



CHAPTER 225.

An Act respecting the Marking of Timber.

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

Short Title.

1. This Act may be cited as the "Timber-mark Act." R. S. 1897, Short title. c. 184, s. 1.

Regulations.

2. Every person engaged in the business of lumbering or getting out timber, and floating or rafting the same on the salt or fresh waters of the Province west of the Cascade Mountains, and south of the north shore of Portland Canal, shall, before commencing such business, select a separate and distinct mark or marks for each Crown grant, lease, or licence which such person may be operating, and cause such mark or marks to be registered in the manner hereinafter provided, and shall put the same in a conspicuous place on each log or piece of timber so floated or rafted. R. S. 1897, c. 184, s. 2; 1910, c. 49, s. 2.

Persons engaged in lumbering business west of Cascades and south of Portland Canal to select mark, register same, and place same on each log, etc.

3. Every one who violates the provisions of the last preceding section shall be liable to a fine of five hundred dollars and costs, to be recovered in a summary manner before any Stipendiary Magistrate or two Justices of the Peace. 1910, c. 49, s. 3.

4. All logs and timber not marked in accordance with the provisions of this Act may be seized by the Crown and sold by private sale or public auction, and the proceeds of such sale shall form part of the Consolidated Revenue Fund. 1910, c. 49, s. 4.

Seizure and sale.

Minister of Lands to keep "timber-mark register."

How mark to be registered.

Certificate of Minister of Lands to be evidence.

5. The Minister of Lands shall keep, at the Department of Lands, a book to be called the "timber-mark register," in which any person engaged in the business of lumbering or getting out timber as aforesaid may have his timber-mark registered by depositing with the said Minister a drawing, or impression and description, in duplicate, of such timber-mark, together with a declaration that the same is not and was not in use, to his knowledge, by any other person than himself at the time of his adoption thereof; and the said Minister, on receipt of the fee hereinafter provided, shall, if he finds that such mark is not identical with or does not so closely resemble any other timber-mark already registered as to be confounded therewith, register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by said Minister or his deputy to the effect that the said mark has been duly registered in accordance with the provisions of this Act; and such certificate shall further set forth the day, month, and year of the entry thereof in the proper register; and every such certificate shall be received in all Courts in the Province as evidence of the facts therein alleged, without proof of the signature thereto. R. S. 1897, c. 184, s. 4; 1911, c. 29, ss. 14 (*part*), 15, subsec. (2).

Exclusive right to use registered mark.

6. The person who registers such timber-mark shall thereafter have the exclusive right to use the same and to designate the timber got out by him and floated or rafted as aforesaid. R. S. 1897, c. 184, s. 5.

Marks may be cancelled.

7. The said Minister may, on the petition of any person who is the owner of a registered timber-mark, cause the said mark to be cancelled. R. S. 1897, c. 184, s. 6.

Registered marks assignable, and how.

8. Every timber-mark registered under this Act shall be assignable in law; and on the production of the assignment and the payment of the fee hereinafter mentioned, the said Minister shall cause the name of the assignee, with the date of the assignment and such other details as he sees fit, to be entered on the margin of the register of timber-marks on the folio where such mark is registered. R. S. 1897, c. 184, s. 7.

Different marks to be used.

9. If any person makes application to register as his own any timber-mark which is already registered, the said Minister shall give notice of the fact to such person, who may then select some other mark and forward the same for registration. R. S. 1897, c. 184, s. 8.

Penalty for using another person's mark.

10. Every person other than the person who has registered the same, or an assignment of the same, who marks any timber of any description with any mark registered under the provisions of this Act, or with any part of such mark, shall, on summary conviction before a Stipendiary Magistrate or two Justices of the Peace, be

liable for each offence to a penalty not exceeding one hundred dollars and not less than twenty dollars, which amount shall be paid to the proprietor of such mark, together with the costs incurred in enforcing and recovering the same: Provided always that every complaint under this section shall be made by the proprietor of such timber-mark, or by some one acting on his behalf and thereunto duly authorised. R. S. 1897, c. 184, s. 9.

11. The following fees shall be payable, that is to say:— Table of fees.

On every application to register a timber-mark, including certificate	\$ 2 00
For every other certificate of registration	50
For each copy of any drawing, the reasonable expenses of preparing the same.	
For recording any assignment	1 00

And such fees shall be paid over by the Minister of Lands to the How applied.
Minister of Finance and Agriculture, and shall form part of the Consolidated Revenue Fund. R. S. 1897, c. 184, s. 10.

12. The Minister of Lands may from time to time, subject to the Making of rules and adoption of forms.
approval of the Lieutenant-Governor in Council, make rules and regulations and adopt forms for the purposes of this Act. R. S. 1897, c. 184, s. 11.