting and developing operations on the location by recognized methods during any year prior to railway communication with the location having been established, an amount equal to or in excess of the prescribed yearly rental of such location, the Minister, upon proof satisfactory to him showing that such expenditure was incurred for the purpose and in the manner specified on one or more of the leaseholds comprising the location, may waive payment of the rental for

the year of the term during which such expenditure may be shown to have been incurred, or in case the rental has already been paid, he may apply such payment or such portion thereof as to him seems reasonable, on account of future payments of the rental of any leasehold included in the location, such expenditure, however, not to be accepted as payment of rental during a greater period than five years of the term of the leases.

33. The lessee shall, before opening any mine on the lands described in the lease, and before extracting any coal therefrom, submit to the Minister plans and specifications showing in detail the manner in which it is proposed to open up, develop and operate such mine, and if the location contains more than one seam of coal, detailed information shall be furnished as to the particular seam which it is proposed to develop. No work shall be commenced for the recovery of coal, and no coal shall be extracted until such plans and specifications have been approved by the proper officer of the Department. The procedure to be adopted in opening up and operating a mine on the lands leased, as well as the particular seam of coal which shall first be operated, shall at all times be in accordance with the provisions of regulations duly approved by the Minister, and failure to comply with the requirements of such regulations shall render the lease subject to cancellation in the discretion of the Minister.

34. That the lessee will pay and discharge all school taxes imposed by or on behalf of the Government of the province of Alberta now charged or hereafter to be charged upon the said demised premises as occupant or upon the said lessee or occupier in respect thereof or payable by either in respect thereof.

Whenever the coal mining lessee by reason of his mining operations on the lands described in the lease creates a centre of population comprising persons who, under the provisions of the regulations of the province in which the lands are situated, are considered to be of school age, and in case a school district is organized under the regulations of the province owing to such centre of population having been so created and including it, the lessee shall erect and maintain during the currency of the lease a school house for the accommodation of all such persons of school age, satisfactory to the Minister of Education for the province, on a site provided by the mine-owner, satisfactory to the said Minister.

35. By an Order in Council dated the 6th of June, 1911, the foregoing regulations established by Order in Council dated the 20th of April, 1910, were extended and made to apply to lands within the forest reserves and parks as constituted by the Dominion Forest Reserves and Park Act, with the exception of Elk Park and the Buffalo Park Reserve, subject, however, to the following restrictions contained in Order in Council dated 28th February, 1911:—

1. No lease for coal mining purposes shall entitle the lessee to purchase the surface rights, but the lessee may, upon application, be granted a lease concurrent with that for the coal mining rights, for such portion of the surface rights thereof as the Minister of the Interior may consider necessary for the efficient and economical working of the coal mining rights granted under such lease.

2. That the lessee will do no unnecessary damage to timber and will carefully observe all the provisions of all regulations relating to forest reserves.

3. That no trees on the reserve will be cut by him without the permission of the Superintendent of Forestry, and that when any trees are cut by him he will carefully clear the ground of all tops and branches and other debris of such cutting, and will so disposed of them as to prevent danger from fire, in accordance with the instructions of the officer in charge of the reserve. If in order to so dispose of such debris it is necessary to burn it, the lessee shall give due notice of his intention so to do to the officer in charge of the reserve, and before he proceeds to burn such debris shall obtain the consent of such officer, and shall comply with all the conditions imposed by such officer in regard to such burning.

4. That the lessee shall clear and at all times keep clear of inflammable material a space of at least one hundred feet in width surrounding his works or operations.

5. That any engine operated by the power of steam used by him in connection with his works or operations shall be fitted with efficient spark arresters, which shall at all times be kept in a state of good repair.

P.C. No. 948

Ref. 024160 on 574893

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of April, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL

WHEREAS applications for the surface rights on certain lands within the Dominion Parks for the purpose of coal mining operations are being received.

AND WHEREAS it is deemed desirable that a form of license for the disposal of the necessary surface rights in connection with coal mining operations, containing the necessary clauses and conditions protecting Parks' interests, should be approved:

THEREFORE the Governor General in Council, under the authority of Section 18 of the Dominion Forest Reserves and Parks Act as amended by an Act assented to on the 6th day of June, 1913, is hereby pleased to approve the accompanying form of license of occupation for the disposal of surface rights within the Dominion Parks and to authorize the Minister of the Interior to insert such further clauses as he considers the conditions in connection with each application warrant.

(Signed) RODOLPHE BOUDREAU,

Clerk of the Privy Council.

License of Occupation for surface rights over Coal Mining Claims,
approved by Order in Council dated the 7th April, 1914,
P.C. No. 948.

THIS INDENTURE made in duplicate this day of
in the year of Our Lord

BETWEEN

His Majesty The King, hereinafter called his Majesty,
represented herein by the Honourable the Minister of
the Interior, hereinafter called the Minister.

Of the first part;

and

!

of the second part.

Whereas the lands hereinafter described are public lands in
Park;

And whereas the licensee has applied for a license of occupation
of the surface of the said lands for the purpose of carrying on its
coal mining operations;

And whereas the Governor General in Council hath given author-
ity for the issue of a license of occupation to the licensee upon the
terms embodied herein,—

Now this indenture witnesseth that in consideration of the rent
hereinafter reserved and upon and subject to the stipulations, provisos
and conditions hereinafter contained, His Majesty doth hereby grant
unto the licensee, its successors and assigns, full license and authority
to enter upon and occupy all and singular the surfaces of those
parcels or tracts of land lying and being in the Park
of the Dominion of Canada, and being composed of the following
parcels of land, that is to say:

DESCRIPTION

That certain parcel or tract of land situate, etc.

To hold the same unto the licensee, its successors and assigns
during the term of twenty-one years to be computed from the
day of in the year of Our Lord and
from thenceforth next ensuing and fully to be complete and
ended; yielding and paying therefore yearly and every year during
the said term the sum of by equal half-yearly pay-
ments on the following days and times, that is to say:—In advance
on the day of and the day of
in each year, the first of such payments to be made on or before
the delivery of these presents.

Provided always, and these presents are issued upon and subject
to the following stipulations, provisos and conditions, that is to
say:—

1. That the licensee shall and will pay the rent hereby reserved in manner aforesaid, and shall and will also pay all charges, taxes, rates and assessments whatever which shall during the said term be charged upon or be payable in respect of the said lands.

2. And it shall be lawful for the Minister or any person, thereunto authorized by him at all reasonable times during the said term to enter upon the said demised premises and examine the condition thereof.

3. And that the licensee shall not nor will not during the said term assign or underlet the said lands or any part thereof, or any buildings or any portion of them erected on the said lands without consent in writing of the Minister.

4. And that the said lands shall be used for the purposes of the said mining operations and for no other purposes except with the consent of the Minister.

5. And that if at any time during the said term any portion of said lands should, in the judgment of the Minister, be found necessary for roads or trails, or should be necessary or convenient, for church, educational or other public purpose, His Majesty may resume possession of any such portion of them upon sixty days' notice to the licensee, but so as to cause the licensee as little obstruction, interference or inconvenience as possible to or with the licensee in the exercise and enjoyment of its rights hereunder, and thereupon an abatement shall be made in the said yearly rent at the rate of _____ for every acre, possession of which shall be so resumed, but in no such case shall the licensee have any claim for damages in any way resulting from such resumption or from the determination of this license.

6. And that the licensee shall maintain to the satisfaction of the Minister all roads and trails on the said lands which are now in existence and which the licensee may hereafter open, lay out or construct on the said lands subject to and only with the approval of the Minister, and shall permit the public to have free access to and use of any and all such roads and trails at any and all times, and shall take every reasonable precaution against any of the public being injured by reason of the mining operations on said lands.

7. And there shall be a reservation for the use of the public of one hundred feet in width along the shore of each lake, river or stream on the said lands, as provided for in the Parks' Regulations, approved by His Excellency the Administrator in Council on the 21st day of June, 1909.

8. And that it shall be lawful for the parks officers at all times during the said term, or any renewal thereof, to enter upon and utilize any portion of the said lands which in his or their judgment may be in the interest of the administration of the said park, and to improve the condition thereof, provided such liberties shall be exercised by such officers or employees so as to cause as little obstruction, inconvenience or interference as possible to or with the licensee in the exercise and enjoyment of its rights hereunder.

9. And that the licensee shall not cut or interfere with any timber, trees, or other vegetation on the said lands or impair the natural beauty of the park scenery in any way or manner, except to such an extent as in the judgment of the Superintendent of the Park is necessary for such mining operations.

10. And that the licensee shall pay dues upon any and all green or dry timber which may be cut on the said lands in connection with the operations of the licensee.

11. And that the licensee shall burn all refuse, tree-tops and branches which may result from the cutting of said timber; such burning to be performed at the expense of the licensee and under the direction of the Superintendent of the Park.

12. And that the licensee shall remove and dispose of all mining or other refuse resulting from the said mining operations in a manner satisfactory to the said Superintendent.

13. And that the licensee shall at its own expense, not exceeding five hundred dollars (\$500.00), construct a dwelling in a suitable location, for a fire and game guardian of the parks' organization, both the design and location of such dwelling to be approved by the said Superintendent.

14. And that the licensee shall comply with all the requirements of the said Superintendent in respect of water supply, sewerage, and sanitation and any other particular so as to protect the public health or comfort.

15. And that the licensee shall maintain the said lands, works and buildings thereon in a condition satisfactory to the said Superintendent.

16. And that no dwellings or other structures shall be erected on the said land without first submitting plans thereof to the Superintendent of the Park, and no buildings of any nature shall be erected on the said lands without first obtaining the approval of the plans thereof by the said Superintendent, and no person without the consent of the said Superintendent, except miners or other employees of the licensee shall occupy the said buildings or any portion thereof.

17. And that the sites of all buildings, erections and shipping appurtenances to be erected on the said lands under this license, shall be subject to the approval of said Superintendent.

18. And that the licensee shall not carry on or suffer to be carried on the business of a licensed hotel to sell intoxicating liquors, on the said lands without the consent of the said Superintendent.

19. And that the plans of any townsite which the licensee may desire to have established for the erection of any dwellings or buildings for the use, resort, occupation, residence or accommodation of any or all of its employees, or for other purposes connected with the said mining operations on the said lands shall be filed with the said Superintendent, and that the licensee shall at his own expense operate, maintain and conduct the said townsite to the satisfaction of the said Superintendent.

20. And that the amounts of any rents charged or emoluments received by the licensee in connection with the townsite or for water, sewer, electric light or other service shall be subject to revision by the said Superintendent.

21. And that the licensee shall and will take such action at any time and in any manner as the Minister may reasonably direct or require to beautify the said townsite.

22. And that the licensee shall provide accommodation to any fit, suitable, proper or desirable person or persons who may require or desire to resort to or reside at any boarding house or hotel owned, operated or controlled by the licensee on said townsite or said lands under this license, provided that there is in the judgment of the said Superintendent accommodation available at the time and that the said person or persons pay the usual charge for such accommodation.

23. And that the licensee shall sanction or permit any person, persons or corporation having the permission of, or license from the Minister in writing, to operate, set up, locate, establish or maintain any boarding house, hotel or other place of accommodation, sale or amusement, or any livery, store, dairy or other place of business of any kind whatsoever, on said lands without any fee, rental, license or any other charge being made, received or executed by said licensee for the land used or occupied for such a purpose other than that approved of, authorized or sanctioned by the Minister, but no such permission or license shall be granted which shall or may obstruct or interfere with the exercise and enjoyment of the licensee's rights hereunder.

24. And that the licensee shall allow and give or cause to be given every facility and assistance to the Minister for him to take or have taken from the mouth of the mine or mines on the lands under this license, as much and all the coal which may be required at any time for the use of the Department of the Interior, upon payment of the market price of said coal at the time the same is so taken, or to have said coal delivered on board cars at upon payment by the Minister of the market price of said coal and the cost of transportation thereof to

25. And that the licensee shall take or have taken any and every precaution to prevent any subsidence, falling in, caving or slipping away of any of the surface of the earth on said lands under this license due to the said mining operations, and that should any subsidence, falling in, caving or slipping away result from or be directly or indirectly due to such mining operations through any neglect or carelessness of the licensee or any of its employees, the licensee shall and will be considered and held solely and absolutely responsible for any claim or damage which may result directly or indirectly through such subsidence, falling in, caving or slipping away and compensate the Minister for or repair any damage done from such a cause to the satisfaction of the Minister.

26. And that these presents shall be subject to the Dominion Parks Regulations for the time being in force, and all officers and employees of the said parks shall have the same authority over the said lands as they have in respect of any other portion of the said

park, provided they shall exercise such authority so as to cause as little obstruction, inconvenience or interference as possible to or with the licensee in the exercise and enjoyment of its rights hereunder.

27. And that if the rent hereby reserved or any part thereof shall be unpaid for thirty days after becoming payable (whether formally demanded or not), or if any covenant, proviso, stipulation or condition on the part of the lessee herein contained shall not be performed or observed or if for any reason the lease of the coal mining rights in the said lands held by the licensee ceases or determines then, and in any of the said cases it shall be lawful for the Minister by notice in writing under his hand to cancel these presents and terminate the estate or term hereby demised, and thereupon these presents and everything therein contained and the estate or term shall, from the time of the giving of such notice, absolutely cease, determine and be void without re-entry or any other act or any suit or legal proceedings to be brought, or taken, provided that His Majesty shall nevertheless be entitled to recover from the lessee the rent then accrued or accruing, and moreover that any right of action of His Majesty against the lessee in respect of any antecedent breach of any of the said covenants, provisos, stipulations or conditions, shall not thereby be prejudiced.

28. And that any notice affecting the tenancy hereunder which the lessor may desire to serve upon the lessee shall be sufficiently served on the lessee if left addressed to him on the demised premises or posted to him addressed to his last known address or if left at the said address. A notice sent by post shall be deemed to be given at the time when in due course of post it would be delivered at the address to which it is sent.

29. And that His Majesty will on the written request of the licensee made six months before the expiration of the term over which the aforesaid license is granted and if there shall not be at the time of such request any existing breach or non-observance of any of the conditions on the part of the licensee hereinbefore contained, and if the licensee shall obtain a renewal of the said lease of the mining rights in said lands, grant to it a license of occupation of the said lands for a further term of 21 years from the expiration of the said lease at a rent and containing provisos and conditions to be determined by the Minister at the time of the expiration of the term of this license.

Where the context allows, the expression, "His Majesty" includes the successors and assigns of His Majesty; the expression "Minister" includes the Deputy of the Minister and the successors in office for the time being of the Minister, or such Deputy, and the expression "Licensee" includes the successors and assigns of the licensee.

In witness whereof the Deputy Minister of the Interior and the licensee have executed these presents.

Signed, sealed and delivered

by the Deputy Minister
of the Interior.

.....
Signature.

In the presence of

Signature.

And by the said Licensee:

Signature.

In the presence of

Signature.

ONTARIO, I, of the City of
County of Carleton, Ottawa, in the County of Carleton, and
To Wit: Province of Ontario, Civil Servant, make
oath and say:

1. That I was personally present and saw the within instrument and a duplicate thereof duly executed by the therein named Deputy of the Minister of the Interior, at the said City of Ottawa.

2. That I know the said and that he is in my belief of the full age of twenty-one years.

3. That I am a subscribing witness to such execution.

Sworn before me at the City of Ottawa, in the County of Carleton, this day of A.D.

A Notary Public in and for the Province of Ontario.

.....I, of

make oath and say:

To Wit:

1. That I was personally present and saw the within instrument and a duplicate thereof duly executed by..... at the.....

2. That I know the said..... and that they are in my belief of the full age of twenty-one years.

3. And that I am a subscribing witness to such execution.

Sworn before me at.....in the..... this.....day of A.D.

**Order in Council, 30th September, 1915, P.C. No. 2293—
Phosphate of Lime.**

The Order in Council, dated 6th June, 1911, extending the quartz mining regulations to lands within forest reserves and parks is rescinded insofar as the regulations thereby extended apply to phosphate of lime claims within Dominion Parks.

Pending the passing of special regulations which are now in course of preparation for governing the disposal and administration of mineral claims within the Dominion Parks containing phosphate

of lime, no operations whatever shall be carried on for the purpose of mining or developing of phosphate of lime contained in any such claims within the Dominion Parks, entry for which has heretofore been granted and no further applications for such claims shall be accepted.

Order in Council, 15th August, 1916, P.C. No. 1885—Quartz Mining.

The Order in Council of the 6th of June, 1911, which extended and made the regulations for the disposal of Quartz Mining Claims in the Provinces of Manitoba, Saskatchewan, Alberta, the North-West Territories and the Yukon Territory as approved by an order of His Excellency in Council, dated the 13th of August, 1908, as amended by subsequent Orders in Council, apply to lands within the Forest Reserves and Parks, as set apart by the Dominion Forest Reserves and Parks Act, is hereby rescinded insofar as it affects Dominion Parks and hereafter all areas within the Dominion Parks shall be and the same are hereby reserved from the operation of any Quartz Mining or Placer Mining Regulations.

Order in Council, 17th September, 1915, P.C. No. 2140—Extending Quarrying Regulations to cover claims within the Dominion Parks.

The regulations for the administration and leasing of lands containing limestone, granite, slate, marble, gypsum, marl, gravel, sand, or any building stone, the property of the Crown, as approved by Order in Council of 13th May, 1910, re-established by Order in Council of 16th August, 1911, and amended by Orders in Council dated 21st November, 1912, and 19th March, 1913, so as to include the leasing of Dominion Lands containing deposits of clay, are hereby established and made to apply to all lands within Dominion Parks, except Buffalo Park, Elk Island Park, or any other park area established solely as an animal enclosure or bird sanctuary, subject to the restrictions herewith attached.

1. No lease for quarrying purposes shall be granted for any area within a Dominion Park until the application has received the written approval of the Commissioner of Dominion Parks, or other official appointed by him, and unless he, or other official appointed by him, is satisfied that the granting of such lease will not mar the beauty of the Park or unduly interfere with the purposes for which it was established.

2. The area leased for quarrying purposes hereinafter referred to as the leasehold, shall include only such surface rights as shall be specified in writing by the Superintendent of the Park concerned, hereinafter called the Superintendent, as being required for active quarrying operations and any surface rights over any portion of a leasehold which are not thus specified may be disposed of by the Minister of the Interior, hereinafter called the Minister, for any purposes which, in the interests of such park, may be considered advisable.

3. The Minister may at any time resume possession of any portion or portions of the leasehold should he deem it necessary or advisable in connection with the establishment and use of railway, transmission, telephone, or telegraph lines, reservoirs, water power sites or any other works of a public or semi-public character, and an abatement will be made in the yearly rent at the rate of one dollar (\$1) for every acre possession of which shall have been so resumed and the lessee shall have no claim for damages in any way resulting from such resumption.

4. No operations shall be commenced or proceeded with on any quarrying claim within any park until the Superintendent has been first advised in writing by the lessee, and until the Superintendent or other officer of the Department of the Interior acting in the capacity of such Superintendent shall have given his written approval to the lessee of the work to be carried on.

5. The said lands shall be used for the purposes of the said quarrying operations and for no other purposes except with the consent of the Minister.

6. All earth, stone, refuse or other objectionable material which may accumulate through the operations of the quarry shall be disposed of by the lessee in a manner satisfactory to the Superintendent and in accordance with his instructions.

7. No nuisance or disorder shall be permitted on the leasehold and the land and works shall be kept in a clean and sanitary condition to the satisfaction of the Minister.

8. No rubbish or other objectionable material shall be removed from the leasehold and deposited in the park without written permission being first received from the Superintendent of such park.

9. It shall be lawful for the Minister or any person acting under his authority to enter upon the said leasehold and examine the condition thereof, at all reasonable times during the term of the lease.

10. Such royalty as may from time to time be fixed by the Governor in Council shall be paid by the lessee to the Minister or such officer as may be appointed to receive the same.

11. Any person or persons duly authorized by the Minister may quarry or carry away at any time from the leasehold, any stone or other material required for park purposes without compensation to the lessee, but in so doing no unnecessary interference shall be caused to the carrying on of the work of the lessee, and the lessee shall not be compelled to pay any royalty on such material so removed from the leasehold for park purposes.

12. The lessee shall not cut or interfere with any timber, trees or other vegetation on the said lands except to such an extent as in the judgment of the Superintendent is necessary to clear an area sufficient for the operation of the quarry and shall not impair the natural beauty of the park except to such an extent as in the judgment of the Superintendent is necessary for such quarrying operations.

13. The Superintendent may grant a permit to the lessee to clear off timber and other vegetation from an area sufficient for the

operation of the quarry upon payment of timber dues as prescribed in the regulations for the Removal of Timber in Dominion Parks.

14. A proportionate share, as the Minister may decide, of the cost of fire and game protection in the vicinity of the leasehold shall be paid by the lessee.

15. The leasehold and the works and structures thereon, shall be maintained by the lessee in a manner satisfactory to the Superintendent of the park and if the quarrying operations terminate or cease through any cause whatsoever at any time, the lessee, at the option of the Minister, shall remove or destroy without delay the buildings and other works placed by him on the leasehold, and shall deliver the leasehold to the possession of the Minister in an orderly and safe condition to the satisfaction of the Minister, and should the lessee fail to do this upon receipt of written instructions from the Minister, such refusal shall be accepted as a forfeiture of all rights or claims to the buildings or works and the same may be disposed of by the Minister in such a manner as he considers advisable and in the case of such disposal by the Minister the lessee shall have no right or claim for damages resulting therefrom.

16. The sites of all building, structures and shipping appurtenances to be erected on the said lands under this leasehold shall be subject to the approval of the Superintendent.

17. No building or buildings shall be erected on the leasehold without the Superintendent being first advised in writing, or before the Superintendent, or an officer of the Department appointed by him, shall have given his written approval to the lessee of the situation, style and design of the proposed building or buildings; and should the Minister at any subsequent time deem it wise or expedient for park interests that the said building or buildings be destroyed, or removed to some other location or that the style or design of the building or buildings be changed, such destruction or removal or change shall be performed by and at the expense of the lessee, with all possible despatch.

18. Proper and sufficient provision, to the satisfaction of the Superintendent, for the protection of the public in connection with blasting or other operations of a dangerous or offensive character, which may be necessary or desirable in connection with the operations of the lessee, shall be made by the lessee, who shall be responsible for all claims or actions for damages to any person, persons or property, which may arise in any manner through his operations.

19. The lessee shall take such action at any time and in any manner as the Minister may direct or require to improve the conditions of the leasehold.

20. Such copies of the Park Regulations or general instructions regarding parks shall be posted and maintained by the lessee in a conspicuous position on the leasehold, as the Minister may direct from time to time.

21. The lessee shall comply with all the requirements of the Superintendent in respect to water supply, sewerage and sanitation

and any other particular so as to protect public health and property.

22. The water in any lake, river, stream, or any body of water which may be on, or adjacent to, or flow through, or near any leasehold shall not be polluted or contaminated by the lessee or his employee.

23. The Minister may build any roads or trails through any leasehold, and all roads and trails which may cross any leasehold shall be kept open and in good repair by the lessee, and the public shall have free use of and access to all such roads and trails.

24. If any of the regulations are broken or violated by the lessee, the Minister may summarily cancel the lease or may stop all operations on the leasehold for such period or periods as he may direct, and the lessee shall have no claim for damages arising from any such cancellation of the lease or such suspension of operations.

25. Any lease made in pursuance of these regulations, and any renewal thereof, shall be subject to all regulations for the control and management of Dominion Parks now in force or which may hereafter be made from time to time by the Governor in Council.

REGULATIONS

"Minister" shall mean the Minister of the Interior.

"Quarrying location" shall mean a tract of Dominion land containing limestone, granite, slate, marble, gypsum, marl, gravel, sand or any building stone.

"Locator" shall mean the person who locates or stakes a quarrying location in the manner prescribed in these regulations.

"Year" shall mean a period of twelve calendar months.

"Surveyed land," for the purpose of these regulations, shall mean any section or part of a section, or other parcel of land of an area not greater than one section, of which at least three of the boundaries have been defined by actual survey on the ground and all the corners of which have been posted and the plan of which has been approved by the Surveyor General; and shall also mean any legal subdivision or part of a legal subdivision, one of the boundaries of which has been surveyed and posted on the ground and the plan of which survey has been approved by the Surveyor General.

1. Dominion lands containing limestone, granite, slate, marble, gypsum, marl, gravel, sand or any building stone, in the Provinces of Manitoba, Saskatchewan and Alberta, the Northwest Territories, within twenty miles on either side of the main line of the Canadian Pacific Railway in the Province of British Columbia and in the tract of three and one-half million acres acquired by the Government of the Dominion from the Province of British Columbia and referred to in subsection (b) of section 3 of the Dominion Lands Act, may be leased by the Minister at an annual rental of one dollar (\$1.00) and removing therefrom stone or other material mentioned herein; an acre payable yearly in advance for the purpose of quarrying out

Provided that no lease for a quarrying location shall convey any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron

or other minerals, within or under the land covered by the lease, or any exclusive right or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream or other body of water within or bordering on or passing through the land covered by the lease.

And provided further that these regulations shall not apply to school lands, or to any land comprised within the Rocky Mountains Park of Canada, or within Dominion Forest Reserves, or to land within the Jasper Forest Park of Canada, or other reserves made by Parliament or by Order of the Governor in Council, or to land within an incorporated city, town or village, unless otherwise specially provided by the Governor in Council.

2. The term of the lease shall be twenty-one years, renewable for a further period of twenty-one years, provided the lessee furnishes evidence, satisfactory to the Minister, to show that during the term of the lease he has complied fully with the conditions of such lease, and with the provisions of the regulations regarding the disposal and operation of quarrying locations, which may have been made from time to time by the Governor in Council.

3. The maximum area of a quarrying location shall be forty acres, more or less, and no person shall be allowed to locate more than one location.

Provided that a person who has been granted a lease for a location, and who subsequently abandons or assigns the same, may, after the expiration of twelve months from the date of the said lease, be permitted to make another location;

Provided, further, however, that such right of relocation shall not be granted unless all payments on account of rent, or other liability to the Department, due by such person, have been fully made, up to the date of the registration by the Department of the assignment of his right to such lease, or up to the date upon which the notice of his abandonment of the same was received by the Department.

4. The location applied for, if it comprises surveyed land, shall consist of a legal subdivision or part of a legal subdivision;

Provided that parts of two adjoining legal subdivisions may be included in a quarrying location, but the whole area shall not exceed one-half mile in its greatest dimension, nor shall the length exceed twice the breadth.

5. Application for a location comprising surveyed land shall be filed by the locator in person with the Agent of Dominion Lands for the district in which the location is situated. The application shall contain a full description by legal subdivision, or part of legal subdivision, section, township and range of the land applied for, and shall be accompanied by a declaration from the locator to the effect that the land comprised within the location contains, in merchantable quantities, the material of the class applied for by the locator.

6. Application for a quarrying location situated in unsurveyed territory shall be filed by the locator in person with the Agent of Dominion Lands for the district in which the location is situated, within thirty days from the date upon which the location applied for was staked in accordance with section 7 of these regulations. If,

however, the location is situated more than one hundred miles from the office of the Agent of Dominion Lands, the locator shall be allowed one additional day for each ten miles, or fraction thereof, in excess of one hundred miles. If the application is not filed within the time prescribed it shall not be considered.

7. Application for a stone quarrying location situated in unsurveyed territory shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a plan showing the position of such location in its relation to some prominent topographical feature or other known point. The plan shall contain sufficient data to admit of the position of the location applied for being definitely shown in the records of the Department. The maximum area of the location shall be forty acres and it shall not exceed one-half mile in its greatest dimension, nor shall the length exceed twice the breadth. The location shall be rectangular in form except where a boundary of a previously located tract is adopted as common to both locations.

The application shall be accompanied by evidence, supported by affidavit of the locator to show that the following requirements have been fully complied with:

(a) That the location contains, in merchantable quantities, material of the class applied for by the locator;

(b) That the location has been defined on the ground by the locator in person by planting two wooden posts, at least four inches square and standing not less than four feet above the ground, such posts being numbered "1" and "2" respectively. The distance between post No. "1" and post No. "2" shall not exceed 2,640 feet, and upon each post shall be inscribed the name of the locator, the class of material which the land contains and the date of location. Upon post No. "1" there shall be written, in addition to the foregoing, the words "initial post," the approximate compass bearing of post No. "2" and a statement of the number of feet lying to the right and to the left of the line between post No. "1" and post No. "2". Thus (initial post, direction of post No. "2" is feet lie to the right and feet to the left of the line between post No. "1" and post No. 2.")

When the tract which an applicant desires to lease has been located he shall immediately mark the line between post No. 1 and post No. 2, so that it can be distinctly seen, in a timbered locality by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set posts of the above dimensions or erect mounds of earth or rock not less than two feet high and two feet in diameter at the base in such a manner that the line may be distinctly seen.

(c) All the particulars required to be inscribed on posts No. 1 and No. 2 shall be set out in the application and shall be accompanied by a plan showing the position of the tract in its relation to some prominent topographical feature or other known point, such plan to contain sufficient data to admit of the location being shown definitely on the records of the Department.

(d) The locator shall post a written or printed notice on a conspicuous part of the location applied for, setting out his intention to apply within thirty days from the date of such notice for a lease of the quarrying rights under the said location.

(e) The application shall be accompanied by evidence, supported by the affidavit of the locator in due form, to show that the above requirements of the regulations have been fully complied with.

8. Where two or more persons lay claim to the same location, or to portions of the same locations, the right to acquire a lease shall be in him who can prove to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by demarcation in the manner prescribed in these regulations, and that he make application for a lease thereof within the specified time.

9. As soon as the survey of a township has been confirmed, all quarrying lease-holds embracing any portion of such township so surveyed and confirmed shall, if the Minister so directs, be made to conform to the Dominion Lands system of survey by the substitution of a new lease describing by legal subdivisions of sections, or regular portions of legal subdivisions, as nearly as may be the tract embraced in the leasehold insofar as the township so surveyed is concerned. The balance of the leasehold, which may be still in unsurveyed territory, shall continue to be described as in the lease originally issued, until such portion is included in a confirmed survey.

10. As soon as the survey of a township has been confirmed all quarrying leaseholds embracing any portion of the township so surveyed and confirmed shall be subject to the withdrawal forthwith from the lease, without compensation to the lessees, of any portion which, in accordance with such confirmed survey, are found to be the property of the Hudson's Bay Company.

Provided, however, that upon such withdrawal being made from any location in good standing, the rental paid on the land so withdrawn, in whole or in part, may, in the discretion of the Minister, be refunded to the lessee.

11. The lessee shall commence active operations on his leasehold within one year from the date upon which he may be notified by the Minister of the Interior to do so, and shall quarry out or remove from such location the quantity of stone or other material, covered by the lease, as the case may be, specified in the said notification. Such notification shall not be given until the expiration of at least one year from the date of the lease, and shall set out the quantity of stone or other material which the lessee is required to quarry out from such location, which quantity may be increased from time to time, upon thirty days' notice to that effect being given to the lessee, but in no case shall the maximum quantity of stone or material required to be taken out exceed five cubic yards per annum for each acre leased. In case operations are not commenced within the time specified in the notice, or if the required quantity of material is not quarried out during each year, the lease shall be subject to cancellation in the discretion of the Minister.

12. The lessee shall not assign, transfer or sublet the rights described in his lease, or any part thereof, without the consent in writing of the Minister being first had and obtained.

13. The boundaries beneath the surface of quarrying locations shall be the vertical planes or lines in which their surface boundaries lie.

14. The lease shall be in such form as may be determined by the Minister of the Interior, in accordance with the provisions of these regulations.

15. A fee of \$5 shall accompany each application for a lease, which will be refunded if the rights applied for are not available, but not otherwise.

16. The locator shall be given a period of thirty days from the date of the receipt of his application within which to pay to the Agent of Dominion Lands the full amount of the rental for the first year of the term of the lease, at the rate of one dollar (\$1.00) per acre, and upon the receipt of such rental, if the application is granted, the lease shall be issued and shall bear date from the day upon which the application was received by the agent. If the rental is not paid within the time specified, the application shall absolutely lapse, and the right applied for shall become available for other disposition.

17. If, during the term of the lease, the lessee shall fail to pay the rental in advance for each subsequent year, at the rate of one dollar (\$1.00) an acre per annum, within thirty days after the date upon which the same became due, the lease shall be subject to cancellation in the discretion of the Minister and to the immediate forfeiture of all rights granted thereunder.

18. A person operating a quarrying location shall furnish the Agent of Dominion Lands for the district in which the location is situated, with sworn returns every six months, or at such times as the Minister may direct, accounting for the full quantity of merchantable stone or other material quarried out or removed from the location.

19. Every lessee of quarrying rights which are not being operated shall furnish the Agent of Dominion Lands with a sworn statement to that effect at least once in each year.

20. In case the surface rights of a quarrying location are covered by a timber license, grazing or petroleum lease, mining claim or other form of terminable grant which does not contemplate the issue of a patent, the lease shall not authorize entry thereon except the permission of the Minister is first had and obtained and such permission shall be given subject to such conditions for the protection of the rights of such lessee or licensee as it may be considered necessary to impose.

21. In case the mineral rights in any land comprised within a quarrying location are or have been disposed of by the Crown and the lessee of such mineral rights cannot make any arrangement with the lessee of the quarrying location, or his agent, or the occupant thereof, for entry upon the location, or for the acquisition of such portion of the surface rights as may be necessary or the efficient and economical operation of such mineral rights, he may apply to the Minister for permission to submit the matter in dispute to arbitration. Upon receiving such permission in writing it shall be lawful for the lessee of the mineral rights to give notice to the lessee of the quarrying location or his agent or the occupant to appoint an arbitrator to act with another arbitrator named by the

lessee of the mineral rights in order to determine what portion of the surface rights the latter may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease, the exact position thereof, and the amount of compensation to which the lessee of the quarrying location, owner or occupant shall be entitled.

The notice mentioned in this section shall be according to a form to be obtained upon application to the Agent of Dominion Lands for the district in which the lands in question lie, and shall, when practicable, be personally served on such lessee of the quarrying location, or his agent, if known, or occupant, and after reasonable efforts have been made to effect personal service without success, then such notice shall be served by leaving it at or sending it by registered mail to the last known place of abode of the lessee of the quarrying location, agent or occupant, and by posting a copy in the office of the Agent of Dominion Lands for the district in which the land in question is situated. Such notice shall be served if the lessee of the quarrying location or his agent resides in the district in which the land is situated, ten days; if out of the district, and if in the province or territory, twenty days, and if out of the province or territory, thirty days, before the expiration of the time limited in such notice. If, within thirty days from the date of the service of such notice, the lessee of the quarrying location or his agent or occupant refuses or declines to appoint an arbitrator or when, for any reason no arbitrator is so appointed in the time limited therefor in the notice provided by this section, the Agent of Dominion Lands for the district in which the lands in question lie shall forthwith, on being satisfied by affidavit that such notice has come to the knowledge of such lessee of the quarrying location, his agent or occupant, or that such lessee, agent or occupant, wilfully evade the service of such notice or cannot be found, and that reasonable efforts have been made to effect such service and that the notice was left at the last place of abode of such lessee, agent or occupant, appoint an arbitrator on his behalf.

22. In case the two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator select a third arbitrator, and when such two arbitrators cannot agree upon a third arbitrator, the Agent of Dominion Lands for the district in which the land in question is situated shall forthwith select such third arbitrator.

23. All the arbitrators appointed under the authority of these regulations shall be sworn before a Judge of the Peace to the impartial discharge of the duties assigned to them, and after due consideration of the rights and needs of both lessees, they shall decide as to the particular portion of the surface rights which the lessee of the mineral rights may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease, the area thereof, and the amount of compensation therefor to which the lessee of the quarrying location or occupant shall be entitled.

24. In making such valuation, the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals therein or thereunder.

25. The award of any two such arbitrators made in writing shall be final, and shall be filed with the Agent of Dominion Lands for the district in which the land is situated, within twenty days from the date of the appointment of the last arbitrator. Upon the order of the Minister the award of the arbitrators shall be immediately carried into effect.

26. The arbitrators shall be entitled to be paid a per diem allowance of \$5 together with their necessary travelling and living expenses while engaged in arbitration, and the costs of such arbitration shall be born by the lessee of the mineral rights.

Ref. 121,639 on 99,655

CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 6th July, 1886.

P.C. No. 1359.

The Committee of Council have had under consideration the accompanying Memorandum, dated 30th June, 1886, from the Minister of the Interior, having reference to the settling of the best mode of dealing with the Hot Springs near Banff Station on the line of the Canadian Pacific Railway, and they concur in the second plan stated in the said Memorandum, and advise that the Minister of the Interior be authorized to carry the same into effect.

(Signed)

JOHN J. McGEE,

Clerk, Privy Council.

1848

Memorandum of Minister—

June 30, 1886, and

Report of J. R. Hall—

March 10, 1886.

To the Honourable

The Minister of the Interior.

With P.C. No. 1359.—Ref. 121,639 on 99,655.

DEPARTMENT OF THE INTERIOR,

OTTAWA, 30th June, 1886.

Memorandum.

The undersigned has the honour to report that by Order in Council of the 25th November, 1885, a reservation of certain sections of land, in the midst of which the Hot Springs near Banff Station, on the line of the Canadian Pacific Railway, are situated, was established in order that control of the lands surrounding the Springs might remain vested in the Crown; and in his opinion the time has now arrived for considering and settling the best mode of dealing with those Springs.

In determining the system on which mineral springs of such exceedingly valuable curative properties as are undoubtedly possessed

by the Springs at Banff, should be disposed of, the first consideration would seem to be, to secure to the public the utmost benefit which can be derived from the waters without loss to the Revenue.

It is expected that a large number of people, both from Canada and the Northern States, will be attracted to the Banff Springs, not only by the virtues of the waters, but also by the beauty of the scenery and the excellence of the climate, and it is very important that the Springs be managed from the beginning in the best possible manner.

In this connection the undersigned desires to call attention to the report of the Secretary of his Department on the way in which the bathing business is conducted at the celebrated Hot Springs of Arkansas.

From that report it appears that the district containing the most valuable springs has been made a Government reservation under the control of a resident superintendent; that the sites of bath houses on the reservation are leased to private parties who erect buildings thereon according to their own ideas of what a bath house should be, the plumbing in most being defective and obsolete, entailing a great waste of water; that the bath attendants are utterly ignorant, and the lessees exercise no proper supervision over their work; and that those most competent to form an opinion on the subject favour the assumption of the whole business by the Government as the best remedy for the existing state of affairs. In that view, Mr. Hall concurred; but commencing as we do at Banff with a clean slate, it appears to the undersigned possible to adopt such regulations as would minimize the evils complained of at the Hot Springs of Arkansas, and with that object in view he begs to submit for the consideration of the Council the two following plans for dealing with these Springs which he thinks are the only ones at all practicable:—

1st. By building a bath house to be managed by a staff of attendants, under the supervision of a superintendent, who should be a properly qualified physician, and depending upon the receipts to cover the cost of management and leave a sufficient balance to pay a reasonable rate of interest on the capital account.

The advantages of this plan are that it would insure the absolute control of the waters by the Government, and the conduct of the bathing business in the most approved manner, which would probably prove an attraction to the numerous invalids who have little confidence in the conduct of such places by private enterprise. On the other hand, the erection of a bath house large enough to meet all probable requirements for the next ten or fifteen years, at a place where building is very expensive, would cost at least \$50,000, and even though the receipts might reasonably be expected to pay 4 per cent on that amount, it is a question for Council to consider whether the expenditure of such a sum for this purpose is expedient at the present time.

2nd. By leasing to any parties willing to build and maintain bath houses the use of sufficient water for such bath houses at a fixed sum per tub per annum, as is done by the Government of the United States with the waters of the Hot Springs of Arkansas. This plan would obviate the necessity of any immediate expenditure, beyond the cost of laying out the National Park, and the undersigned is disposed to recommend its adoption on the following conditions, which, in his opinion, would enable the Department of the Interior to guard against

the occurrence of the objectionable features of the leasing system existing at the Hot Springs of Arkansas, viz.: that the Minister of the Interior shall have power—

(1) To lease sites for bath houses, and the use of sufficient water for the purposes thereof, at a rent charge for the water of \$15 per tub per annum, such charge to cover also the rent of the building sites, which shall remain the property of the Government, on condition that the persons who obtain the leases shall each be required to build and maintain within a period to be fixed by him for that purpose a bath house which shall contain not less than thirty tubs, shall be on such architectural plan as he may approve, and shall be subject also as to the material of the bath tubs and the plumbing, to the approval of the chief architect of the Government.

(2) To make Regulations for the conduct of the bathing business generally and to fix from time to time the amount which may be charged by the lessee for the baths.

(3) To cancel any lease upon six months' notice for infraction of the Regulations, and to dispose of the improvements on the site for the benefit of the lessee after defraying any expense incurred in connection with such cancellation and resumption of the site.

All of which is respectfully submitted.

(Signed) THOS. WHITE,

Minister of the Interior.

The Honourable

The Privy Council.

With P.C. No. 1,359; Ref. 121,639 on 99,655

HOT SPRINGS, ARK., 10th March, 1886.

To A. M. BURGESS, Esq.,

Deputy Minister of the Interior,

Ottawa, Canada.

SIR,—In accordance with your instructions, I left Ottawa on the 30th January last, for the purpose of examining and reporting upon the management of the Hot Springs at this place, and, after a detention by a snow blockade, south of St. Louis, arrived here on the 4th ultimo.

My visit happens at a very opportune time, as the introduction in the Senate of a Bill by Senator Berry, "to provide for the control of the reservation of public lands, and the distribution of hot water at Hot Springs, Arkansas," a copy of the full text of which is hereto annexed (A), has caused a general discussion of the whole subject from three different points of view; namely, that of the owners of bath houses, who seek a renewal of their leases; that of the citizens of Hot Springs, who are opposed to monopoly, and want liberty to draw the waters to any part of the town, paying therefor whatever rent may be fixed by the Government; and that of the people who come here in search of health, the majority of whom desire to see the Government assume entire control of the bathing as the best solution of the question, and the one most likely to ensure that combination of intelligent supervision, modern appliances, cleanliness and civility now so much needed.

LEASES

The present position of the lease question is that all the leases which, by the Act of 16th December, 1878 (20 Stat., Ch. 5, p. 258), the Secretary of the Interior was directed to make with the owners of bath houses of a permanent nature then existing upon the Hot Springs Reservation, have expired, having been made for five years dating from the passage of that Act (16th December, 1878).

So far, all applications for renewal of those leases have been refused, but the lessees have been permitted to remain in possession, paying water rent at the authorized rates.

The prolonged uncertainty as to the intentions of the Government has had a bad effect on the whole conduct of the bath house business. The houses have been allowed to get out of repair, and there is a very apparent laxity in the management of details.

THE SUPERINTENDENT

Shortly after my arrival I called upon General Field, the resident Superintendent of the Government Reservation, who received me courteously, and presented me with a copy of his report to the Secretary of the Interior, dated 23rd September, 1885, covering also a copy of that of his predecessor, Mr. Samuel Hamblen, for the year ending 30th June, 1885, which I beg to submit herewith, and to take the liberty of quoting therefrom as being the most reliable source of information open to me apart from personal observation.

We had a conversation about the Springs, but the Superintendent did not express any opinion on the question whether the leasing system should be continued or some other scheme devised, as he thought it would not be proper for him to do so while the subject was still under the consideration of the Government, in which I quite agreed with him, but he most kindly offered to assist me in obtaining as full information as possible from which to draw my own conclusions.

BATH HOUSES

There are ten regular bath houses, and one free one, commonly called the "Mud Hole." Seven of these houses are situated at the base of the reservation mountain, facing southwest, and are named respectively, the "New Rector," "Big Iron," "Old Hale," "Independent," "New Palace," "Ozark," and "Rammelsberg."

I have visited all these bath houses and examined their plans, and find that while the same general idea has been followed in their construction, they vary somewhat in their internal arrangements.

The prevailing style of house is an oblong building, lighted from the top, and divided into one or two longitudinal tiers of compartments, according to the number of tubs.

Between this main building and the street are situated the ticket office, and the sweating and cooling rooms. The office in the centre, and the male and female rooms on either side. The office also serves as a waiting room. Some houses keep their parlours warm in order that the sweating caused by the bath may be prolonged. From this warm room the bather may return to the waiting room, which is kept at a normal temperature, if unwilling to go straight from the sweating room to the outer air. Others, the newer houses, have both

sweating and cooling rooms. The latter are a necessity for bathers who do not live near the bath house.

BATH BOXES

The plans of the tub compartments differ slightly, but practically the same system obtains in all except the "New Rector"; namely, division of the compartments into four sections, the two first being narrow passages between the corridor and the bath sections, for ingress and egress, and for undressing and dressing in. Behind the bath tub is the vapour box section.

I append a rough sketch (B), which will help to illustrate this description.

At the "New Rector" bath house some of the vapour boxes are placed in the corners of the tub apartments, in which also the bather makes his toilet. In some houses the four sections comprising the tub compartment are divided by close board walls; in others by open lattice, which latter plan has the advantage of enabling the ingoing bather to see that the tub is properly cleaned and refilled.

TUBS

The greatest dissimilarity is apparent in the bath tubs. I have found all kinds and sizes, wood, painted and unpainted, sheet-iron, porcelain, zinc and slate. It is claimed for slate that it is a non-conductor, and that therefore the bather gets the benefit of the alleged electricity in the water. The enamelled porcelain appeared to me to be the cleanest, and I think is susceptible of a higher degree of cleanliness than any of the other materials, provided the enamel is of good quality. I am informed that inferior enamel is liable to crack and chip, in which case the tub becomes much deteriorated, if not entirely ruined.

DISTRIBUTION OF THE WATER

There is no settled method of conducting the water to the bath houses. The usual plan is to arch a spring over with brick work and insert an iron pipe into the cavity from which water descends to the bath house where its distribution to the tubs is a simple matter of plumbing. Pipes also lead to the Government reservoirs, which have a united capacity of 50,000 gallons, and the natural pressure caused by the confinement of the springs at their outlet forces the surplus water into these reservoirs. Each bath house has, also, its own tank for holding cold water with which to regulate the temperature of the baths. These tanks are built on the hillside immediately in rear of the several houses.

Upon this subject of distribution of the water the ex-superintendent (Mr. Hamblen) in his report for the year ending 30th June, 1885, said: "The first and most necessary improvement is to secure all the hot water and render it available for use. The present system of supply is the crudest possible, and to the disadvantage of both the Government and the consumer. A large part of the water formerly in use flows below the present grade of bath houses, as the buildings are now built from 8 to 12 feet above the former line. These waters now flow to waste. The method of supply is such a curious complication that the Superintendent has little

control over the water supply." From the above statement of Mr. Hamblen that the present system is the "crudest possible," and, also, such a "curious complication" that the Superintendent has little control over the water supply, you will understand how difficult it is for me to give any better or more definite description of the method of distributing the hot water to the bath houses than to simply say that it is conducted in iron pipes from the spring nearest the house to be served, or from one of the reservoirs, where there is no spring available.

The average daily flow of the hot water is estimated at 500,000 gallons, of which according to Mr. Hamblen's report above mentioned, about three-fifths flows out below the grade line for buildings, and therefore runs to waste. A plan for collecting the waters from these low level springs and conducting them to a receiving reservoir from whence they were to be raised to a distributing reservoir on the mountain side, of sufficient elevation to make them available at all points where needed, was approved by the Department of the Interior, and the piping necessary for the purpose is laid.

The principal springs available, by reason of their elevation, are situated behind the "New Rector" and "Big Iron" bath houses, as will be seen from the plan of the reservation which accompanies General Field's report. Some of the houses further down the valley have to depend upon the Government reservoirs. The proprietors of these latter houses combat the theory that the water deteriorates by carriage.

I am informed by Dr. Keller, one of the leading physicians here, that whilst it is possible to drink these hot waters with impunity as they flow from the springs, if allowed to cool and be reheated by artificial means they may cause nausea. I have not tried this experiment personally, but if that statement is correct, they must unquestionably lose some property by evaporation. It may be possible to convey them any distance without the loss of any material property, but I doubt it very much.

Before concluding the subject of distribution permit me to quote certain remarks made by General Field in his report of the 23rd September last, in which, speaking of the necessity for either renewing or reletting the existing bath houses, he says: "The plumbing in most of them is of an obsolete and imperfect kind, requiring an extravagant waste of hot water to make the vapours, which can only be changed to a better and more economical one at some cost." After urging the Secretary of the Interior to take this matter into his own hands, and not wait for the tardy action of Congress, he goes on to say: "Each bath house proprietor, from having had possibly some share in developing or securing certain springs, has been monopolizing them, and thinks his rights invaded if brought in question. The claim is not good and will not be recognized, but from that cause, coupled with the possession of a site prolific in springs, some bath houses have a superabundance of water, whilst others, during a rush of bathers, have not enough. The problem of water distribution absorbs all others, and is the most difficult of solution because of the lack of uniform usage for its delivery. But it occurs to me that a fair adjustment can be reached by a regulation prescribing that all waters which, by gravity, will flow to bath houses, shall be delivered to them directly for hot vapour and tub use; that the water issuing below the level of the bath houses be lifted mechanically into the cooling tanks, that is, that the

necessary cold water which is used in the proportion of at least one to one of hot, shall be drawn from the waste water at the foot of the mountain. In this way the springs at a high elevation would be diminished by just the amount of cold water consumed."

The price charged for the water is \$15 rent per tub per annum, but as the capacity of the tubs varies greatly, and there is no means of knowing the quantity flowing to any particular house, Mr. Hamblen recommended the use of meters and charging according to the quantity actually used. This suggestion, however, has not been concurred in by the present Superintendent, who thinks the existing system simpler and better, but at the same time recommends an increase in the rental to \$3 per tub per month.

ANALYSIS

It has considerably surprised me to learn that no proper analysis of these hot waters has yet been made. This appears to me to be a most unfortunate omission.

GENERAL REMARKS

I have mentioned the apparent laxity of management; it would be more strictly accurate to say that there is no management at all. The owners of the houses are seldom seen about the premises, the clerk, who is sometimes a mere boy or young woman, only sells the tickets, and the invalid is turned over to the care of an utterly ignorant attendant. There is no attempt at classification of bathers, and consequently a person suffering only from rheumatism may enter a tub immediately after it has been vacated by some one afflicted with a contagious disease. It is true the possible danger from this unregulated bathing may be lessened or entirely avoided by strict cleanliness, but under the present system the bather has no assurance that such will be observed. Of course it is possible to watch the operation of cleaning the tub and to see that it is properly performed, but I observe that the majority of bathers pay no attention whatever to this precaution.

In this connection it has occurred to me that it might be possible to so construct a compartment that the outgoing bather would empty the bath tub in gaining access to the dressing room.

There are no swimming or gymnasium baths, so useful in certain cases, and no private baths for those able and willing to pay for the convenience and safety of having the exclusive use of one particular tub during their sojourn here.

The attendants receive no wages. They are allowed to collect a fee of a dollar a week from the bathers, and as much more as they can. Out of this revenue they provide the furniture of the bath box, consisting usually of such requisites as chairs, mats, mirrors, scrubbing brushes, sand glasses, etc. (the bather furnishes his own towels). This system seems to me entirely wrong. It would be better that the owners of the house should provide all necessary appliances and pay the attendants proper wages, even should they be obliged to charge a higher rate for bathing in consequence.

The present average rate is 30 cents, which includes a vapour as well as a tub bath, which may occupy any reasonable time—six minutes suffices for some, while others require an hour or more.

Some time ago the Secretary of the Interior authorized an increase to 50 cents, but this has not been taken advantage of so far.

Possibly the present uncertainty as to the renewal of their leases may account for this modesty. I am sure that it does not arise from any consideration for the invalids. I do not see any reason why the prices should not be properly graduated. An article in a recent issue of the "Hot Springs Daily News," coincides so much with the views I have formed on this subject that I annex a copy of it (C) to this report.

The object of my visit being simply to report facts it hardly comes within the scope of this letter to discuss the best mode of dealing with these waters, but before concluding I cannot refrain from expressing my conviction that absolute Government control, and management under medical supervision, is the only solution of the question that will ensure the maximum of benefit to those sufferers requiring the aid of the Hot Springs of Arkansas.

I have the honour to be, sir,

Your obedient servant,

(Signed) JOHN R. HALL.

SCHEDULE OF RATES FOR THE USE OF THE WATERS FROM THE HOT MINERAL SPRINGS WITHIN THE ROCKY MOUNTAINS PARK OF CANADA

Order in Council 3rd December, 1908. P.C. No. 2563

TUB BATHS—(Maximum capacity to be not over 10 cubic feet.)

Capacity of 10 cubic feet or less.

For the first tub.	\$50 00	per annum each
For each additional tub.	40 00	" "

PLUNGE BATHS—(Maximum capacity to be not over 600 cubic feet.)

Capacity of 150 cubic feet or less.	\$100 00	per annum each
" 150 to 200 cubic feet.	110 00	"
" 200 " 250 "	132 00	"
" 250 " 300 "	160 00	"
" 300 " 350 "	177 00	"
" 350 " 400 "	198 00	"
" 400 " 500 "	240 00	"
" 500 " 600 "	290 00	"

SHOWER BATHS—Each. \$5 00 per annum

SWIMMING POOL—Owned and operated by the Canadian Pacific Railway Company during the summer months.

Special. \$500 00 per annum

TAPS—Each. 4 00 "

CLOSETS—Each. 5 00 "

PROPORTIONAL RATES.—For baths, etc., not in use during the whole year the proportional rate for the period the mineral water is being used, shall be paid by the Consumer. Due notice must be given the officials of the Park of the intention to discontinue the use of the water for the whole or part of the year; and such part of the

year will be calculated from the beginning of the month in which the water has been turned on to the end of the month in which notice has been given of discontinuance.

PAYMENTS.—All rates and charges shall be payable at the office of the Superintendent of the Park in quarterly instalments in advance, on the 2nd day of January, and the 1st day of April, July and October in each year, provided however, that consumers shall only pay for the proportion of the quarter in which the water is supplied.

REBATE AND INTEREST.—A rebate of 20 per cent will be allowed to mineral water consumers paying their rates within ten days after the date on which such payment is due; and interest at the rate of 5 per cent will be charged on overdue rates when they have been in arrears for three months or over.

Regulations governing the granting and the administration of water power rights in the Provinces of Manitoba, Saskatchewan, and Alberta, and in the Northwest Territories, including all Dominion Forest Reserves and Parks, and in Dominion Parks within the Railway Belt of British Columbia.

Established and approved by orders of His Excellency the Governor General in Council dated June 2, 1909, June 8, 1909, April 20, 1910, January 24, 1911, June 6, 1911, August 12, 1911, and by orders of His Royal Highness, the Governor General in Council, dated August 2, 1913, and February 9, 1915, in virtue of the provisions of Section 35 of the Dominion Lands Act, Chapter 20, 7-8 Edward VII, and of Section 17 of the Dominion Forest Reserves and Parks Act.

DEFINITION OF WORKS

1. Under these regulations the word "works" shall be held to mean and include all sluices, races, dams, weirs, tunnels, pits, slides, flumes, machine fixed to the soil, buildings and other structures for taking, diverting and storing water for power purposes, or for developing water power and rendering the same available for use.

MODE OF APPLICATION

2. Every applicant for a license to take and use water for power purposes shall file with the Minister of the Interior a statement in duplicate setting forth:—

- (a) The name, address and occupation of the applicant.
- (b) The financial standing of the applicant so far as it relates to his ability to carry out the proposed works.
- (c) The character of the proposed works.
- (d) The name, or if unnamed, a sufficient description of the river, lake or other source from which water is proposed to be taken or diverted.

- (e) The point of diversion.
- (f) The height of the fall or rapid of such river, lake or other source of water at high, medium and low stages, with corresponding discharges of water per second, reckoned approximately in cubic feet.
- (g) A reasonably accurate description, and the area, of the lands required in connection with the proposed works, such lands, if in surveyed territory, to be described by section, township and range, or river or other lot, as the case may be, and a statement whether such lands are or are not Dominion lands.
- (h) If such lands be not Dominion lands, then the applicant shall give the name of the registered owner in fee, and of any registered mortgagee or lessee thereof, and of any claimant in actual possession other than a registered owner, mortgagee or lessee.
- (i) The minimum and maximum amount of water power which the applicant proposes to develop, and the maximum amount of water which he desires for such purpose.
- (j) Sketch plan showing approximate locations of the proposed works.
- (k) Elevations of head water and tail water of the nearest existing works, if any, below and above the proposed works.
- (l) Particulars as to any water to be taken, diverted or stored to the detriment of the operation of existing works, if any.
- (m) Particulars as to any irrigation ditches or reservoirs, or other works for irrigation within the meaning of *The Irrigation Act*, in use in course of construction within the vicinity of the proposed works, and which might affect or be affected by the operation of the proposed works.

APPLICATION BY A COMPANY.

3. If the applicant be an incorporated company, the statement shall, in addition to the foregoing information, set forth,—

- (a) The name of the company.
- (b) The names of the directors and officers of the company and their places of residence.
- (c) The head office of the company in Canada.
- (d) The amount of subscribed and paid-up capital, and the proposed method of raising further funds, if required, for the construction and operation of the proposed works.
- (e) Copy of such parts of the charter or memorandum of association as authorize the application and proposed works.

APPLICATION BY A MUNICIPALITY

4. If the applicant be a municipality, then, excluding the special information to be given by a company, the following information shall be given:—

- (a) The location, area and boundaries of the municipality
- (b) The approximate number of its inhabitants.

- (c) The present estimated value of the property owned by such municipality, and the value of the property subject to taxation by such municipality.

MINISTER MAY REQUEST FURTHER INFORMATION

5. The Minister of the Interior shall have the power to call for such other plans and descriptions, together with such measurements, specifications, levels, profiles, elevations and other information as he may deem necessary, and the same shall be furnished by and at the expense of the applicant.

The Agreement for,—(a) A license for the diversion and use of water.

(b) A lease of the necessary lands.

6. Upon receipt and consideration of the application, and information accompanying same, the Minister of the Interior may, if he approves of the proposed works, enter into an agreement with the applicant, which agreement, in addition to usual conditions and covenants, shall contain clauses to provide as follows:—

(a) For a time within which the proposed works shall be begun.

(b) For a stated minimum amount of expenditure to be made in connection with the works annually during the term of the agreement.

(c) For a stated amount of water power to be developed from the water applied for within a fixed period not exceeding five years.

(d) For summary cancellation of the agreement by the Minister if any of the above conditions have not been complied with.

(e) For defining and allotting the areas of Dominion lands within which the applicant may construct and operate the proposed works, and if there be no Dominion lands available for such purpose then for defining and allotting the lands in regard to which the applicant may exercise the powers given under section 35, subsection 3 of the *Dominion Lands Act*.

(f) For granting a license to the applicant, upon fulfilment of the said agreement, to take, divert and use for power purposes a stated maximum amount of water in accordance with the application, and plans and specifications as approved by the Minister; the term of such license to be twenty-one years at a fixed fee payable annually, and such license to be renewable as provided for in these regulations.

(g) For granting a lease to the applicant of such Dominion lands as may be allotted under paragraph (e) of this section, and approved of by the Minister, such lease to be at a fixed rental, for a term of twenty-one years running concurrently with the said license, and renewable in like manner, and as near as may be subject to all the terms and conditions thereof. When there are no Dominion lands available for such purpose, or when other lands are considered by the Minister to be more suitable for such purpose, then the Minister shall define such lands in regard to which the applicant may exercise the powers given under section 35, subsection 3, of the *Dominion Lands Act*.

INSPECTION OF CONSTRUCTION WORK

7. During the construction of any works for the development of water power the Minister of the Interior, or any engineer appointed by him for that purpose, shall have free access to all parts of such works for the purpose of inspecting same, and ascertaining if the construction thereof is in accordance with the plans and specifications approved of by the Minister, and whether the terms of the agreement, as provided for in the preceding section are being fulfilled.

THE LICENSE FOR THE DIVERSION AND USE OF WATER

8. Upon fulfilment by the applicant of all conditions of the said agreement, the Minister of the Interior shall grant to the applicant a license as agreed upon, and such license shall contain clauses to provide as follows:—

- (a) The term of the license shall be twenty-one years, renewable for three further consecutive terms of twenty-one years each, at a fixed fee payable annually and to be readjusted at the beginning of each term, as hereunder provided.
- (b) At the expiry of each term of twenty-one years the Governor in Council may, on the recommendation of the Minister, order and direct that the license and any lease granted in connection therewith be cancelled: Provided that the Minister shall have given at least one year's notice to the licensee of intention so to cancel.
- (c) If the licensee shall refuse to pay the license fee as readjusted by the Governor in Council, or as fixed by arbitrators chosen as provided in paragraph (e) hereunder, then in such case the Minister may renew the license at the former fee, or the Governor in Council may, on the recommendation of the Minister, order and direct that the license and any lease issued in connection therewith be cancelled.
- (d) In either of the above cases compensation shall be paid to the licensee as provided for in paragraph (e) hereunder.
- (e) On termination of the third renewal of such license, except in case of default on the part of the licensee in observance of any of the conditions thereof, or of any lease granted in connection therewith, compensation shall be paid for the works to the amount fixed by arbitration, one arbitrator to be appointed by the Governor in Council, the second by the licensee, and the third by the two so appointed. If the licensee fails to appoint an arbitrator within ten days after being notified by the Minister to make such appointment, or if the two arbitrators appointed by the Governor General in Council and the licensee fail to agree upon a third arbitrator within ten days after their appointment or within such further period as may be fixed by the Minister in either such cases such arbitrator or third arbitrator, as the case may be shall be appointed by the Judge of the Exchequer Court of Canada. In fixing the amount of compensation only the value of the actual and tangible works and of any lands held in fee in connection therewith shall be considered, and not the value of the rights and privileges granted, or the

revenues, profits or dividends, being, or likely to be derived therefrom.

- (f) The licensee shall state the maximum amount of water which the licensee may divert, store and use for power purposes, and shall provide for the return to the stream, or other source of water, of the full amount so diverted.
- (g) The licensee shall develop such power as, in the opinion of the Minister, there shall be a public demand for, up to the full extent possible from the amount of water granted by the licensee.
- (h) Upon a report being made by the Minister of the Interior to the Governor in Council that the licensee has not developed the amount of power for which there is a public demand, and which could be developed from the amount of water granted by the license, the Governor in Council may order to be developed and rendered available for public use the additional amount of power for which there is, in the opinion of the Minister, a public demand, up to the full extent possible from the amount of water granted by the license, and within a period to be fixed by the Minister, which period shall not be less than two years after the licensee or person in charge of the existing works shall have been notified of such order, and in default of compliance with such order the Governor in Council may direct that the license, together with any lease issued under these regulations shall be cancelled, and the works shall thereupon vest in and become the property of the Crown without any compensation to the licensee.
- (i) Upon a report being made by the Minister of the Interior to the Governor in Council that a greater amount of water power could be developed advantageously to the public interests from the same stream or other source of water from which the existing works derive power and (1st) that the existing works could be enlarged or added to for such purpose, then the Governor in Council may authorize the Minister to offer the licensee the privilege of constructing and operating such enlarged or additional works at or in the vicinity of the existing works, and to grant such supplementary license as he may consider proper for such purpose, and if the licensee fail within six months thereafter to accept such offer, and in good faith to begin and carry on to completion such enlarged and additional works, and to complete same in accordance with plans and specifications approved of by the Minister, and within a fixed period not to exceed five years, and upon like conditions as the existing works were begun and completed; or (2nd) if the Minister shall report to the Governor in Council that the existing works, owing to their location or construction, cannot advantageously be enlarged or added to in order to develop further power sufficient to meet the probable public demand, or would be a hindrance to other works contemplated for such purpose; or (3rd) that the existing works cannot, or will not be any longer advantageously operated owing to the exercise of rights existing or created under the *Irrigation Act*; then in

every such case, the Governor in Council may order and direct that the license, and any lease in connection therewith granted under these regulations, and all rights thereunder, shall be cancelled, and the existing works shall thereupon vest in and become the property of the Crown: Provided always that in every such case compensation shall be paid to the licensee as provided for in paragraph (e) of section 8 of these regulations, together with a bonus apportioned as follows:—

- (1) If the works have been in operation less than five years, a thirty per cent bonus upon the value of the works.
- (2) If in operation more than five years, and less than ten years, a twenty-five per cent bonus.
- (3) If in operation more than ten, and less than fifteen years, a twenty per cent bonus.
- (4) If in operation more than fifteen and less than twenty years, a fifteen per cent bonus.
- (5) If in operation twenty years or more, a ten per cent bonus.
- (j) That the license shall not be transferable without the written consent of the Minister, and that if the licensee fail to keep and observe all or any of the conditions of the license, or any renewal thereof, or of any lease to be issued in connection therewith then this license, together with such lease, shall, in every such case be subject to cancellation by the Exchequer Court on the application of the Crown.
- (k) That a schedule of rates and prices to be charged to the public for the use of power shall first be submitted by the licensee to the Board of Railway Commissioners of Canada for adjustment and approval before being put into effect, and that no rates or prices for power shall be legal or enforceable until such schedule has been so adjusted and approved nor if they shall exceed the amount fixed by such schedule; and that such schedule shall be readjusted and approved by the Board every seven years during the term of the lease and license, and all renewals thereof.
- (l) That for the purpose of ascertaining the quantity of power actually developed, or capable of being developed, from the amount of water granted by such license, the Minister, or any engineer appointed by him for that purpose, shall have free access to all parts of the works, and to all books, plans or records in connection therewith, bearing on the quantity of power developed, and may make measurements, take observations and do such other things as he may consider necessary or expedient for such purpose, and the findings of the Minister, or such engineer, thereon shall be conclusive and binding upon the licensee.
- (m) For the proper provision, as required by law, for the passage of logs and timber down the stream or other waterway affected by the works.
- (n) For the erection and maintenance by the licensee of a durable and efficient fishway in the stream or other waterway affected by the works when so required by the proper officer or authority in that behalf.

- (o) That the licensee shall have no right to any water beyond the amount stated in the license.
- (p) For the indemnifying of the Crown against all actions, claims or demands against it by reason of anything done by the licensee in the exercise, or purported exercise of the rights and privileges granted under the lease or license.

FORM OF AGREEMENTS AND LICENSES

9. The agreements and licenses to be issued hereunder shall, subject always to the provisions of these regulations, be in such form and contain such provisions as the Minister may from time to time determine.

STORAGE OF WATER

10. If at any time it is proposed by the applicant or the licensee to divert water from any lake or body of water for storage purposes, or to dam same in order to augment the flow of water in any stream from which water power is to be developed, the applicant or licensee shall, in addition to other information required under these regulations, file plans as follows:—

- (a) A general plan in duplicate, on tracing linen, showing the location of such lake or other body of water, and the lands to be submerged or otherwise affected, and contour lines showing the water level at high and low stages, and the level to which it is proposed to raise such water for storage, and the estimated storage capacity of such lake or other body of water.
- (b) A plan in duplicate, from actual survey, by a Dominion Land Surveyor, and certified to by him, showing the lands to be submerged or otherwise affected by the proposed storage; the name of the registered owner in fee of such lands, and of any registered mortgagee or lessee thereof, and of any claimant in actual possession other than a registered owner, mortgagee or lessee.
- (c) A detail plan in duplicate on tracing linen, showing all dams and other works proposed to be constructed in connection with such storage.

FORM OF AUTHORITY AND STORAGE OF WATER

11. When the plans for such storage of water have been approved of by the Minister of the Interior, provision for same shall be made in the agreement for a license, or in the license itself, or in a supplementary license to be issued for such purpose, upon such terms and conditions as may appear to the Minister reasonable or expedient in the circumstances of each case, and subject to these regulations.

SMALL WATER POWERS OF LESS CAPACITY THAN 200 HORSE POWER

12. If upon receipt and consideration of the information set out in sections 2, 3, 4 and 5, the water power to be developed is found to have no greater capacity than 200 horse power at the average low stage of water, the Minister may issue a lease and a license as may be required, authorizing the development of the proposed power; the lease and license to be for a period of ten years, subject to such special terms and conditions as may be considered advisable in each particular case and renewable if in the opinion of the Minister the power has been continuously and beneficially used.

NOTE.—These regulations were made to apply to all Forest Reserves and Parks by order of His Excellency the Governor General in Council dated June 6, 1911, under the authority of Subsection (b) of Section 17 of the Dominion Forest Reserves and Parks Act.

These regulations were also made to apply to all school lands by order of His Royal Highness, the Governor General in Council, dated the 9th of February, 1915.

NOTE.—By virtue of the provisions of the Railway Belt Water Act, Chapter 47, 2 George V, as amended by Chapter 45, 3-4 George V, the administration of all water within the Railway Belt of British Columbia, excepting only that within the Dominion parks, was transferred, during the pleasure of the Governor-in-Council, to the authorities of the province of British Columbia, to be administered under the provincial Water Acts then in force.

The provincial Water Act, 1914, assented to by the Lieutenant Governor-in-Council, March 4th, 1914, being a consolidation and revision of all the then existing provincial water laws, was made effective for the administration of Railway Belt waters, excepting always the Dominion parks, by an order of the Governor-in-Council dated the 27th day of February, 1915.



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