



GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF LANDS AND MINES

EDMONTON.

November 10, 1948.

*My last license in
the Whitecourt area was cruised
by Mr. Krause of Whitecourt
which later became the superintendent
of Whitecourt Forest*

Sir:

I am returning herewith one of the
copies of License No. 1960 for the period
October 21,
~~April 1st,~~ 19 48 to March 31st, 19 49 in
your favour covering License Timber Berth.
No. 7803, which License has been duly executed
on behalf of the Department

Yours faithfully,

T. F. Blefgen
for T. F. Blefgen,
Director of Forestry.

Encl. 1
Steve Mostowich, Esq.,
CHIP LAKE, Alberta.



GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF LANDS AND MINES

LICENSE TO CUT TIMBER ON PROVINCIAL LANDS

Know All Men By These Presents, that by virtue of the authority vested in me by The Provincial Lands Act, and by an order of His Honour the Lieutenant Governor in Council of the 12th day of June, 1947, and numbered O.C. 585-47,

I, THE HONOURABLE NATHAN E. TANNER,

the Minister of Lands and Mines of the Government of the Province of Alberta, do hereby in consideration of the sum of

Fifty-six Dollars and Thirty-six Cents.....\$56.36

ground rent, license fee, fire-guarding charges and Timber Areas Tax, now paid to me for the use of His Majesty, and in consideration of the execution of the sale contract and the dues hereafter mentioned, give unto

Steve Kostowich, Esq.,
of the Town of Chip Lake, in
the Province of Alberta,

hereinafter called the licensee, his executors and administrators, in so far as the Crown has power to grant the same but not further or otherwise, full right, power and license, subject to the conditions hereinafter mentioned and contained, and such other conditions and restrictions as are in that behalf contained in The Provincial Lands Act, and the amendments thereto, and in the Regulations respecting timber now passed or which may at any time hereafter be passed by the Lieutenant Governor in Council, to cut timber on the following tract of land (hereinafter called the "berth") that is to say:

All those portions which would be if the said Township were surveyed under the Alberta System of Land Surveys Legal Subdivisions 13 and 14 of Section 17; the East half and Legal Subdivisions 6 and 14 of Section 19; the West half of Section 20; Legal Subdivisions 1, 2, 5, 6, 7, 8, 11 and 12 of Section 30 in Unsurveyed Township 61, Range 13, West of the 5th Meridian;

C O N T A I N I N G

1.25 square miles, more or less, and being designated License Timber Berth No. 7803,

and to take and keep exclusive possession of the said lands except as hereinafter mentioned, for and during the period of one year, from the ~~first~~ day of ~~April~~, 1948, to the ~~thirty-first~~ day of March, 1949, and no longer. 21st October,

This license shall vest in the licensee, subject to the conditions mentioned in this license, all rights of property whatsoever in all trees, timber, lumber or other products of timber which he is entitled by this license to cut, and which have been cut within the limits of this berth during the continuance thereof, whether such trees, timber, lumber or other products are cut by consent of the licensee or by any other person without his consent, and shall vest in the licensee, as against any person other than the Crown in the right of the Province, subject to the conditions mentioned in this license, all right of property whatsoever in all trees, timber, lumber and other products of timber cut within the limits of this berth by any other person without his consent; and this license shall entitle the licensee to replevy, as his property, timber of any kind cut within the limits of this berth where it is found in the possession of any unauthorized person, and also to bring any action or suit for damages or any other appropriate remedy against such person who is unlawfully in possession of such timber, or who has unlawfully cut any timber of any kind in derogation of any rights of the licensee under this license, or who has entered without authority upon this berth covered by this license, and any such proceedings which have been commenced and are pending at the expiration of this license may be continued and completed as if this license had not expired.

This license is subject to the right of the Department, without compensating the licensee, to dispose of all dead or fallen timber on the area cut over by the licensee after due notice to such licensee, and to the right of the Department to remove all fire-killed or dead timber anywhere throughout the balance of the berth on failure of the licensee to remove same when requested to do so by the Minister, the cost of such disposition or removal to be borne by the licensee.

This license is subject to the right of the Department to retain, when deemed advisable, the cash deposit made at the time of sale until the berth is cancelled as a guarantee that the licensee will pay all ground rent, dues and fire-guarding charges, will remove all merchantable timber from the berth and will dispose of the brush and other debris to the satisfaction of the Director of Forestry, failing in any one of which the deposit shall be forfeited, as to which the Minister shall be the judge.

This license is subject to the following conditions and restrictions in addition to such of the conditions and restrictions respecting timber as are contained in The Provincial Lands Act, and the amendments thereto, and in the Regulations respecting timber now passed or which may at any time hereafter be passed by order of His Honour the Lieutenant Governor in Council.

1. That the licensee shall not have the right hereunder to cut timber S.M. of a less diameter than ~~fourteen~~ ^{fourteen} inches measured twelve inches from the ground, except such as may be actually necessary for the construction of roads and other works to facilitate the taking out of merchantable timber, and shall not have the right to cut any trees that may be designated by the proper officer of the Department as required to provide a supply of seed for the reproduction of the forest.

2. All merchantable timber of a class authorized to be cut under this license shall be cut and taken from this berth as cutting progresses and any timber of that class left uncut and unremoved after a date named in a notice, served on the licensee or his authorized attorney, shall be estimated in feet board measure by a timber inspector, and shall be subject to payment to the Department, on demand, of ordinary dues, provided that the licensee shall not be required to cut and remove timber which the Director of Forestry deems to be inaccessible.

3. In the event of timber on this berth of the class authorized to be cut, becoming damaged, dead, diseased or fire-killed and a report being made by a timber inspector that the same can be cut and marketed by the licensee without monetary loss, the Minister may require the licensee to cut and remove the same, and all such timber left uncut and unremoved from this berth after a date named in a notice served upon the licensee, or his authorized attorney, shall be estimated in feet board measure by a timber inspector and the licensee shall pay dues as provided in the Regulations according to such estimate thereon.

4. That the licensee shall be entitled to a renewal of this license from year to year while there is on this berth timber of the kind and dimensions described in this license in sufficient quantity to make it commercially valuable, or for the term set out in the notice of sale, if the terms and conditions of this license and the provisions of The Provincial Lands Act, and amendments thereto, and in the Regulations now passed or which may at any time hereafter be passed affecting the same have been fulfilled, as to which the Minister shall be the judge:

Provided that each renewal shall be subject to the payment of such ground rent, dues, license fee, fire-guarding charges and Timber Areas Tax, and to such terms and conditions as are fixed by the Regulations in force at the time the renewal is made and provided that the licensee shall have fully complied with all the terms and conditions of the sale contract covering this berth.

5. When, in the opinion of the Minister, any portion of this berth has not a sufficient quantity of the kind and dimensions of timber specified in this license for such berth to make it profitable to remove the timber upon such portion of this berth, and when in the opinion of the Minister, such portion of this berth is not necessary for the proper working of the remainder of this berth, the Minister may withdraw such portion from this berth:

Provided that in no case shall such withdrawal be made until the expiration of sixty days after a notice in writing of the proposed withdrawal has been given to the licensee of this berth, or to his legal representative, by the Minister or by someone thereto authorized by the Minister.

6. If the Minister ascertains after an inspection has been made, that any land within the berth hereby licensed is fit for settlement and is required for that purpose, he may require the licensee to carry on the cutting of timber provided for by Section 28 of the timber regulations on the said land, and on the expiration of the time within which the timber which the licensee is entitled to cut should be removed therefrom may withdraw such land from this berth, and from the operation of this license.

7. That the licensee shall take from every tree he cuts down all the timber fit for use and manufacture the same into sawn lumber or some other saleable product, and shall dispose of the tops and branches and other debris of lumbering operations in such a way as to prevent as far as possible the danger of fire in accordance with the directions of the proper officers of the Department. Failure on the part of the licensee will subject him to the penalty of having his manufactured timber seized and his bush operations closed down, and in the discretion of the Minister, to forfeiture of this license.

8. That the licensee shall prevent all unnecessary destruction of growing timber on the part of his men and exercise strict and constant supervision to prevent the origin and spread of fire, and shall also comply during the term of this license and of any renewal thereof with all laws and regulations in that respect in force in the Province.

9. That the licensee shall furnish to the agent for the district having jurisdiction in the matter, at such periods as may be required by the Minister or by the Regulations now made or which may at any time hereafter be made under The Provincial Lands Act, returns sworn to by him or his attorney or employee having a personal knowledge of the facts, showing the quantities manufactured, sold or disposed of, of all sawn lumber, timber or any other product of timber from this berth in whatever form the same may be sold or otherwise disposed of by him during such period.

10. That the licensee, in addition to the said ground rent and license fee, shall pay dues as prescribed in Form "E" of the Schedule to the timber regulations, the Timber Areas Tax, the amount due and payable pursuant to the sale contract, and one-half of the cost incurred by the Crown in guarding the timber from fire.

11. (a) That the licensee shall keep a "Lumber Sales Book," in which shall be entered all sales of the products of this berth, both cash and credit sales, also a book accounting for the number of feet of sawn

lumber manufactured each day at the mill, with the day and date; all books and memoranda kept at the logging camps shall be carefully preserved and these and other books kept by the licensee in connection with his lumbering business he shall submit for the inspection of the Director of Forestry or other officer of the Crown whenever required for the purpose of verifying his returns aforesaid.

(b) That the licensee shall keep a bush count of all sawlogs and other timber cut upon this berth, as well as the number of pieces hauled therefrom, in the form of a book to be obtained for the purpose from the Department. The books covering operations for twelve months ending the 31st of March in each year shall be returned without delay to the Director of Forestry duly completed by the foreman in charge of operations, who shall subscribe to the affidavit therein.

12. This license shall be subject to the provisions of The Provincial Lands Act, or of any other Act or of any Regulations now made or which may at any time hereafter be made thereunder, dealing with or affecting the disposal of quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals within or under lands within the boundaries of this berth; and in and by virtue of any grant, lease or permit issued under Regulations made as aforesaid, the grantee, lessee, or permittee, shall have the right to have, use and hold possession of such land as is described in the grant, lease or permit, for quarrying stone, for the boring or operating of any salt, oil, or natural gas wells, or for the working of any mines, and the right to open any roads necessary in connection with such works.

Provided that the licensee shall be paid by the grantee, lessee or permittee the value of all timber cut, damaged or destroyed in making such roads, or in boring or operating any salt, oil or gas wells, or in working any quarries, or mines, or as a consequence directly or indirectly of any such operation or work.

13. This license shall be subject to the right of the Minister to permit prospecting on this berth for quarriable stone, salt, petroleum, natural gas, coal, gold, silver, copper, iron or other minerals; but the licensee shall be notified of every such permission and shall be entitled to compensation from the prospector or as a consequence of his prospecting of this berth and the determination of such compensation shall be in a manner to be prescribed by the Minister.

14. This license shall be subject to the right of the Minister to withdraw at any time from this berth any portion or tract of the lands comprising it which is required for waterpower purposes or is necessary in connection therewith by the lessee or lessees of the waterpower, their executors, administrators, or assigns, and which the Minister, as the representative of the Crown herein, shall decide to be necessary for such waterpower purposes, and which for such purposes shall be so withdrawn from the operation of this license, upon the condition, however, that the lessee or lessees of the said waterpower, his or their executors, administrators, or assigns, shall and will pay to the licensee of this berth, his executors, administrators, or assigns, the value of all timber authorized by this license to be cut on the portion of the tract so withdrawn, the value of such timber in case of dispute to be fixed by the Minister.

15. This license is also subject to the right of the Crown in the right of the Province to withdraw at any time from this berth any portion or tract of the lands comprising it which is required for the construction of any colonization or other road, or any road in lieu of or partly deviating from an allowance for road, drain or drainage works without compensation therefor.

16. If any railway company becomes entitled to a grant from His Majesty or His Successors of any portion of the lands herein described for the roadbed of the company's railway or branches thereof, or for stations, station grounds, workshops, dockyards and water frontage on navigable rivers, or building yards, or for other purposes required for the convenient, necessary and effective construction and working of the company's railway or any of its branches; and if His Majesty or His Successors grant the same to such railway company, the land so granted shall from and after the date of the grant cease to be under the operation

of this license, but the licensee or his legal representative shall be at liberty to remove all property belonging to him or them and all timber then cut thereon from the land so granted; and shall also be entitled to cut and remove from the said land so granted as his or their own property, all trees then standing thereon or the timber obtained therefrom, provided that such property and cut timber, or property, cut timber and standing trees, or the timber obtained therefrom, are promptly removed from the said land upon receipt by the licensee or his legal representative of notice from the railway company to remove said property and cut timber, or to cut and remove such standing trees so as not to hinder or interfere with any work being done or about to be done by the railway company for the convenient, necessary and effective construction and working of the company's railway or of any of its branches; provided also, however, that if the licensee or his legal representative does not so remove such property or cut timber, or so cut and remove such standing trees or the timber obtained therefrom, the railway company may do so, and all cut timber and standing trees or the timber obtained therefrom, which have so to be removed or cut and removed by the railway company, shall be the property of the Crown in the right of the Province and be disposed of as the Minister may decide.

17. Upon the withdrawal of any land from this berth the ground rent and Timber Areas Tax shall be reduced in proportion to the area withdrawn.

18. There is hereby reserved to the Crown:

(a) Out of the lands herein described all rights of fishery and fishing and occupation in connection therewith upon, around and adjacent to such lands;

(b) Out of the lands herein described all rights of trapping and shooting of game and occupation in connection therewith upon, around and adjacent to such lands;

(c) The right to such of the public as may at any time with the consent of the Minister pass and repass on foot or with or without vehicle, whether horse drawn or otherwise, across the lands herein described or any part thereof, excepting however any of the said lands occupied by any building, or any part thereof upon which the licensee has any building or other works properly connected with the project of the licensee.

19. In any case where waters flowing through, over or along, or having their source in this berth, empty into any stream or are tributary to any stream from which a domestic or municipal water supply is or may be obtained or contain fish, or in any case where the pollution of any such water, may, in the opinion of the Minister, deleteriously affect any municipal or domestic water supply, the licensee shall comply with the following Regulations:

(a) Locate all camp buildings, outhouses, cesspools and other structures at a sufficient distance from any stream, lake or other source of water supply, to prevent the pollution of such municipal or domestic water supply;

(b) Immediately remove and bury or burn any camp refuse or debris of any description, or any substance which would be likely to cause the pollution of any such waters, and otherwise keep the ground in the vicinity of all logging camps in a neat, orderly and sanitary condition;

(c) Prevent any depositing, leaving or accumulation in any stream, lake or other source of water supply within this berth, or in an exposed or insanitary condition on this berth, any debris of any description, or any substance which would be likely to cause the pollution of such waters;

(d) Prevent the depositing or leaving by any person employed or purporting to be employed about this berth, or the accumulation as a result of any operations carried on by reason of this license in any stream, lake or other source of such water supply on any Provincial lands whatever, or in any exposed or insanitary condition on any such lands, of any such debris or substance;

(e) Observe all laws and regulations respecting sanitation and the protection of the purity of waters which are applicable to the premises,

or any Regulations which may be promulgated by the Lieutenant Governor in Council, and also comply with any requirements which may be made by the Minister for the purpose of carrying out the above provisions.

For each infraction of the provisions of this section the licensee shall, in addition to any other penalty, be liable on summary conviction to a fine not exceeding one hundred dollars, and such sum shall be recoverable with costs at the suit of and in the name of the Crown in the right of the Province.

20. (a) That the licensee shall not place logs or timber in any river or stream without first having obtained the written consent of the Director of Forestry; and

(b) Shall not pile logs or timber in the beds of any river or stream when there is not sufficient water in such river or stream to float such logs or timber; and

(c) Shall provide a sufficient patrol of the river or stream when floating logs to prevent any log jams or piling up of timber which may result in damage to any bridge, or other property.

21. This license cannot be assigned, sublet, or transferred without the consent of the Minister.

22. Any fire having caused damage to the timber on this berth must be reported immediately with full details to the Director of Forestry and the responsibility so to do shall rest with the licensee.

23. That the licensee shall have in operation within one year from the date of sale, and keep in operation for at least six months of each year of his holding, a saw-mill in connection with this berth, of a value of not less than \$2,000.00 capable of cutting in one day 1,000 feet board measure for every square mile of the area licensed, and shall manufacture in each year not less than 75,000 feet board measure of sawn lumber from timber cut on Provincial Lands for each square mile or fraction thereof contained in this berth or shall establish such other manufacture of wood products as the Minister accepts as equivalent thereto.

24. That the licensee may in lieu of erecting a mill, be permitted to have the timber cut from this berth manufactured at a mill which is or is not his own property, provided that he cuts from this berth at the rate of 100,000 feet board measure annually for each square mile or fraction thereof held by him under this license.

25. That the licensee shall notify the Director of Forestry immediately upon the erection of a sawmill together with its location.

26. (a) This license shall be liable to forfeiture on the order of the Minister for violation of any one of the conditions to which it is subject or for any fraudulent return.

(b) Before making an order for forfeiture the Minister shall cause written notice to be given to the licensee that it is the intention so to do, upon the grounds set forth in such notice, unless within sixty days after service of such notice the licensee shows cause to the contrary.

(c) Service of such notice may be effected by mailing the same, duly registered, to the address or the last known address of the licensee, and in such case shall be deemed to have been made upon the day on which the notice reached the said address or in due course of mail should have done so.

(d) Every order made by the Minister pursuant to this section shall be final and conclusive as against the licensee, and every person claiming by, through or under the licensee, and there shall be no appeal therefrom.

(e) If the violation of the Regulations refers merely to payment of money due under this license, the Minister may waive the power of forfeiture on payment of double the amount found by the Minister to be due, and costs, and may enforce payment in the manner provided for by The Provincial Lands Act, and the timber regulations now passed or which may at any time hereafter be passed, and take such action in regard to all other matters of forfeiture as may arise and be provided for by this section and by The Provincial Lands Act.

27. That in construing this license and the regulations which are expressed to be incorporated herein, the same shall be read and construed as if all such regulations had been set out herein and been made part and parcel hereof, and in the event of there being any conflict between the provisions of any regulation and any provision set out in this license, other than the covenants on the part of the licensee for the payment of rent, the provisions of the regulations shall prevail.

28. If the licensee's goods and chattels on the said lands which are liable to distress shall be at any time seized or taken in execution, or in attachment by any creditor of the licensee, or if the licensee shall make any assignment for the benefit of creditors or becoming bankrupt or insolvent, shall take the benefit of any Act that may be in force for bankrupt or insolvent debtors, the then current year's rent shall immediately become due and payable and the said term shall immediately become forfeited and void.

29. That the licensee shall pay and discharge all charges, rates, assessments and taxes imposed by any statutory authority, now charged or hereafter to be charged upon this berth, as occupant, or upon the said licensee or occupier in respect thereof or payable by either in respect thereof.

30. Any notice, demand or other communication which His Majesty or the Minister may require or desire to give or serve upon the licensee may be validly given and served by the Deputy Minister of Lands and Mines, Director of Forestry or any person duly authorized in writing by the Minister.

DATED at the City of Edmonton

this Tenth day
of November, one
thousand nine hundred and forty-eight

[Signature]
Deputy Minister of Lands and Mines.
(1948)

I, **Steve Mostowich,**

, accept

this license and agree to all the terms and conditions thereof.

[Signature]
Signature of Licensee.

[Signature]
Witness to Signature of Licensee.

[Signature]