"PRETTY SLEEK AND FAT": THE GENESIS OF FOREST POLICY IN BRITISH COLUMBIA, 1903-1914.

by

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" 'Do you think the lumbermen are making any money?', asked Mr. Harvey.

'None of them is going bankrupt that I can see.'

'But are they making money?'

'I don't know, those sitting around here are looking pretty sleek and fat.', remarked Mr. Hamilton, laconically. "

Daily News-Advertiser (Vancouver), 30 September 1909, p. 11.

ABSTRACT

This study examines events surrounding the 1909-1910 Fulton Royal Commission to analyze the early management and exploitation of one provincial resource, timber. Since successive governments in British Columbia have sought to regulate this resource industry, it is desirable to have some understanding of the historical processes by which Crown policy and regulations have been decided upon. Furthermore, those government measures not only cover fields requiring a high level of technical expertise and an intimate knowledge of the industry concerned, but have also shaped the very structure of those industries.

By 1900 the principle of Crown ownership of the province's forest land was well established. Because of this principle, when in the early years of the twentieth centure the forest industry in British Columbia expanded greatly, the Crown was able to ensure that its forest income rose correspondingly. Changes in the terms of access to Crown timber were, in fact, aimed at increasing still further Crown forest revenues, especially after 1905.

Having briefly discussed contemporary governmental policies and developments elsewhere on the continent, the thesis then examines the situation in British Columbia to 1909, and the reasons for the appointment of the Fulton Commission in that year. It is suggested that the Commission was set up at that juncture because, having achieved its primary aim of a

substantial and steady flow of revenue from Crown forests, the McBride government was unsure of what other forestry goals to pursue.

An exposition of themes recurrent at the hearings of the Fulton Commission is undertaken. Themes include security of tenure for those holding cutting-rights to timber on Crown land, conservation, reforestation and the regulation of logging practices, and the provision by the Crown of certain services--such as forest fire protection--to the forest industry. It is argued that the way in which these themes were treated in the Final Report of the Commission was a reflection of the McBride government's overriding concern with maintaining its high flow of forest revenues. In this context it is noted that neither the Commission's Final Report of 1910, nor British Columbia's first Forest Act of 1912, were particularly innovative or unique in terms of contemporary continental practices. The main focus of government forest policy remained fiscal throughout this period, and indeed well beyond it.

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INTRODUCTION

This thesis considers forest policy in British Columbia in the first fifteen years of the twentieth century. The focal point of the work is the Fulton Royal Commission of 1909-1910, and the subsequent Forest Act of 1912.[1] The reasons for the appointment of that Commission, its hearings, its recommendations, and government treatment of its findings are examined. This investigation seeks to prove that governments chose to alter the terms of access to Crown timber in British Columbia because of a great and continuing need for high revenues. Those revenues from the forests were seen as needed for the development of the province. Not only did governments see as desirable the creation of a suitable political and economic climate for business to operate in the province, but, also, they saw as part of their duty the provision of suitable infrastructure. Hence, easy legal and physical access to the province's natural resources was afforded. To attract investment and industry to the province, successive governments paid for such things as roads, bridges, railways, and forest fire protection.

It is further argued here that British Columbia forestry legislation at this time was hardly "unique," as Robert E. Cail in Land, Man, and the Law[2] has claimed, either in terms of previous provincial practice, or in terms of continental developments, especially in Eastern Canada. If anything, the reverse was the case, as the province borrowed most of its forestry legislation from other jurisdictions. Cail was correct to see that "the outstanding principle incorporated into the timber legislation by 1913

was to separate the disposal of timber and land."[3] However, although the Crown in British Columbia retained ownership of a larger proportion of land within the province than was the case in other jurisdictions across the continent, it was inaccurate for Cail to call this "a unique situation in North America."[4] The difference in proportion Crown-owned was not qualitative as Cail suggested, but rather merely quantitative, as evidenced, for example, by an examination of contemporary Ontario practice.

The key point to note about British Columbia forest policy at this time is not its uniqueness, but rather that the short-term desire for Crown revenue was paramount. Governments of this period were neither prepared to forego income nor to cut profits in the forest industry, so that enough money could be ploughed back into the forests to maintain--let alone increase--the future productivity of those forests. They, therefore, were in effect wantonly spending the capital of the province--its natural resources, and the revenues generated from them--whilst doing next to nothing to ensure the replacement of that capital. Governments of the day cannot be excused for not knowing better; the documents of the Fulton Commission prove that governments had the requisite information, but chose to ignore it because of political expediency. The politicians of this time left the development of a long-term, stable forest revenue base to later generations of politicians, who have unfortunately continued to suffer from the same short-sighted approach as their predecessors.

This thesis also argues that, because any alteration of the terms of access to British Columbia timber was occasioned by a desire to raise revenue, the impetus for any given change in terms was to make the holding of British Columbia timber more attractive than it had been prior to that change. The aim was to sell a great deal at a modest price, rather than the alternative; namely, a modest amount at a high price. The cost of access was, therefore, kept relatively low in hopes of selling cutting rights to a wider area. Selling at a low price did indeed produce substantial revenues; it also benefitted lumbermen and speculators, a political force no government of the day was prepared to ignore.

Access to British Columbia's forests was not only to be inexpensive, but security of tenure was to be assured as well. An examination of prevalent government practice makes it quite clear that few lessees or licensees were refused renewals of their various tenures, or had their holdings revoked for failure to comply with the terms of their leases of licenses.[5] Since the attention of governments was directed primarily to augmenting their short-term cash flows, rather than ensuring compliance, governments chose to overlook non-compliance, except for periodically levying slightly higher fees on the offenders.[6]

The thesis further attempts to demonstrate that the failure to force lessees and licensees to fulfill their obligations reflected another aspect of forest policy of this period--that of minimal regulation. Both before and after the 1912 Forest Act, governments were almost solely interested in

the immediate income they received from British Columbia forest lands, rather than in the protection and replenishment of that resource. The motives behind such regulations as did exist were also revenue-producing. For instance, from 1906 on those holding "handloggers' licenses" were no longer permitted to use steam-powered machinery in the course of their logging operations. In instituting this change, the government appears to have wished to force the larger, more capitalized, handloggers to take out "timber licenses" instead of handloggers' licenses because timber licenses produced more revenues for the government.[7] Changes made in 1912, and subsequently, demonstrated a slightly more subtle, longer-term approach to the question of revenues, but it was still to that revenue that those changes were essentially addressed.[8]

As has been noted above, provincial administrations were more than willing to pay for costly infrastructure. At least in the realm of forestry, however, governments did almost nothing to ensure the development of the resources for which this infrastructure was provided.[9] Having provided legal and physical access to Crown resources, governments were prepared to see speculators move in and hold those resources undeveloped while these holders awaited windfall profits from future increases in resource prices. Governments had no immediate incentive to discourage such speculation precisely because the Province earned a large part of its forest revenues from ground rents paid by licensees, whether claims were operated or not.

That speculators might oligopolize provincial timber resources does

not appear seriously to have worried governments, and little was done to ensure the survival of small operators, or to promote industrial diversity.[10] It has been argued that, as capitalist industrial capacity expands, increasing concentration of ownership and control necessarily occurs,[11] and events in British Columbia seem to bear out this theory. The 1910 Fulton Royal Commission, for example, found one person holding 375 timber licenses comprising roughly 640 acres each (i.e. about 240,000 acres), and several holding 200 of these licenses.[12] Again, in this case because of government regulations, all 32 "pulp leases" that were issued, covering 354,399 acres, were from 1903 on in the hands of just 4 companies.[13]

Governments were able to tap the forest industry as a ready source of vast and increasing revenue at this time because of its rapid expansion. In the years before the First World War the lumber industry became pre-eminent in the provincial economy. Since information on the lumber industry was not systematically compiled before 1912, accurate figures on this growth are impossible to obtain. Sufficient statistics, however, are available to indicate the general direction and magnitude of growth of the industry. Timber cut from Dominion and Provincial lands in British Columbia increased from 56,306 thousand board feet (Mfbm) in 1888, to 318,531 Mfbm in 1900, 533,306 Mfbm in 1905, 872,217 Mfbm in 1910, and 1,610,772 Mfbm in 1913.[14] In Vancouver, in 1911, of 9,700 persons engaged in manufacturing, nearly two-thirds were employed in lumber production.[15] By 1910 there were as many workers employed in the forest industry as there were in mining.[16] At the beginning of the 1880's there had been three times as many people

employed in the fisheries as in the forest industry. Thirty years later the ratio had been reversed.[17]

The settlement of Western Canada between 1896 and 1913 was the major impetus for the development of the lumber industry in the province. More than a million people moved to the Prairies, whose population as a proportion of Canadian population rose from 7% to 20%.[18] The population of the Pacific province more than doubled between 1901 and 1911, from 178,657 to 392,480.[19] In the years 1896 to 1913 settled land on the Prairies increased from 10 million acres to 70 million acres, wheat production from 20 million bushels to 209 million bushels,[20] and miles of railway lines from 4,141 in 1901 to 11,709 in 1914.[21] This vast settlement required correspondingly massive infusions of lumber for such things as houses, fences, wagons, heating, and railway construction. By 1913, 70% of British Columbia lumber production was being shipped to the Prairies, with almost all the remainder being consumed within the province.[22] Between 1900 and 1913 lumber shipped inland from coast mills increased by fifteen times.[23]

The boom experienced in the British Columbia economy between 1905 and 1913 was, therefore, largely led by the lumber industry. In this period, per capita general revenues rose by 117%, from a mere $11.13 per capita ($2.9 million) to $24.12 per capita ($10.2 million), whilst per capita forest revenues rose by 201%.[24] In the same period, however, overall government expenditures rose 285% from $9.52 per capita ($2.5

million) to $36.68 per capita ($15.6 million),[25] the total inflation rate from 1905 to 1913 only being between 5.8% and 18.7%.[26] When the government of Conservative Richard McBride was elected in 1903 the gross public debt stood at $46.79 per capita ($10.3 million), over half of which had been accumulated in the previous four years.[27] By 1913 the debt had been reduced to $19.76 per capita ($8.3 million), notwithstanding heavy capital expenditures on public works projects, such as roads, being written off as current expenditures.[28] Per capita expenditures in the other major areas of government spending--general administration, education, justice, and health--also rose steadily and considerably over these years.[29]

Apart from economic developments, the years leading up to the First World War witnessed significant political developments. By 1903 it was apparent that a change in the provincial political system was needed. The coalitions of previous decades, based on personal allegiances, had broken down; there had been five governments in as many years. As parliamentary democracies in other parts of the world have also found, a succession of such shifting coalitions does not provide a stable enough political environment to attract investment. The change in the province involved the adoption of national party labels, giving rise to more stable political alignments.

The first British Columbian government to use national party labels was led by lawyer Richard McBride. He was a professional politician whose

primary interest was in his continued election. Hence, McBride promised stability and broad economic development. Sufficiently vague, both issues won him support from all classes. Key changes in forest tenure arrangements were all made with the central focus being the effect they would have on government forest revenues. After 1905, a substantial and vital proportion of government revenue did indeed come from this sector, and this money provided the lubricant for the Conservatives' great patronage 'machine'.[30] The machine operated in the sphere of public works projects. Both to build support for the McBride government, and because it was necessary for the economic development of a province as mountainous and sparsely populated as British Columbia, vast amounts of money were spent on the provision of infrastructure. Between 1872 and 1900 an average of 34.22% of current expenditure had been spent on public works;[31] the period 1901 to 1914 recorded a ninefold increase[32]--whilst population only rose 147%[33]--and the proportion rose to 43.41%.[34] $15,106,479 was spent on roads and bridges between late 1903 and early 1912.[35] The money came directly from the forest sector, and a Conservative provincial election pamphlet of 1912 said as much: "Forest revenue, $13,000,000 in seven years, expended in works of development."[36] The construction of this infrastructure pleased both the capitalists who profited not only from building it, but, also, from then using it, and the working class, many of whom obtained jobs constructing these works.[37] Such activity paid enormous political dividends to the Tories, McBride's administrations winning re-election in 1907, 1909, and 1912, and being, in fact, only defeated when the vast flow of revenues--

especially of forest revenues--had lessened considerably.

The huge increase in government forest revenues in this period, and the political changes of which this increase was an integral part, were not mere co-incidences. Rather, the increase stemmed from key changes in the tenure of forest land which were introduced for distinctly political reasons in the early years of the twentieth century, most notably in 1905. Before moving on to an examination of these changes in tenure and the reasons for them, it is first necessary to analyze the continental context in which they were sited, for these changes were indeed part of a pan-Canadian process, one in which British Columbia lagged somewhat behind.

FOOTNOTES:

[1]Final Report of the Royal Commission of Inquiry on Timber and Forestry, 1909-1910, Fred J. Fulton, chair (Victoria: King's Printer, 1910). (Hereafter referred to as Report.)
British Columbia. Statutes of British Columbia: 1912 (Victoria: King's Printer, 1912), c. 17, "An Act respecting Forests and Crown Timber Lands, and the Conservation and Preservation of Standing Timber, and the Regulation of Commerce in Timber and Products of the Forest." (Hereafter referred to as Forest Act.)

[2]Land, Man, and the Law: the Disposal of Crown Lands in British Columbia, 1871-1913 (Vancouver: University of British Columbia Press, 1974), p. 91.

[3]Ibid.

[4]Ibid., p. 96.

[5]Report of the Commissioner relating to the Forest Resources of British Columbia, Honourable Gordon McG. Sloan, Commissioner (Victoria: Queen's Printer, 1956), 1:27.

[6]For example, there were royalty fee differentials on timber leases for operators and non-operators, in effect between 1892 and 1899, and 1903 and 1905; see chap. 2, below.

[7]H.N. Whitford and Roland D. Craig, Forests of British Columbia (Ottawa: Commission of Conservation, 1918), p. 94.
For definitions of these, and other terms, see Appendix A, below; see also chap. 2, below.

[8]For example, see Forest Act 1912, s.58(5) which allowed for a royalty rebate on wood used for experimental purposes.

[9]For example, there were never any fee differentials for operators, as opposed to non-operators, on timber licenses.

[10]The Forest Act did provide for the continuance of handloggers' licenses as one means of helping small operators. Forest Act 1912, s.31.

[11]For example, see Ernest Mandel, Marxist Economic Theory (London, England: Merlin Press, 1974), pp. 162-63.

[12]Report, p. D27.
Even assuming that all these licenses were in the Interior--and, therefore, cheaper to hold than licenses at the Coast--the annual cost of holding these licenses would have been $43,125.00 (375 x $115.00). By comparison, at this time a labourer's wages ranged from $2.00 to $3.00 per day, or at best $900.00 per year ($3.00 x 300 working days).

[13]Report, pp. D111-12.
Further information on pulp leases is provided in chap. 2, below.

[14]Whitford and Craig, pp. 175-76.
Figures for the cut from land Crown-granted before 1887 are unobtainable.

[15]Robert A.-J. McDonald, "Business Leaders in Early Vancouver, 1886-1914" (Ph.D thesis, Department of History, University of British Columbia, 1977), p. 90.

[16]Martin Robin, The Rush for Spoils: The Company Province, 1871-1933 (Toronto: McClelland and Stewart, 1972), p. 18.

[17]McDonald, p. 30.

[18]Canada: 1867-1939, vol. 1 of Royal Commission on Dominion-Provincial Relations, N.J. Rowell and R. Sirois, chairs, 3 vols. (Ottawa: King's Printer, 1940), p. 68. (Hereafter referred to as Rowell-Sirois vol. 1.)

[19]M.C. Urquhart and Kenneth A. Buckley, eds., Historical Statistics of Canada (Toronto: MacMillan, 1965), p. 14, series A12.

[20]Rowell-Sirois vol. 1, p. 68.

[21]Rowell-Sirois vol. 1, p. 70.

[22]McDonald, p. 30.

[23]McDonald, P. 77.

[24]Computed from British Columbia, British Columbia in the Canadian Confederation: a Submission Presented to the Royal Commission on Dominion-Provincial Relations by the Government of the Province of British Columbia (Victoria: King's Printer, 1938), p. 245, table 124; and Murray D. Bryce, "The Finances of the Government of British Columbia (1866-1946)" (B.A. essay, Department of Economics, Political Science, and Sociology, University of British Columbia, 1949), p. 128, Appendix T.1.

[25]Bryce, p. 128.

[26]These figures are computed from Urquhart and Buckley, p. 297, series J.70 and J.71.

[27]Bryce, p. 130.

[28]Ibid.

[29]British Columbia in the Canadian Confederation, p. 177.

[30]See Robin, p. 97, p. 118, and pp. 125-64; see also Premier's Papers, Correspondence Inward (McBride), and see also Premier. Letterbrook. Official. Nov. 24, 1904-May 1, 1906. Both of these sources are located in the Provincial Archives of British Columbia (PABC).

[31]British Columbia in the Canadian Confederation, p. 177.

[32]Derived from British Columbia in the Canadian Confederation, p. 239, table 123, using the years 1901-1902 and 1913-1914.

[33]Bryce, p. 128.

[34]British Columbia in the Canadian Confederation, p. 177.

[35]"One hundred and more facts respecting the nine years' record of the McBride administration" (a Conservative Party provincial election campaign pamphlet of 1912), p. 3; included in Ken McCarter, "Party platforms and Manifestos in B.C.," MS in the Special Collections Division of the University of British Columbia Library, 1976; see file "Party 'platforms' and 'manifestos' in B.C. 1903-1909."

[36]Ibid., p. 4.

[37]Robin, pp. 91-93.

BACKGROUND

British Columbia's forest tenure arrangements have been, in large part, a reflection of practices adopted in other parts of the country. To understand the development of tenure in the province a grasp is needed of governmental policies and procedures elsewhere in Canada prior to 1910. From such an examination it can be seen that developments in British Columbia followed those of Ontario, Quebec, and of the Dominion government at Ottawa.

That these three jurisdictions had very similar arrangements to each other is hardly surprising, considering their common origins in the pre-Confederation Canadas. Because of this heritage, there were certain core concepts embodied in the tenure arrangements of all three. Foremost was the idea that the Crown should not sell land for forestry purposes, but rather that it should lease rights to cut timber on such land. Access to Crown timber was to be short-term, and was to be given by competitive bidding for an appraised resource. In order to encourage agricultural settlement wherever possible--and with it, increased population and an expanded domestic market--the Crown was anxious to differentiate between agricultural land and forest land, and to retain actual ownership of provincial lands until they were settled. Hence, access to Crown timber land was increasingly regulated over the years, but this does not appear to have made Crown timber much harder to obtain. Furthermore, the Crown in these jurisdictions provided increasing amounts of infrastructure, the two services most directly impinging upon the forest industry being fire protection and government 'Forest Services'.

Almost from the first European settlements in the area which became British North America, the Crowns reserved the rights to certain timber for military purposes. In New France, rights to oak and later to pine, were reserved to the King.[1] After the Conquest, naval timber was reserved, and provision was made for townships to include their own timber reserves.[2] The British government granted to local contractors licenses to cut Canadian timber for the Royal Navy. These contractors often also helped themselves to Crown timber while they were cutting timber for the Crown.[3]

In Upper Canada a major change was introduced in 1826. Henceforth, Crown timber was to serve not only as a source of naval timber, but, also, as a source of revenue. Licenses to cut Crown timber could be bought, and such wood as was cut incurred royalty payments.[4] In 1827 a further advance in the system was introduced, again with the idea of increasing Crown revenues. Crown timber was to be sold by auction, an upset price per thousand board feet (Mfbm) being previously established, with a limit of 2 Mfbm per person, and cutting to be carried within nine months of purchase.[5] Unfortunately, these new regulations were not put into effect.[6] Moreover, repeated instructions from the British government to sell only agricultural land, and to reserve forest land to the Crown were ignored, and forest land continued to be sold, it usually being cheaper to buy forest land outright than to take out a license on it.[7]

In the years preceding Confederation, two themes are apparent in the Canadas' timber policy: the ongoing problem of agricultural land being bought by settlers and lumbermen for forestry purposes,[8] and the desire for more revenues from Crown timber. The provinces of Upper Canada and Lower Canada having been joined, the license system was altered in 1842 and extended along lines which were to be followed by both jurisdictions until the early twentieth century. Echoing the ignored 1827 Upper Canada regulations, licenses once more were to be sold by public auction after an upset price had been established. However, although deposits to ensure compliance were required, in fact the regulations were more generous than in 1827. Licenses were for one year, but could be renewed, thereby giving lumbermen greater security of tenure. Licensees had to cut 5 Mfbm each year, and a licensee could not hold more than ten square miles of licenses in any one area.[9]

The 1842 regulations were altered somewhat seven years later under the first Crown Timber Act. The goal of increasing Crown timber revenues by making investment in licenses more attractive was reached. The 1842 provisions which covered public auctions, upset prices, royalties per Mfbm, the removal of a certain amount of timber each year, and annual renewability were retained, and in addition licensees could now hold up to fifty square miles, and, more importantly, could transfer or sell their holdings to a third party.[10] In 1851 the regulations became "more stringent," including the introduction of a system of ground rents for licenses, ostensibly to prevent speculation and monopolization.[11] Again, presumably the overall

aim was to increase Crown revenues, and that was indeed the result.[12]

After Confederation, Ontario and Quebec continued to develop policies along parallel lines, and both jurisdictions began to provide support services for lumbermen. The Ontario government, after 1885, shared equally with licensees the costs of fire protection, and made it mandatory for licensees to engage fire patrols.[13] However, to save money, the government in 1910 informed licensees that, thenceforth, it would no longer pay half these patrol costs.[14] The Quebec government organized a provincial Forest Protective Service, headed by a superintendant in charge of a number of fire rangers, licensees paying the whole cost of protecting their limits.[15]

Another service which both provinces provided, although only on a skeletal basis in the early years, was government-run Forest Services. In 1883 the Ontario government created the office of Clerk of Forestry to disseminate forest information.[16] It was not until 1904, however, that the Ontario Department of Crown Lands actually hired a properly qualified forester, Judson Clark.[17] In 1905 the Bureau of Forestry was rendered impotent by its transfer back into Agriculture, which had no jurisdiction whatsoever over forests, and so, in 1907 its only two foresters quit in frustration, not to be replaced until 1912.[18] Quebec, on the other hand, waited until 1905 before setting up its Provincial Forestry Service, which included two professional foresters, and was responsible for general administration, such as inspecting lumber operations, and surveying and classifying all provincial land.[19]

Both provinces also followed the practice of creating forest reserves. From 1905 on the Quebec government began setting aside forest reserves, although for exactly what purpose is unclear.[20] It was as a result of the findings of a Royal Commission on Forest Protection that Ontario passed the 'Forest Reserves Act' which allowed --but did not require--the government to set aside areas which were not to be available for settlement, but exclusively for forestry purposes. In the following six years reserves totalling more than six million acres were in fact created. The lumber industry favoured this move as it guaranteed them a far greater security of tenure and source of timber supplies, because within the reserves they would no longer face the threat of settlers pre-empting the land in competition with them, and, moreover, the government was to pay the whole cost of fire protection for the reserves.[21]

Rights to cut timber on the Dominion government's considerable holdings of timber land were alienated by a procedure similar to those employed in Ontario and Quebec. Mechanisms for the administration and disposal of these Dominion timber lands were set down in the Dominion Lands Act of 1884.[22] A large part of the Dominion's timber lands were situated in British Columbia because the provincial government had, in 1884, transferred to the Dominion government control over roughly 14.4 million acres--which came to be known as the Railway Belt--in return for the arrangement of the construction of the Canadian Pacific Railway main line through the province.[23] Hence, Dominion mechanisms had a bearing upon the development of British Columbia forest policy because they provided an alternate local model with which

British Columbia lumbermen could and did compare the provincial system.[24]

A license to cut Dominion timber was annually renewable for as long as the area under license contained merchantable timber, and provided that any timber cut was manufactured in Canada, unless the land within the area of that license was suitable, and needed, for agricultural purposes. Licenses covering areas of unspecified shape and size, to a maximum of 25 square miles, were sold by sealed tender, applicants offering bonuses in addition to the regular ground rents and royalty payments. In 1908 the Dominion government introduced a system in which licenses were allocated at public auctions, the Crown having surveyed and cruised the area, and established an upset price for the timber. After these changes, the Dominion received higher bonuses.[25]

In 1899 the Dominion created a Forestry Branch, but did not engage its first professional forester until 1901. The Branch had two sections, one to supervise a tree planting program for Prairie farms, and the other to protect Dominion timber. In addition, the Branch gathered statistics, arranged for the disposal of Dominion timber, and was responsible for the reserves, which were created beginning in 1906.[26] The cost of protecting unlicensed timber areas from fires was borne totally by the Dominion; for licensed areas, half was borne by the licensee and half by the Dominion.[27]

Similarities can readily be perceived between the procedures of

the Dominion, and those of Ontario and Quebec. They all embodied four key elements, the foremost of which was the principle of the Crown's retention of its ownership of forest land. Following from this was both the distinction between agricultural land and forest land, and the desire to ensure substantial financial returns to the Crown from its timber resources. In addition, the Crown undertook to provide increasing levels of support services for the lumber industry. In British Columbia, as we shall see, these four elements were also all clearly apparent in the development of that province's forest tenure arrangements, especially in the early years of the twentieth century.

By the turn of the century the principle of Crown retention of ownership of the forest land of British Columbia was well established. As early as 1865 a Land Ordinance of the Colony of Vancouver's Island had provided for the sale of Crown timber separately from the land on which it stood. This provision was extended to the Mainland by the Land Ordinance of 1870.[28] Nonetheless, land continued to be Crown granted without distinction for agricultural, and mineral, and forestry purposes. For instance, in 1883 the government granted to the Esquimalt and Nanaimo Railway Company about two million acres of the choicest timber stands in the province.[29]

Therefore, despite this early principle of retention of Crown ownership of forest land, until 1887 first-class land could be purchased for a dollar an acre, rights to that land's timber, minerals, and coal being included.[30] Such land was subject to an annual land tax of 3% of its

assessed value.[31] On the other hand, lessees of Crown timber land had to pay a ground rent varying from five to ten cents per acre per annum, as well as royalty payments of twenty to twenty-five cents per Mfbm.[32] Thus it seems likely that, until 1887, only those without access to sufficient capital would lease land rather than purchase it outright, and this lack of capital is also the most probable explanation for the introduction of the original mechanism allowing for the sale of timber separately from the land on which it stood.

The problem of treating agricultural land and forest land differently only began to be tackled in 1887 in British Columbia. In that year the Land Act was amended to prohibit the granting of Crown land "chiefly valuable for timber," and for a year thereafter the prospective purchaser of any Crown granted land had to swear out an affidavit that the land was not "chiefly valuable for timber," and, furthermore, had to make royalty payments of twenty-five cents per Mfbm on any lumber that was cut and sold from this land. In 1888, probably both to discourage lumbermen from buying forest land, and to gain an adequate return from those who did, the Land Act was again revised: first-class land, including timber land, was to cost $2.50 per acre, wild land $1.00 an acre. No more than 640 acres could be bought by any individual, and a royalty of fifty cents per Mfbm of timber cut was to be paid.[34] In 1891 the legal definition of forest land was strengthened, land being so defined if it bore 5,000 or more board feet per acre for each 160 acres. In 1896 the definition was again tightened up to include lands containing 8,000 board feet per acre west, and 5,000 east, of

the Cascades.[35] This definition remained in force for over half a century.[36]

The importance attached to an exact definition was intimately connected to the distinction between agricultural land and forest land. It was necessary to make this distinction clearly, so that on the one hand the government could encourage settlers by offering artificially cheap land--hoping, thereby, to increase population, the domestic market, and the political weight of the province within Confederation--and, on the other hand, so that the government could gain a higher return from the alienation and depletion of its timber capital by leasing rather than selling its forest land.

A further refinement of the distinction between different types of land was introduced in 1901.[37] Known as the pulp lease, the mechanism existed for the Crown to raise revenues from forest land which was theoretically too poor to produce profitable sawlogs, but from which, given cheaper access, pulplogs might be produced. Pulp leases carried 21 year terms, with an annual ground rent of only two cents per acre, and royalty set at twenty-five cents per cord. To try and prevent sawmillers taking out pulp leases as a cheap form of access to sawlogs, it was stipulated that any timber which was cut from a pulp lease and used as sawlogs was liable for the same royalties as those charged on timber leases. To encourage the establishment of industry, and with it population growth, pulp lessees were legally required to operate a pulpmill with a capacity of one ton per day, or a papermill with

a capacity of half a ton per diem, for every square mile leased.[38] Because these terms of access necessitated large capital investment, concentration of the pulp industry was marked from the start. Just four companies ever took out pulp leases, acquiring 32 leases covering 354,399 acres. After only two years, in 1903, the government decided cutting rights to sufficient pulpwood had been alienated, and, presumably for fear of flooding the market issued no more.[39]

To the mechanism of the timber lease, which had been introduced in 1865, was added in 1884 that of the timber license. At first, the only difference between the two instruments was that the terms and conditions of leases were set by the Lieutenant-Governor in Council, while those of licenses were fixed by statute,[40] but in 1888 leases and licenses became sharply differentiated, leases being designated as the major mechanism for mill-owners, and licenses for small logging contractors. Presumably to encourage investment in the nascent manufacturing sector, the length and security of leases was set at thirty years, a condition of each lease being the construction of an appurtenant sawmill with a capacity of not less than one thousand board feet per twelve-hour shift for every 400 acres under lease.[41] Annual rent was ten cents per acre, royalty fifty cents per Mfbm.

On the other hand, the term of licenses was reduced to one year, but licenses could be--and almost always were--renewed. Unchanged was the 1884 regulation that a logger could only hold one license and could

not transfer it. Licenses still covered 1,000 acres, with the annual rent being increased from $10 to $50 (five cents per acre), and the royalty from twenty-five cents to fifty cents per Mfbm.[42] Hence, we see that licenses were five cents per acre per annum cheaper to hold than leases, but offered less security of tenure. 1888 also saw the introduction of handloggers' licenses, a very minor form of tenure aimed at those logging on a primitive scale. Issued for a one year term for a fee of $10, they gave the right to cut any unalienated Crown timber, without any area being specified, and without royalty payments being charged.[43]

To increase Crown revenue, governments continued through the early years of the twentieth century to alter the regulations covering leases and licenses. By 1903 the conditions were as follows. Leases were allocated by public auction, carried 21 year terms, ground rents of fifteen cents per acre for those lessees operating the prescribed sawmill (twenty-five cents per acre for those who were not), and royalties of fifty cents per Mfbm.[44] Licenses were allocated by 'staking', carried up to five year, renewable, terms, covered 640 acres at a ground rent of $140 west, and $100 east, of the Cascades (21.9¢ and 15.6¢ per acre, respectively), and royalties of fifty cents per Mfbm.[45]

As well as following broadly the precedents set by Ontario, Quebec, and the Dominion in the sphere of Crown ownership of forest land, drawing the distinction between agricultural land and forest land, and in the drive

for large revenues from Crown timber resources, the government in British Columbia also belatedly followed the tradition of providing services to lumbermen. In early 1884 a Bush Fire Act had been passed, but no money was appropriated to enforce it because it was not seen as important enough. Those connected with the forests: settlers, miners, and lumbermen, did not worry much about forest fires unless they were directly affected. Timber was cheaply and readily available, and held to be essentially inexhaustible. Moreover, forest fires were generally viewed as unavoidable, and even beneficial.[46]

It was not until 1906 that the government began employing forest fire fighters on even a temporary basis. In that year the government spent 0.6% of its forest revenues on fire fighting. Although the next year expenditure in this area more than doubled, it still only represented 0.7% of forest revenues because government forest revenues were rising so rapidly at this time.[47] Only in the summer of 1908 did the government actually begin employing fire wardens to patrol the forests, and engage in preventive work.[48] By then, timber was not quite as cheap as it had been, nor was it as readily available, supplies were recognized to be exhaustible, and forest fires were no longer seen as inevitable.[49]

Timber in the summer of 1908 was no longer so easily available because on December 24, 1907 the government of Richard McBride had passed an Order-in-Council placing a moratorium on further alienations of Crown timber.[50] The moratorium was a result of two and a half years of unprece-

dented alienation occasioned by two key changes in the terms and conditions of access to Crown timber made in early 1905. The first key change made in that year was the removal of the provisions for granting timber leases,[51] and the channelling of almost all sales of rights to Crown timber through the mechanism of timber licenses.[52] At that point, timber leases covered 619,025 acres.[53] One reason for this change was that revenue per acre derived from the sale of timber licenses was greater than that obtained from leases, royalties being the same. The other reason was that whereas leases had been designed to encourage manufacturing, and timber licenses had been aimed at loggers, after the 1901 legislation requiring all timber cut from Crown land to be manufactured within the province, this distinction was no longer necessary.

The second key change of 1905 affected timber licenses. They were made renewable for 21 years, freely transferable, and an individual could hold as many as he liked. Furthermore, any license then in force could be exchanged for a fresh one, renewable for 16 successive years, carrying a royalty of ten cents per Mfbm more than that charged on a brand new license. Royalties were set at fifty cents per Mfbm on brand new licenses, with annual ground rent for all Coast licenses being $140 (21.9¢ per acre), but for all Interior licenses being upped to $115 (18.0¢ per acre).[54] These changes transformed a license into a commodity which could be freely traded until its 21 years was up. As a result, a flood of license staking was unleashed, and by the time of the 1907 moratorium there were 15,160 licenses in good standing, covering about 9,000,000 acres,[55] compared with 1,451 licenses covering about 900,000 acres before these alterations were

made.[56]

The abandonment of the system of timber leases, coupled with the subsequent emphasis on licenses and the alterations in their terms and conditions made in the early twentieth century, highlighted the direction in which the alienation of Crown timber was moving, and underscored certain themes in the development of British Columbia forest policy in this period. The key changes reflected the government's overriding concern with increasing substantially its revenues from Crown timber. To this end, the holding of British Columbia timber had to be made attractive. Licenses were chosen as the most advantageous mechanism because they yielded the same royalties per Mfbm as timber leases, but a higher rent per acre. The government pursued a policy of easy access to Crown timber in the hopes of selling a large amount at a modest price, rather than vice versa as it might have done.

It was widely recognized at the time that the cost of securing rights to Crown timber in British Columbia was indeed modest. For instance, in 1909 the Mississippi Valley Lumberman explained how, in spite of a U.S.A. tariff, British Columbia shingles were able to be competitively priced in the American market, and, moreover, were generally of a higher quality than shingles produced south of the line:[57]

> One reason for this has been that the cost of timber was so very much lower there (British Columbia), and the manner in which it is secured from the government is so much more advantageous for the manufacturer.

A later study carried under the auspices of the Commission of Conservation showed that, from 1907 on, carrying charges on British Columbia timber held under license were substantially lower than those incurred in Washington and Oregon on timber land held in fee simple.[58] By selling cutting rights to a great deal of Crown timber at low prices between 1905 and 1907, the government sated its own appetite for large revenues, yet at the same time provided cheap access to this Crown resource.

The government was able to sell cutting rights to such a large amount of Crown timber after the changes of 1905 because those changes made licenses more attractive to investors and speculators than they had formerly been. The security of tenure of licenses was at a stroke increased from 5 to 21 years. Individuals or companies could hold any number of licenses, rather than the previous limit of two, and now could sell those licenses whenever and to whomever they wished: in 1905 licenses became a commodity. Moreover, licenses required far less initial capital than leases because the conditions attached to licenses were minimal. Licenses contained no provisions requiring the timber under license to be cut--as opposed to merely being held as a speculative asset--because the government was not as interested in stimulating the development of the lumber industry as in assuring itself of revenues.

It is important at this point to pause and make an analytical distinction between 'revenue' and 'money'. Revenue is used to imply the

concept of a continuing flow over time, whereas money is seen as a once-only matter. The governments of British Columbia up to 1905 were always extremely short of revenue, forcing them to borrow money and accumulate large per capita debts. In the short-term these governments could have obtained large amounts of money by selling Crown resources outright. Very quickly, however, the market would have become saturated, and unless governments had invested their money wisely, the Crown would soon have had very little revenue. The changes of 1905 were designed to raise revenues from ground rents--and later from royalties--to pay off part of the public debt, which stood at $10.3 million ($46.79 per capita) in 1903,[59] and to fund a vast expansion in government spending.

Both the changes of 1905 and the moratorium of 1907 were related to government revenue needs. That the changes of 1905 were enacted to raise government revenues was subsequently explicitly stated by Premier McBride. Reporting on debate of the new Forest Act, the Vancouver World paraphrased part of a speech made by McBride:

> ...(In 1905) revenue was needed, and urgently needed, for the re-establishment of the public credit, and the timber policy of that year was justifiable; but for the revenue secured under it the government would have been unable to undertake and carry forward many of those large development enterprises that have made for the upbuilding of the province.

By 1907 the government had enough revenue flowing on from licenses, and decided to issue no more.[60] William Ross, McBride's Minister of Lands in 1912, also said that the 1905 alterations had been made to raise revenues to pay for development, and that the 1907 closure occured because the government had enough revenues.[61] A.C. Flumerfelt, a prominent Tory and a

member of the 1909-1910 Fulton Commission echoed these sentiments with great fervour in 1913. He called the 1905 changes "a remarkable measure of policy that challenged and defeated criticism as a master stroke of bold statesmanship,"[62] and cited sufficient revenue as a reason for the 1907 moratorium.[63] In the same piéce Flumerfelt pointed out the need for holding back some Crown timber which could be released to break any cartel which might arise.[64] The same reason had been given in the Fulton Report in 1910.[65]

There was also general agreement in the press at the time of the 1907 Order-in-Council as to the necessity of, and reasons for, that move. For instance, the Conservative Vancouver Daily News-Advertizer, in agreeing with the moratorium, said that the government had obtained enough revenue,[66] a similar point being made by the opposition Victoria Daily Times.[67] The Vancouver Semi-Weekly World suggested that the moratorium would "prevent timber being staked merely for speculatice (sic) purposes,"[68] while the Kamloops Inland Sentinel supported closure, noting that more timber had been licensed than could possibly be cut in 21 years.[69]

The amount of timber licensed was an important question for licensees, who felt that the sale of further cutting rights would dilute the value of their holdings.[70] As a Christmas Day editorial in the Conservative Vancouver Daily News-Advertizer put it:[71]

> Now that no further licenses will be issued, the anxiety expressed as to the possibility of a glut in the lumber market will be removed, doubtless

> to the relief of the present holders and to the abandonment of any agitation for a change in the Land Act in that respect.

Predictably, this "anxiety" was not "removed" one iota, for two obvious reasons. Licensees were interested in extending the term of their licenses, and thus their security of tenure, primarily because extension would increase the value of licenses as commodities,[72] and secondarily, because with increased security of tenure licensees would be more willing to invest in, and to expand their lumbering operations. Eventually they succeeded in persuading the government that this latter point was their prime motivation.[73]

It was also realized that a glut of lumber on the market would, in a competitive situation, lead to falling prices and, therefore, falling profits. The major way to make the market less competitive was to raise tariffs on the entry of American lumber, and this was consistently tried. For example, in 1905 the Lumberman and Contractor stated:[74]

> Lumbermen of British Columbia have persistently urged upon the Dominion parliament the necessity for a reciprocal or retaliatory tariff on lumber imported from the United States.

The other major alternative was to stem the flow of excess timber, and this also was tried. British Columbia lumber interests availed themselves of the ample political leverage afforded by the conservation ethic, arguing that unless tenure were extended, stands would be slaughtered for only their finest timber, leaving behind good wood to rot in the forest.[75]

This was a powerful argument at a time when the ethos of conservation was beginning to make itself felt all over North America.[76] There was concern that the continent's forests were rapidly becoming exhausted by overcutting. Figures produced by the U.S.A. government showed that at this time the yearly cut was two and a half times greater than the annual growth.[77] A successful propaganda campaign had been launched and carried out by such men as Judson Clark in Canada, and Gifford Pinchot in the U.S.A. As the Canadian journal, the Western Lumberman put it in 1911:[78]

> The word 'conservation' has become very familiar to the reading public of Canada during the past two years.

In 1906, Prime Minister Laurier had called a Canadian Forestry Convention to highlight the severe problems facing Canadian forests,[79] and in 1909 he set up the Commission of Conservation, a body to parallel the National Conservation Commission of the U.S.A.[80] However, conservation appears to have been not so much a genuine concern as a 'smokescreen' used by both the government and lumbermen to hide the real reasons--sufficient revenues, and worries of a market glut--for the 1907 moratorium, and the subsequent changes in tenure arrangements.

Having achieved its pecuniary target of receiving considerable revenues from Crown forests--40.6% of total government revenue in fiscal 1907, 41.2% in 1908[81]--and then having suspended further alienations, the provincial government was unsure of what other forestry goals to set itself. In his 1913 piece, Flumerfelt himself admitted as much[82]--in part because

of this lack of direction, in early 1909 the government decided to appoint a Royal Commission to inquire into "all matters connected with the timber resources of the Province."[83] The announcement of the actual appointment of the Commission in July, 1909 attracted little mention in the press, most newspapers apparently not even reporting the appointment.[84] Flumerfelt claimed in 1913 that the Commission had been set up partly because of "the necessity of putting into practice the new doctrine of conservation as applied to forest resources."[85] He came much closer to the truth when he pointed out that in 1908 and 1909 licensees had been agitating for a length of tenure similar to that granted lessees in 1901; namely, renewability for successive 21 year terms.[86]

The contention that length, and security of tenure for licensees was at the heart of the decision to appoint a Royal Commission is borne out not only in the evidence presented at the Commission's hearings,[87] but also by newspaper reports at the time. In March, 1909 Premier McBride was quoted in the Vancouver Daily News-Advertizer as saying:

> 'the question of the terms of special timber licenses has been the subject of considerable controversy of late and the principal commission of several delegations which have waited on the government within the past few months with regards to the timber industry in British Columbia.'

He went on to say that although the government had decided to make each license perpetually renewable until the merchantable timber was removed from it, the government would await the Commission's findings before implementing any changes![88] Hence, we see that the Commission was to be but a

'rubber-stamp' for a change in tenure arrangements which had already been decided upon by the government. By the appointment of a Royal Commission the government must surely have hoped to lend an aura of respectability to a decision which was, in essence, a 'give-away' to lumbermen.

Further to compound the impression that the Commission was a 'rubber-stamp', McBride made sure that the three Commissioners were sympathetic primarily to the government, and secondarily, to the lumber industry. The Honorable Fred John Fulton was chosen to chair the Commission. A more prominent provincial Tory--other than McBride himself --would have been hard to find. Fulton had held several Cabinet posts since 1903, having first been elected member for Kamloops in 1900. At the time of his appointment he was chief Commissioner of Lands and Works, a post he had held since early 1906, and which he continued to hold during the early stages of the Commission's hearings.[89] As Chairperson he cannot but have had divided loyalties; he was responsible for directing an inquiry which was largely concerned with examining aspects of the policies carried out within his own Department. The second of the three Commissioners was Arthur Samual Goodeve. He, too, was a Tory. In McBride's pre-election Cabinet of 1903 he had been named Provincial Secretary, but did not continue in the post when he failed to win a seat in the Legislature at that election.[90] By 1909 he was Conservative M.P. for Rossland. The third of the Commissioners was the most interesting, and the most interested in forest problems. Alfred Cornelius Flumerfelt had pursued a career spanning

several branches of business, including shoe wholesaling and retailing, banking, and lumber. In 1908 he became President of one of the biggest shingle plants in the world, the Hastings Shingle Manufacturing Company.[91] In 1909 he was listed in the Western Lumberman as being on the executive committee of the British Columbia Lumber, Logging and Forestry Association,[92] and eighteen months later was described cryptically in the same journal as a "timber broker."[93] He later became a Conservative politician manque; in December, 1915 Premier Bowser appointed Flumerfelt provincial Minister of Finance, but Flumerfelt lost to Brewster in a by-election and never did hold public office.[94] With his extensive holdings, Flumerfelt had a strong self-interest in natural resource policies. In 1907 he had offered and awarded well-publicized prizes for the best essays submitted on various specified topics connected to the use of British Columbia's natural resources.[95] Furthermore, in 1913 he wrote the chapter on "Forest Resources" for the British Columbia volume of Shortt and Doughty's Canada and Its Provinces series.

When the appointment of the Commission was announced in July, 1909, as we have seen it was little remarked upon by the newspapers. While other papers were silent, an editorial in the unabashedly pro-government Vancouver Weekly News-Advertizer heralded the choice: "They (the Commissioners) may safely be regarded as without bias on any of (the timber issues') aspects."[96] As we have noted, this was certainly not the case. All three were deeply involved with the Conservative Party, and one of them was in the lumber business itself. They could be counted on to be most sympathetic to

the lumber industry, and they did indeed prove themselves reliable, both during the actual hearings, and in their Final Report.[97]

FOOTNOTES:

[1]Ontario Department of Lands and Forests, A History of Crown Timber Regulations (Toronto: Ontario Department of Lands and Forests, 1957). Reprinted from The Annual Report of the Clerk of Forestry for the Province of Ontario 1899 (Compiled with the assistance of Mr. Aubrey White, Deputy Minister of Lands and Forests, 1887-1915), pp. 149-50.

[2]A History of Crown Timber Regulations, pp. 154-55.

[3]A History of Crown Timber Regulations, p. 156.

[4]A History of Crown Timber Regulations, p. 173.

[5]A History of Crown Timber Regulations, p. 175.

[6]A History of Crown Timber Regulations, p. 176.

[7]A History of Crown Timber Regulations, p. 181.

[8]See A History of Crown Timber Regulations, pp. 223-24, p. 230, and p. 232.

[9]A History of Crown Timber Regulations, pp. 190-91.

[10]A History of Crown Timber Regulations, pp. 201-207.

[11]A History of Crown Timber Regulations, p. 214.

[12]A History of Crown Timber Regulations, pp. 214-15.

[13]B.E. Fernow, "Forest Resources and Forestry," in Canada and Its Provinces, vol. 18, Province of Ontario, eds. Adam Shortt and A.G. Doughty (Toronto: Publishers' Association of Canada, 1914), p. 594.

[14]Final Report of the Royal Commission of Inquiry on Timber and Forestry, 1909-1910, Fred J. Fulton, chair (Victoria: King's Printer, 1912), p. D82. (Hereafter referred to as Report.)

[15]E.T.D. Chambers, "Forest Resources," in Canada and Its Provinces, vol. 16, Province of Quebec, eds. Adam Shortt and A.G. Doughty (Toronto: Publishers' Association of Canada, 1914), p. 549.

[16]Fernow, p. 593.

[17]H.V. Nelles, The Politics of Development: Forests, Mines, and Hydro-electric power in Ontario 1849-1941 (Toronto: MacMillan, 1974), p. 143.

[18]Fernow, p. 597.

[19]Chambers, pp. 550-551.

[20]See Chambers, p. 541.

[21]Nelles, pp. 204-205.

[22]Canada. Revised Statutes (1886), vol. 1, 49 Vict., c.54.

[23]H.N. Whitford and Roland D. Craig, Forests of British Columbia (Ottawa: Commission of Conservation, 1918), pp. 102-103.

[24]See chap. 3, below.

[25]For much of this, see Whitford and Craig, pp. 104-106.

[26]Ibid., pp. 143-48.

[27]Ibid., p. 148.

[28]Ibid., pp. 102-103.

[29]Ibid.

[30]Ibid., p. 82.

[31]Report, p. D22.

[32]Whitford and Craig, p. 86.

[33]Ibid., p. 82.

[34]Ibid., p. 83.

[35]Report, p. D23.

[36]Timber Rights and Forest Policy in British Columbia: Report of the Royal Commission on Forest Resources, Peter H. Pearse, Commissioner (Victoria: Queen's Printer, 1976), vol. 2, p. A2. (Hereafter referred to as "Pearse.")

[37]Report, p. D12.

[38]Whitford and Craig, p. 87.

[39]Report, p. D12, and pp. D111-12.

[40]Robert E. Cail, Land, Man, and the Law: the Disposal of Crown Timber in British Columbia, 1871-1912 (Vancouver: University of British Columbia Press, 1974), p. 100.

[41]Pearse, vol. 2, p. A3.

[42]Whitford and Craig, pp. 88-89.

[43]Report, p. D13.

[44]Whitford and Craig, p. 87.

[45]Ibid., p. 89.

[46]Ibid., p. 126.

[47]See chap. 1, above.

[48]Report, p. D35.

[49]See chap. 3, below.

[50]Report, p. D13.

[51]Cail, pp. 99-100.

[52]The only mechanism being the very minor handloggers' licenses.

[53]Report, p. D23.

[54]Whitford and Craig, p. 87.

[55]Report, p. D27.

[56]Whitford and Craig, p. 90.

[57]Quoted in Semi-Weekly World (Vancouver), 13 July 1909, p. 8. c. 7.

[58]Whitford and Craig, pp. 156-57.

[59]Murray D. Bryce, "The Finances of the Government of British Columbia (1886-1946)" (B.A. essay, Department of Economics, Political Science, and Sociology, University of British Columbia, 1949), p. 128.

[60]7 February 1912, p. 23, c. 3.

[61]Report of the Commissioner relating to the Forest Resources of British Columbia, Honourable Gordon McG. Sloan, Commissioner (Victoria: Queen's Printer, 1956), 1 : 29-30.

[62]A.C. Flumerfelt, "Forest Resources," in Canada and Its Provinces, vol. 22, The Pacific Province, eds. Adam Shortt and A.G. Doughty (Toronto: Publishers' Association of Canada, 1914), p. 494.

[63]Ibid., p. 495.

[64]Ibid.

[65]It has not proved possible, however, to find any contemporary explanation of the motives behind the changes of 1905. No motives were turned up in searches, carried out at the Provincial Archives of British Columbia, of: Premier's Papers (McBride); Premier. Letterbook. Official. November 24, 1904 - May 1, 1906; Official Letterbooks. Chief Commissioner of Lands and Works; British Columbia. Legislative Assembly. Sessional clipping books.

[66]25 December 1907, p. 4, c. 1.

[67]24 December 1907, p. 4, c. 1.

[68]27 December 1907, p. 1, c. 2.

[69]27 December 1907, p. 1, c. 5.

[70]See chap. 3, below.

[71]25 December 1907, p. 4, c. 2.

[72]Daily World (Vancouver), 2 January 1908, p. 20, c. 1-2.

[73]See chap. 4, below.

[74]July 1905, p. 2, c. 4; see also ibid., April 1905, p. 10, c. 1; Western Lumberman, April 1909, p. 15, c. 1; and Daily News-Advertiser (Vancouver), 18 August 1909, p. 4, c. 3.

[75]See chap. 3, below.

[76]See, for example, Nelles, pp. 184-99.

[77]Samuel P. Hayes, Conservation and the Gospel of Efficiency: the Progressive Conservation Movement, 1890-1920. (Cambridge, Mass.: Harvard University Press, 1959), p. 132.

[78]January 1911, p. 19, c. 2.

[79]Nelles, p. 201.

[80]Ibid.

[81]Report, p. D31.

[82]Flumerfelt, p. 496.

[83]Report, p. D17.

[84]The Weekly News-Advertiser (Vancouver) mentioned it; the Semi-Weekly World (Vancouver), the Daily Times (Victoria), the Grand Forks Gazette, and the Inland Sentinel (Kamloops), did not.

[85]Flumerfelt, p. 496.

[86]Ibid.

[87]See chap. 3, below.

[88]Daily News-Advertiser (Vancouver), 12 March 1909, p. 10, c. 4.

[89]See entry under 'FULTON, Frederick John' in the 'Vertical Files' of the PABC.

[90]Martin Robin, The Rush for Spoils: the Company Province 1871-1933 (Toronto: McClelland and Stewart, 1972), p. 86, and p. 90.

[91]See entry under 'FLUMERFELT, A.C.' in the 'Vertical Files' of the PABC.

[92]March 1909, p. 15, c. 2.

[93]September 1910. p. 22, c. 2.

[94]Margaret A. Ormsby, British Columbia: a History, 2nd ed. (Toronto: MacMillan, 1976), p. 392.

[95]See entry under 'FLUMERFELT, A.C.' in the 'Vertical Files' of the PABC; or, for instance, the Observer (Revelstoke), 26 January 1909, p. 4, c. 4-5; or th Grand Forks Gazette, 11 January 1908, p. 1, c. 4.

[96]13 July 1909, p. 4, c. 4.

[97]See chap. 4, below.

HEARINGS

Appointed in July 1909, the Fulton Royal Commission on Timber and Forestry held hearings in 12 different parts of the province over the course of the next thirteen months.[1] The questions addressed by the witnesses were many and varied, and although certain recurrent issues stand out, there was no unanimity on how to tackle those issues. While the reason for this remains uncertain, it became quite apparent during the hearings that persons of similar backgrounds often espoused different solutions to issues raised. Witnesses' lack of adequate forest information seems the most likely explanation for this absence of correlation between backgrounds and views. Working in a relative 'information vacuum', witnesses arrived at different conclusions as to what was in their own best interests.[2]

While the advisability of Crown ownership of British Columbia's forest resource was seldom questioned, the terms and conditions under which access to that resource was to be granted were the subject of a great deal of discussion. It was widely recognized that the government, and hence the general public, had a right to a 'fair' return from the alienation of Crown forests, but the size of this return and the manner of raising it were the objects of much discussion. Witnesses also concerned themselves with the extent to which the Crown should use a part of this revenue to provide infrastructure and services for timber holders. In dealing with the questions of Crown revenues, tenure of Crown forest land, and the provision of public services for private companies, the issue of conservation repeatedly cropped up. As we shall see, few lessees and

licensees were genuinely interested in conservation per se, but rather used the concept to try to disguise the profit-oriented nature of their proposals. Furthermore, it is significant that almost all the discussion at the Commission's hearings centered on timber licenses, very little mention being made of timber leases, handloggers' licenses, or pulp leases.

Apart from the government's unusual choice of Commissioners, a curious facet of the operation of the Commission was its choice of Counsel: James A. Harvey, K.C.. Harvey most decidedly represented big business interests, and no attempt was made to disguise the partisan nature of the Fulton Royal Commission's Legal Counsel. Not only did "he appear to assist the Commission in every way possible to get the facts before them,"[4] he also "appeared on behalf of the lumbering interests of the Province."[5] He represented the British Columbia Lumber, Logging and Forestry Association, as well as the Mountain Lumber Manufacturers' Association.[6]

Harvey had both a business and a personal interest in the formation of Crown timber policy. Certainly in 1912, and most likely before then, Harvey was President of the Colonial Lumber and Paper Mills Company Limited, which had a share value of $2,500,000.[7] Furthermore, in January 1908, at a meeting of the Associated Boards of Trade of Eastern British Columbia, Harvey was the mover of a motion passed concerning the future of the forest industry.[8] In part it demanded that all provincial licenses be renewable

beyond their original 21 year terms, and that those holding licenses on cut-over land be permitted to hold them for a further 21 years at a nominal annual rental of $5.00 per square mile.[9] Back of this motion was the knowledge that an extension of the renewability of licenses would increase licensees' security of tenure, which would in turn lengthen the time during which licenses were regarded as commodities, thereby augmenting their resale value.

Such definite views affected the way Harvey cross-examined witnesses. On several occasions he posed a string of leading questions. Using this technique he perhaps hoped to influence the ways in which witnesses expressed their views, so they would agree with certain hypothetical tenure arrangements Harvey suggested, to which they had previously given little or no thought.[10] An example of Harvey's personal views transparently affecting his ability to deal with witnesses occurred when G.O. Buchannan of Kaslo appeared. Buchannan, as President of the Associated Boards of Trade of Eastern British Columbia, read out Harvey's motion. When, as a private individual, Buchannan proceeded to disagree with aspects of the resolution, Harvey attacked Buchannan's personal credibility as a witness by pointing out that Buchannan had not made any money out of more than twenty years in the lumber business.[11] Despite Fulton's intervention at this stage directing Harvey to pursue some other line of inquiry Counsel continued his practice of acting more like a prosecutor than an impartial questioner.

It has not proved possible to determine whether the Commission chose to invite or to subpoena many witnesses, for only one witness--N.J. McArthur, Secretary of the Loggers' Association of British Columbia--specifically mentioned being invited to appear before the Commission.[12] The Commissioners did, however, make some attempts at obtaining a cross-section of opinion. They went so far as to attend the first U.S.A. National Congress on Conservation of Natural Resources in Seattle, in late August 1909. There they held discussions with Gifford Pinchot, the crusading Chief Forester of the U.S.A. Three months later the Commissioners went to Ottawa and talked with Dominion officials. Thence Fulton and Goodeve journeyed to Toronto. There they consulted Dr. B.E. Fernow, founder and head of the University of Toronto's Forestry School, and Aubrey White, Ontario's Deputy Minister of Lands, Forests, and Mines. At Washington, D.C., in early December 1909 Fulton again saw Pinchot, as well as other members of the United States Forest Service.[13]

Of the 116 witnesses who gave evidence before the Commission, the backgrounds of 113 have been ascertained: 90 from the transcript itself, and 23 from other sources.[14] The main differentiation in the categorizing of witnesses was that between 'small' and 'big' business. It has not proved useful to categorize the forest industry witnesses as to whether they were operators or speculators, as most speculators appear to have carried out some active lumbering in the province.[15] Big business was defined as lumber operations meeting one or more of the following criteria: companies or individuals holding more than 10 timber licenses, or having

cutting-rights to more than 6,400 acres, or having more than 30 employees, or representing 'obvious' big business (such as eastern banks, or the Canadian Pacific Railway); or, from R.A.-J. McDonald's thesis on the composition of the elite of the Vancouver business community at this time. Small business covers those operations definitely falling below the criteria used for big business. Other categories, for example 'government', are self-evident from the Proceedings.

The 113 identified witnesses have been categorized thus:

TABLE 1

IDENTIFIED WITNESSES BY CATEGORY

Category	Witnesses Number	%	Extant Pages	Transcript Evidence %
Big business	57	50.45	724	68.69
Small business	4	3.24	16	1.52
Unclassified business	6	5.30	66	6.26
Business organizations	8	7.08	83	7.87
Sub-Total:	75	66.37	889	84.34
Government	29	25.66	125	11.86
Labour	4	3.54	-	-
Private experts	2	1.77	5	0.47
Private individuals	3	2.65	35	3.32
TOTALS	113	99.99	1,054	99.99

The predominance of business, especially of big business, is demonstrated both by the numbers of witnesses who appeared representing business interests, and also, particularly by the proportion of the extant transcript evidence which was submitted by business.[16] The only other major bloc of witnesses was that drawn from various levels of government, ranging in stature and interest from the Reeve of Spallumcheen, a grocer named Daykin, to John Oliver, leader of the provincial Opposition. In contrast to business interests, labour interests were under-represented at the hearings, perhaps because at this time most lumber workers--unlike their employers--were unorganized, although some were members of the Industrial Workers of the World, and others belonged to the Pacific Coast Shingle Weavers' Union.[17] However, three representatives from the New Westminster Trades and Labour Council, and one from the Vancouver Trades and Labour Council, did appear before the Commission.

A discussion of tenure--that is, the terms and conditions under which the Crown alienated its forest resource--was the most persistent strand running through testimony given at the proceedings of the Commission. Almost all witnesses who dealt with the question of tenure favored the government's retaining control of the forest land, and simply alienating cutting-rights. Only one witness, A.T. Frampton, advocated selling off the land as well as its timber. He suggested that the revenue from the sales could be set aside, and the interest from this sum would provide a greater forest income for the government.[18]

The overwhelming majority of witnesses favoured the contemporary policy of Crown ownership of the forest resource base because, for many years, this policy had in practice meant cheaper access to that resource. Before 1896, when timber land had been for sale by the Crown, such land had always been included within the classification of "first-class land."[19] From 1891 on all Crown-granted first-class land had cost $5.00 per acre, and bore royalty charges of fifty cents per Mfbm on any wood cut and sold from that land.[20] In 1905 the land tax was dropped from an annual 3% of its assessed value to 2%.[21] In a hypothetical instance, for a lumberman the cost of an acre of Crown-granted timber land would have been $5.00, meaning thirty cents in foregone interest over one year--calculating interest rates at a modest 6%--as well as the annual land tax of ten cents per acre (2% of $5.00). If the Crown had, in fact, sold forest land, the lumberman's total annual carrying charges per acre would have been forty cents, as compared with 21.9¢ on Coast licenses, and 15.6¢ on Interior licenses. Furthermore, licenses required less initial capital investment. Thus, lumbermen were quite prepared to support Crown ownership of the forest resource base because they thereby gained cheaper access to resource.

The major issue affecting tenure which was discussed at the Commission's hearings was the question of the renewability of provincial timber licenses. Indeed, it was to deal with this question that the Commission had primarily been appointed.[22] Of the 34 witnesses who addressed themselves to this matter, all but six felt that provincial licenses should copy the clause written into the Dominion licenses which made them renewable

in perpetuity as long as they contained merchantable timber.[23] The six exceptions will be discussed below. Except for R.J. Skinner, the Provincial Timber Inspector, the witnesses who favoured extension were all representatives of big business.[24]

There were three aspects of this demand for extended renewability of licenses. Without a guarantee of perpetual renewal, as in the Dominion licenses, bank managers refused to advance money on provincial licenses. William Murray, manager of the Bank of Commerce in Vancouver,[25] J.M. Lay, manager of the Imperial Bank of Commerce in Nelson,[26] and J.M. Lawry, manager of the Bank of Hamilton in Fernie,[27] all explicitly stated to the Commission that their bank would not accept provincial licenses as collateral on a loan. As Murray put it: "as a rule we do not consider a timber license a tangible security...(because) there is no fixity of tenure."[28]

On at least three occasions during the hearings Fulton himself became exasperated on learning that provincial licenses were not acceptable as collateral. He pointed out that in 1905 deputations had come to the government--of which he was then a member--on the question of licenses as security for loans. He mentioned that at that time the government had been assured that if licenses were made transferable, and renewable for 21 years, the banks would take those licenses as security.[29] Yet a mere four years later a further demand for perpetuity was being made. However, in a statement with which Murray concurred, Counsel Harvey succinctly pointed out that

whereas in 1905 a 21 year term for 2,000 licenses was quite desirable, by 1909 there were over 15,000 of them, and this had made licenses less valuable as security. Harvey, however, avoided explicitly stating that an extension of the period of renewability of licenses would increase their resale value, and their usefulness as collateral would rise accordingly.

Another aspect of the demand for lengthened tenure stemmed from the realization that a great deal more merchantable timber had been staked under provincial licenses than anyone could foresee being cut before those licenses expired.[30] It was suggested that extending the renewability of licenses would prevent overproduction, thereby lending a greater measure of stability to the industry.[31] Furthermore, it was argued that extension of tenure would lead to conservation of the timber resource, as operators would not be "slaughtering" their stands for only the finest timber as they tried to recoup as much as possible from their holdings before those licenses expired.[32]

The third part of the demand for renewability sprang from the second. There was a strong overlap between those who believed that licenses should be extended and those who thought that longer tenure would avoid the above-mentioned "slaughtering" of the stands, and that a licensee holding the land in perpetuity would take more care of it. He would be more careful in his logging techniques, be more likely to protect the timber from fire, and be more inclined to take a second crop from the land. Witnesses

who favoured extended renewability almost without exception also desired some arrangement whereby logged-off land could be held at a nominal rental--most suggested $5.00 per square mile per annum[33]--pending a second crop.[34] Although this concept has echoes of the sustained-yield management policies introduced forty years later, it was, nevertheless, not the same.[35] The second crop was seen by those advocates not so much as timber grown from seed after clearcut logging, but rather as the attainment of commercial maturity by trees which had been almost suitable for logging during the first cut. Thus, a second crop would be taken off roughly twenty years after the first cut.

It is, therefore, obvious that most licensees were, in fact, far more interested in profits than in conservation. On the one hand they approached the Commission expressing their concern over conserving resources, yet, on the other hand these same witnesses implicitly admitted that they would "slaughter" their stands if that proved profitable. The issue of conservation seems to have been used as a convenient facade, disguising mundane financial motives.

Four of the six witnesses who opposed extension of the tenure of timber licenses were representatives of organized labour. The other two, J.S. Emerson of Vancouver and G.O. Buchannan of Kaslo, were both businessmen and neither of them owned many licenses, if indeed any at all.[36] Three of the labour representatives were simply reported as having opposed making the licenses perpetually renewable,[37] whilst the fourth submitted

that he might favour renewal of licenses after the 21 year term providing the rentals were high enough.[38]

Buchannan focused on the government's role in contributing to the problems facing licensees. He said that the government should have realized more timber was being staked than could possibly be cut in the following 21 years.[39] Buchannan said that it had been evident to him by 1906 that too much timber had been staked.[40] As a solution he proposed that, rather than grant perpetuity, the government should buy back as many leases and licenses as it could, and that for many years no more timber should be alienated.[41] He suggested that the government re-imburse all those still holding licenses at the end of 21 years.[42] He pointed out that the government could do little to ensure the industry's stability: "even the promise of an extension of the term of the license could give no immediate relief. It could not open up any new markets."[43] However, he saw the government as the only agent which could properly protect the forests, and felt that was the government's--and not private industry's--role.[44] Although a sound idea in terms of forest policy, Buchannan's scheme of re-imbursement and re-purchase ignored the huge role of forest revenues in the overall income of the government: 41.2% in fiscal 1908 and 27.6% in fiscal 1909.[45] Considering the levels of its expenditures, the government could afford neither foregoing the income from licenses, nor the costs of re-purchase and re-imbursement.[46]

Emerson was an active sawmill operator who had built the Thurston-

Flavelle mill at Port Moody in the closing years of the previous century.[47] By 1909 he was engaged in sawmilling and logging, and held enough timber to last him ten years.[48] Emerson saw himself as defending the interests of people who had not been represented at the hearings, against the actions of licensees:[49]

> ...while the owners of special licenses are banded together to obtain by any means possible the alienation of the greater portion of the Provincial timber of this Province, yet others whose duty it is to rise and protest have no organization whatever.

He did not, however, specify who these "others" were.

Emerson produced several strong arguments against introducing perpetuity of tenure. Although he was not against perpetuity per se, he opposed it because he foresaw that if granted, licensees would proceed to demand more and more concessions until they had absolute control of forest lands.[50] He also saw the granting of perpetuity as a gratuitous addition to the already advantageous position of licensees.[51] Guessing that over three-quarters of licensees were mere speculators,[52] he suggested that any changes in licenses be directed towards easing the lot of actual operators.[53] Making licenses perpetually renewable was of little use to operators, who realized their profits from using the cutting-rights a license carried. On the other hand, extension would greatly benefit speculators, who made their profits from selling the cutting-rights that licenses carried, and so wanted extension in order to increase the selling price of such cutting-rights.[54] Emerson furthermore felt that an extension of the tenure of licenses would result in their being bought up by "capitalists and monopolists like the Weyerhausers and others,"[55] leading to an artificial

restriction in the supply of timber. He suggested that licensees had been greedy, and should not have staked more than they could reasonably cut. He noted that licensees were again being greedy, as well as deceptive, in saying that adherence to the 21 year term of licenses would cause slaughter of the stands. He pointed out that "35% of the cost of logging is the initial expense of moving logging plants to the ground, erecting suitable buildings, making and constructing roadways, chutes, skidroads, and other necessary work."[56] Hence, the overhead costs were simply too high to permit the culling stands.

Emerson's submission was extremely knowledgeable and perceptive. He highlighted the way in which the Fulton Commission was, in fact, appointed, and acting in the interests of licensees, who constituted such a powerful lobby. He also underscored the speculative nature of many licenses, and with that the distinct possibility of future oligopolistic control over cutting-rights in British Columbia. Above all, he showed the specious and deceptive nature of some of the arguments put forward during the course of the hearings by licensees who favoured extension. Unfortunately, advice such as Emerson's was largely ignored by the Commission.[57]

The other issue of tenure dealt with by the Commission was the question of handloggers' licenses. The four labour representatives sought a continuance of handloggers' licenses, but for a lessened fee. They argued that this would give employees a greater bargaining weight with their employers, as the workers could then more easily threaten to quit, having another means of livelihood available.[58] Although for different reasons,

the few other witnesses who spoke on this question almost all supported the continuance of this form of tenure. They pointed out that handlogging could be carried out on forest land which it would not pay to cut using donkey engines. They were not, however, in favour of decreasing the cost of such licenses.[59] No witnesses from the Interior offered a view on this issue, presumably because handlogging, with its necessary water transportation was confined to the Coast. It is important to note that the issue of handloggers' licenses was of major interest only to the labour representatives, the other witnesses who mentioned it being not particularly concerned.

Among those who expressed views on the government's decision in December 1907 to suspend further alienations of Crown timber, there was almost complete unanimity that the suspension should be continued indefinitely.[60] These witnesses sought to impress upon the Commissioners that cutting-rights to more than sufficient timber had already been alienated, and that to discontinue the 1907 moratorium would increase the problem of oversupply of logs and lumber.[61] Furthermore, although it was never explicitly stated to the Commissioners, it seems clear that some licensees feared that if the suspension were lifted, and more cutting-rights sold by the Crown, then the resale price of cutting-rights which had previously been alienated would drop, in turn lessening the profits to be made from speculation in British Columbia timber.[62] As the Western Canada Lumberman summed it up in early 1908, when commenting on the then recent moratorium:[63]

> The timber owner who holds for sale only is pleased because there have been a great many would-be buyers

> holding back with the expectation of getting cheap timber. They will now have to buy at the price of the license holder if they buy at all. The holder of timber who is legitimately using his timber is pleased that the value of his holdings has been enhanced, and the government will lose nothing, as the revenue will be the same.

In dealing with Crown revenue from its forests, an interesting division developed between Interior licensees and those on the Coast. While the latter were content to pay $140 per square mile on their timber licenses, most of the Interior men, in spite of their already cheap access to Crown timber, said that their rent of $115 per square mile was too high. Three Interior operators, all of them big businessmen, specifically stated that the differential in rentals on licenses between the Coast and the Interior was not sufficiently large to make up for the smaller quantities of saleable timber found on the average Interior acre. Naturally they suggested lowering the rental in the Interior--rather than increasing that at the Coast.[64]

On another aspect of Crown forest revenues, few witnesses were in favour of raising rents, and the majority wanted them fixed. They agreed that the government had a right to a share of any increment in the value of timber, and thus advocated that the government retain the right to vary royalties. Against this they balanced the need for investment stability within the industry, and felt they had to know in advance what their operating costs would be. To this end, many proposed fixing royalties for a period of five or even ten years, and reviewing them after that. The four representatives of organized labour had an entirely different

view, however. They all favoured increasing license rentals, and lowering or even abolishing royalties, because this would ensure that the timber on licenses was actually cut.[65] In such a view they were not entirely alone among the witnesses. Edward H. Heaps--"one of the largest operators" in British Columbia[66]--put forward the same idea. He suggested that royalties should be fixed for at least ten years,[67] and that any increase in Crown charges should be on the rent. He reasoned that any increase in royalties would only affect operators, whereas augmenting the rent would make it more expensive for speculators to hold their timber. However, even he did not advocate increasing rents in the near future.[68] Heaps' suggestion was based on the assumption that speculators were undesirable and should be discouraged from holding British Columbia timber, an assumption the government does not appear to have shared.[69] The development of a forest industry was not as important to the government as securing a large and steady flow of forest revenues. The government, therefore, had to be careful not to raise license rents too high. As an April 1909 editorial in the Western Lumberman put it:[70]

> According to Provincial Government estimates the largest source of revenue for the coming year is estimated will be from timber licenses, which are expected to bring in $2,000,000, while timber royalties are put down at a quarter of a million. The total estimated revenue is placed at $5,948,626, and it is expected that the lumber industry will produce over one-sixth of it. The Government should be careful not to kill the goose that lays this golden egg, and as the millmen contribute so large a part of the revenue of the country, they should be treated with a great deal of consideration at the hands of the Government, perhaps more than they have received of late.

Aside from the question of tenure, another theme running through the proceedings was the need for more information on the forest resource. This showed itself as much in the questions put by the Commissioners as in the evidence volunteered by witnesses. There was an apparent lack of any mechanism, public or private, designed systematically to generate and gather statistics. A forceful example of the lack of even the most basic statistical knowledge was provided by E.H. Heaps. He estimated that roughly 100,000 men were employed in the British Columbia lumber industry,[71] but withdrew this comment when informed there were only 80,000 adult males in the province at the time![72]

Because the total land area of the province had not been classified according to potential optimal usage, no-one, least of all the Commissioners, had any scientific idea of what proportion of the forest land in the province had been alienated. Since little of the land in the province had been surveyed and cruised, it was not even known what proportion of the land fell within the 1896 definition of land "chiefly valuable for timber." The problem was further compounded by the subjectivity of any decision of what was accessible--and, therefore, commercially viable--timber land. Thus, when asked what proportion of the province's timber had been taken up, witnesses framed their replies in terms of accessible timber.

There was agreement among witnesses at the Coast that a large proportion of the accessible timber land there, had been taken. Estimates varied between 60% and 100%.[73] In the Interior opinions were more varied.

Witnesses tended to reply more cautiously, limiting themselves to areas with which they had some familiarity. For example, two operators testifying at Fernie, D.H. Telford and A. MacDougall, said they thought that most of the desirable timber in that area had been assigned.[74] Speaking at Revelstoke, C.R. Skene estimated that only half the merchantable timber in those parts was taken,[75] whilst evidence of J.A. Magee--a man who had cruised all over British Columbia--demonstrated the way in which accessibility was perceived as a changeable variable. He estimated that about 90% of the accessible and merchantable timber of the province had been taken up, but that this figure would drop to 75% when accessibility improved.[76]

The desire for more information on the forest resource of the province was understandable. Until such information was gathered, it would not be possible either to formulate a comprehensive forest policy or to fulfill the revenue potential of that resource. Moreover, the systematic compilation and publication of all sorts of forest information by the government was extremely useful to the lumber industry. For instance, lumbermen could apply such knowledge to things like the development and penetration of new national and international markets, to learn of technological developments within the industry, and above all to discover the most efficient and profitable way to exploit the forest wealth of the province. Forest information formed part of the infrastructure with which the forest industry wished to be supplied by the British Columbia government.

Government provision of the infrastructure necessary for fire prevention and fire protection was also wholeheartedly endorsed by witnesses, regardless of background. Paramount was the realization that fires cost a great deal: lessees and licensees lost money, the Crown lost revenues. J.M. Kellie, a Revelstoke speculator, conservatively estimated that "every million feet that burns is $500 lost."[77] All of the government witnesses, and most of the other ones, also thought that costs should be borne equally by the government and the lumber industry.[78] No one suggested that private industry should pay the whole cost of protecting the forests it was exploiting. However, some witnesses from the business community did differ in their conception of how costs should be allocated. Two from the Interior were agreeable to cost-sharing, but insisted that the railway companies be included, because they thought that railways caused about three-quarters of all fires.[79] Other witnesses thought the government should pay the lion's share of the cost,[80] and yet others suggested that the government foot the whole bill.[81] One, Peter Lund, an operator from Cranbrook, argued that it was the government's duty to prevent fires, just as it was responsible for preventing murders.[82]

The allocation of fire protection costs posed a very real problem for the government. On the one hand, because of the vast sums being spent on public works projects the government wished to avoid ploughing back much of its forest revenue into caring for the forests,[83] but on the other hand, the administration sensed the need for protection of its resource. The question was eventually resolved by a compromise. Following Ontario's arrangement of 1901 to 1909,[84] the government paid half

the fire protection costs for licensed land, and the whole cost for unalienated Crown land.[85]

Discussion of methods to prevent fire focused on logging methods, particularly around the question of the disposal of slash--the debris left over after logging operations. There was concensus that logging methods could be improved, and most witnesses thought the government had a right to make regulations in this sphere. Many businessmen wanted the government to ensure that operators did not leave overly large trees and tops on site, arguing that such practices created a fire hazard, as well as being wasteful.[86] Differences of opinion on slash disposal centered on whether burning slash was in itself more of a fire hazard than leaving slash to rot, and the extent to which slash burning affected humus and, therefore, reforestation. Most, but not all, big businessmen were against the compulsory burning of all slash.[87] However, most other witnesses were in favour of mandatory burning, with notable exceptions of R.J. Skinner, the Provincial Timber Inspector, and his Assistant, R. Trinder. These two opposed burning both on grounds of safety, and because they felt compulsory burning would make many logging operations prohibitively expensive.[88] While the latter point had been made by several businessmen,[89] in fact, so few loggers burned their debris that most witnesses were ignorant of the real costs, and silvicultural effects, of slash burning.[90] Again, we see lack of basic forestry information plaguing the workings of the Commission.

The question of logging methods had a strong bearing on another important issue dealt with during the Commission's hearings, that of

're-afforestation'. A common complaint was that some loggers persisted in cutting trees of too small a diameter. This practice was disliked because it was reasoned that trees below a certain size should be left standing as seed trees for a future crop, and also because it was felt that it would be more efficient to leave the smaller trees and cut them after they had grown to a larger diameter. Witnesses expressing such views were prepared to see government regulations enacted to prevent these wasteful practices, even if that necessitated surrending a part of the forest industry's autonomy, because they realized it was in the long-run interest of that industry to minimize waste and to encourage re-forestation.[91]

The most efficacious means of ensuring reforestation was itself a contentious issue. The majority view was that burnt and/or logged-off areas would reseed themselves satisfactorily.[92] Since seventy years ago a great deal more timber was left on site than is the case today, there was some justification for this view. The view was by no means unanimous, however. W.T. Cox, Assistant Forester with the U.S. Forest Service, said that natural regeneration was sufficient except in areas of several and large burns.[93] On the other hand, Professor Craig of Cornell University recommended artificial regeneration. He remarked that he had tested both methods on a 30,000 acre research forest in New York, and had found that planting was preferable.[94] Furthermore, he pointed out that burned areas, if left alone, tended to replace their former stock of coniferous trees with less valuable deciduous ones.[95]

It was certainly convenient for most lessees and licensees to express the opinion that satisfactory reforestation would occur naturally, since government acceptance of this would permit the continuance of the total absence of regulations covering silvicultural, and forest land, management practices which the British Columbia forest industry then enjoyed. Moreover, the view appealed to the government as well as to the forest industry because blind reliance on natural reforestation saved both of them money. Their mutual interest lay in making money from British Columbia's forests, not in spending money on that resource.

Certain points stand out upon an examination of the transcript of the proceedings of the Commission. While it dwelt at length on the arrangements for holders of timber licenses, and spent a little time on the matter of pulp concessions, the Commission did not concern itself with other forms of tenure of timber lands within the province's jurisdiction. This absence of breadth in investigation compounds the impression that the Commission was a 'rubber-stamp', set up to provide political justification for a decision which had already been taken, namely to extend the tenure of timber licenses.

Another point to note is the lack correlation between the occupational backgrounds of the witnesses, and their view on the

forest industry. It seems that knowledge of forest conditions in the province was so rudimentary that witnesses did not have adequate technical information on which to base their submissions. Without the requisite information, witnesses could not be sure what set of forest policies would best suit their interests, and, therefore, one would hardly expect any occupational group to have presented a united set of opinions. In spite of this lack of 'occupational unity', certain recurrent themes can be noted, themes which were to be taken up by the Fulton Commission in its Final Report in 1910, and later in British Columbia's first Forest Act, of 1912.[96]

Security of tenure for licensees was the issue which occupied the largest single portion of time during the hearings. As we have seen, the most common suggestion was that the tenure of licenses be extended beyond their original 21 years. Licensees realized that extension would result in higher resale prices for licenses, expecially if the 1907 closure were continued, hence their support for its continuance. Conservation was used to justify the demand for extension, but the reason was the desire to increase the value of licenses qua commodities, as evidenced

by the argument that extension would make licenses more acceptable to banks as collateral. Concern over conservation of the forest resource was also expressed in the discussion of logging regulations. While it was agreed that the government had the right to make such regulations, it became clear that not many witnesses favoured them. To preserve their freedom to exploit British Columbia's forests as they saw fit, most operators appeared quite prepared to risk destruction of the resource, because conservation in practice necessitated government regulation and consequent partial loss of entrepreneurial autonomy and income.

Another theme running through the proceedings was the problem of striking a balance between the government's desire for an enormous revenue from Crown forests, and the private sector's desire for government provision of infrastructure, such as the generation of forest information and fire protection. The complex nature of this balance was indicated by a realization that, while in the short-term the two aims were contradictory, in the long-run they might well be reconciled; money the government then invested in infrastructure could, in later years, be re-couped with substantial 'interest'. It was to this

question of reconciliation of differing interests that much of the Final Report and the subsequent Forest Act were implicitly to be addressed.

FOOTNOTES:

[1]The Commission began its hearings in August 1909, spending three days in Victoria. From there it proceeded to visit the following communities, in the order cited: Nanaimo (1 day), Vancouver (3 days), Kamloops (1 day), Vernon (2 days), Revelstoke (2 days), Nelson (1 day), Cranbrook (2 days), Fernie (1 day), Grand Forks (1 day), New Westminster (1 day), and Vancouver once more (3 days). By the end of 1909 the Commissioners had held hearings at seven locations in the Interior, and four on the Coast, and had received evidence from 101 witnesses. Either in late 1909 or early 1910, the Commissioners submitted a brief Interim Report to the government. Following this, on May 30 and 31, 1910 the Commission held a supplementary session in Victoria; a further 2-day sitting was held in Victoria in mid-August, 1910. These meetings entailed the hearing of another fifteen witnesses. The Final Report of the Royal Commission of Inquiry on Timber and Forestry, 1909-1910 (Victoria: King's Printer, 1910), (Hereafter referred to as Report.) was submitted on November 15, 1910. The transcript of the Proceedings of the Comission survives for all seven Interior locations; but, unfortunately, of the seven Coast hearings, transcript testimony for only four exists. See Report, pp. D9-10; and Provincial Archives of British Columbia (PABC), "Add. MSS," catalog entry under "Fulton, Frederick John: British Columbia. Royal Commission of Inquiry on Timber and Forestry, 1909 Originals, 1909-10, 18cm.," vol. 1, pp. 1-119, vol. 2, pp. 1-1112. Call Number GR 271. (Hereafter referred to as Proceedings.)

[2]See Appendix B.

[3]See chap. 2, above.

[4]Proceedings, vol. 2, p. 2.

[5]Ibid., p. 1.

[6]Ibid., p. 2.

[7]In his excellent thesis on the Vancouver business community at the turn of the century, Robert A.-J. McDonald lists Harvey as one of the business elite of the city. "Business Leaders in Early Vancouver, 1886-1914" (Ph.D. thesis, Department of History, University of British Columbia, 1977), p. 484.

[8]The mover is only cited as "Mr. Harvey," but it seems very probable that the mover was indeed James A. Harvey, since he is cited in the Proceedings (vol. 2, p. 1) as being of "Cranbrook and Vancouver."

[9]Proceedings, vol. 2, p. 204.

[10]See, for example, his questioning of T.A. Smith, Proceedings, vol. 2, pp. 190-91; or of W.C. Brewer, ibid., pp. 612-16.

[11]Ibid., pp. 767-68.

[12]Ibid., vol. 1, p. 23.

[13]Report, p. D9.

[14]In addition to the Proceedings, the following sources were used for biographical information:
Daily News-Advertiser (Vancouver);
Henderson's British Columbia Gazetteer and Directory (Vancouver: Henderson's, 1910);
Joseph C. Lawrence, "Markets and Capital: a History of the Lumber Industry of British Columbia (1778-1952)" (Master's thesis, Department of History, University of British Columbia, 1957;
R.A.-J. McDonald's thesis;
Charles Whately Parker, Who's Who, and Why (Vancouver: Canadian Press Association, 1911;
The 'Vertical Files' of the PABC;
The Western Lumberman.

[15]An example of a speculator who was operating on a limited scale was D.H. Telford. He was President and/or Managing Director of four companies, holding between them 81 timber licenses. Only one of these companies was actually operating a mill, whilst the other three were not even logging;
Proceedings, vol. 2, p. 932, and p. 938.

[16]This proportion is a tad lop-sided, in that the four witnesses for labour appear at sittings for which the transcript of the Proceedings is no longer available.

[17]D.E. Anderson, "The Growth of Organized Labour in the Early Lumber Industry of British Columbia" (B.A. essay, Department of Economics and Political Science, University of British Columbia, 1944), p. 29, and pp. 82-86.

[18]Proceedings, vol. 2, p. 23.

[19]H.N. Whitford and Roland D. Craig, Forests of British Columbia (Ottawa: Commission of Conservation, 1918), pp. 82-83.

[20]Ibid.

[21]Ibid., p. 85.

[22]See chap. 2, above.

[23]This clause was introduced into Dominion licenses in 1901; Proceedings, vol. 2, p. 117.

[24]See, for example, J.A. Magee, ibid., pp. 478-79; or F.K. DuBois, Ibid., p. 976.

[25]Ibid., pp. 245-62.

[26]Ibid., pp. 729-33.

[27]Ibid., pp. 981-84.

[28]Ibid., p. 245.

[29]Ibid., pp. 81-82, p. 257, and p. 731.

[30]See, for example, William Blakemore, ibid., p. 61; or A.E. Watts, ibid., p. 841.

[31]See, for example, O.L. Boynton, ibid., p. 573 and p. 594; or Peter Lund, ibid., p. 869.

[32]See, for example, W.I. Paterson, ibid., p. 468; or Peter Lund, ibid., p. 863.

[33]See, for example, M.J. Scanlon, ibid., p. 73.

[34]See, for example, C.F. Lindmark, ibid., p. 681; or J.M. Kellie, ibid., p. 695.

[35]Such a concept did exist in pre-World War I British Columbia, as demonstrated by the following intriguing quote from an Interior newspaper, the Kamloops Standard: 19 January 1912, (p. 9), c. 2-3:

> Rotation cutting demands that the forest shall produce annually an amount of timber equal to that of which it is denuded, and that there shall be a proper proportion of trees of the requisite ages remaining in the stand...only a high standard of technical management and commercial methods combined can secure a sustained yield without depletion of capital.

[36]Buchannan was no longer an operator; it remains unclear whether Emerson held any timber licenses, since he merely stated he had only 10 years' supply of timber; ibid., p. 326.

[37]Daily News-Advertiser (Vancouver), 30 September 1909, p. 11, c. 5.

[38]Ibid., c. 3.

[39]Proceedings, vol. 2, p. 744.

[40]Ibid., p. 769.

[41]Ibid., p. 743.

[42]Ibid., p. 744.

[43]Ibid., p. 754.

[44]Ibid., p. 766.

[45]Richard E.M. Yerburgh, "An Economic History of Forestry in British Columbia" (Master's thesis, Department of History, University of British Columbia, 1931), p. 104.

[46]See chap. 1, above.

[47]Pacific Coast Lumberman, February 1921; cited in the 'Vertical Files' of the PABC under "EMERSON, James Sharpe."

[48]Proceedings, vol. 2, p. 326.

[49]Ibid., p. 311.

[50]Ibid., p. 312.

[51]Ibid., p. 309.

[52]Ibid., p. 311.

[53]Ibid., p. 316.

[54]Ibid., p. 343.

[55]Ibid., p. 309.

[56]Ibid., p. 310; similar figures for overheads were given by W.I. Paterson, who estimated "your road machines and engines and haulage would represent at least 30% of the cost"; ibid., p. 449.

[57]See chap. 4, below.

[58]Daily News-Advertiser (Vancouver), 30 September 1909, p. 11.

[59]See, for example, T.F. Paterson, Proceedings, vol. 2, p. 292; or J.S. Emerson, ibid., p. 331.

[60]As Cranbrook businessperson Archibald Leitch admitted, he was in favour of the reserve because "it is in my interest"; Proceedings, vol. 2, p. 817.

[61]See, for example, E.H. Heaps, ibid., pp. 420-21; or O.L. Boynton, ibid., p. 595.

[62]Only A. McDougall, of the Fernie Lumber Company, said that if people wanted more rights to Crown timber then it should be made available to them;
Proceedings, vol. 2, p. 969.

[63]February 1908, p. 11, c. 2.

[64]See, for example, A.E. Watts, ibid., p. 837; or Otis Staples, ibid., p. 847; or Joseph Genelle, ibid., p. 985.

[65]Daily News-Advertiser (Vancouver), 30 September 1909, p. 11, c. 2.

[66]Proceedings, vol. 2, p. 492 - A.S. Goodeve's phrase. McDonald lists Heaps as being prominent in the Vancouver business elite from 1890 until at least 1913; p. 493.

[67]Proceedings, vol. 2, p. 395.

[68]Ibid., p. 427.

[69]See subsequent forest legislation, discussed in chap. 4, below.

[70]April 1909, p. 14, c. 1.

[71]Proceedings, vol. 2, p. 411.

[72]Ibid. p. 437.

[73]See T.F. Paterson, ibid., p. 3287; and J.S. Emerson, ibid., p. 327.

[74]See D.H. Telford, ibid., p. 944; and A. McDougall, ibid., p. 966.

[75]C.R. Skene, ibid., p. 687.

[76]J.A. Magee, ibid., pp. 475-76

[77]Ibid., p. 701.

[78]See, for example, M.J. Scanlon, ibid., p. 74; or C.J. Becker, ibid., p. 546.

[79]A. Leitch, ibid., p. 789, and p. 791; and A.E. Watts, ibid., p. 821 and p. 828.

[80]See, for example, E.H. Heaps, ibid., pp. 386-87; or A. Robinson, ibid., pp. 997-98.

[81]See, for example, J.W. Coburn, ibid., p. 165; or A.E. Krapfel, ibid., p. 906.

[82]Peter Lund, ibid., p. 865.

[83]See chap. 1, above.

[84]Report, p. D34.

[85]See chap. 4, below.

[86]See, for example, O.L. Boynton, Proceedings, vol. 2, p. 593; or W.C. Brewer, ibid., p. 614, and p. 624.

[87]See, for example, D.C. Cameron, ibid., pp. 230-31; or Otis Staples, ibid., p. 844, who were both opposed; and O.L. Boynton, ibid., p. 585; or D.H. Telford, ibid., p. 937, who were not.

[88]Skinner, ibid., p. 203; and Trinder, ibid., p. 528.

[89]See, for example, T.F. Paterson, ibid., p. 270; or C.F. Lindmark, ibid., p. 688.

[90]See, for example, the testimony of R.H. Campbell, Dominion Superintendant of Forestry, ibid., p. 118.

[91]See, for example, C.F. Lindmark, ibid., p. 670; or G.O. Buchannan, ibid., p. 903.

[92]See, for example, R.H. Campbell, ibid., pp. 118-19; or A. Krapfel, ibid., p. 903.

[93]Ibid., p. 364.

[94]Ibid., pp. 28-29; together with H.N. Whitford, Roland D. Craig later wrote Forests of British Columbia.

[95]Proceedings, vol. 2, p. 30.

[96]British Columbia. Statutes of British Columbia: 1912 (Victoria: King's Printer, 1912), c. 17, "An Act respecting Forests and Crown Timber Lands, and the Conservation and Preservation of Standing Timber, and the Regulation of Commerce in Timber and Products of the Forest."

REPORT and FOREST ACT

The Fulton Commission's Final Report[1] is a distillation of information and practices which had been current for some time, rather than a particularly innovative document. The Report did not so much present a forest policy as a set of loosely connected procedures, and mechanisms for following them. Although comprehensive, the recommendations lacked the overall cohesion and sense of direction which would have made them deserving of the title 'forest policy'. In British Columbian terms, and even more so in the context of developments elsewhere in North America, the tenor of the Report suggests evolution rather than revolution, borrowing rather than invention. The aim of this chapter is not to denigrate the thoroughness of the Report, but rather to point out that it did not represent any fundamentally new direction in control of the province's forest resources.

Having submitted a brief Interim Report in late 1909,[2] the Commission handed down its Final Report on November 10, 1910. Most of the themes discussed so extensively during the hearings appeared in the Commission's findings; the Commissioners clearly and correctly dealing with these themes as interdependent issues. Themes covered in the Report --and, therefore, in this chapter--included the government's share of income from provincial forests, the tenure of timber licenses, governmental provision of forestry infrastructure and regulation of logging methods, the fear of slaughter of stands and consequent overproduction, and reforestation. Less than eighteen months after their submission, several of the twenty-one main recommendations became parts of British Columbia's first Forest Act.[3]

Reflecting witnesses' pre-occupation with questions of tenure, the Interim Report made three recommendations in this sphere, and the Final Report made several more. The Commissioners said that licenses should be made automatically renewable until such time as they no longer contained merchantable timber. This change would increase the security of tenure of licensees, and, therefore, safeguard their investment in licenses. At the same time extension would supposedly "assist the development, conservation and perpetuation of this great Provincial asset," although in what way the Commissioners conveniently did not say.[4] In addition, they stressed that in extending the terms of licenses, the government should never give up its right to change fees and terms as, and when it saw fit.[5] This latter point ran directly counter to most opinions expressed during the hearings, but the Commissioners probably suggested it so that the government could keep a firm grip on the sources of its forest revenues.

The Interim Report also suggested that the government write into license agreements a provision requiring licensees to cut their limits within a given length of time, should the land in those limits be found to be suitable, and needed, for agricultural purposes.[6] This suggestion formed a part of the ongoing process of differentiating between agricultural land and forest land. Witnesses had concurred with this idea, presumably because they knew most of their limits were largely unsuitable for agriculture and so were not afraid of being forced out of the lumber business, yet they also wished to see an increased population settled on such land

as was suitable for agriculture.

At the time of the Interim Report the Commissioners had not yet decided how to deal with unalienated Crown timber lands. Hence, their third recommendation concerning tenure was necessarily in the nature of a holding action. They said that the moratorium of 1907 should be continued until they could present detailed proposals of what to do.[7]

The Final Report is a significant document, demonstrating a firm grasp of the choices facing the provincial government. The Report falls roughly into three equal parts. The first dealt with the historical and statistical background of British Columbia forest exploitation up to 1910. The second contained detailed recommendations, including some of the reasons for those recommendations, as well as suggestions for their implementation. The third part consisted of documentary excerpts about practices in British Columbia and other North American jurisdictions: the Commissioners were obviously well aware of what other governments were doing. It is the core of the Report, the middle part, that concerns us here.

The question of tenure dominated the recommendations: fully one-half of them were addressed directly to this issue. The most significant was the re-affirmation of the Interim Report's recommendation that licenses be made renewable for as long as they contained merchantable timber, but that the government should definitely retain its power to alter terms of, and fees for

licenses. In their Report the Commissioners noted that "a strong argument in favour (extended renewability), and one that had considerable weight with us, was that it would tend to the conservation of the Crown forests."[8] Conservation had been linked to the extension of tenure many times during the hearings,[9] but, as J.S. Emerson had perceptively noted, in this context conservation was a poor disguise for the greed of licensees.[10] In asserting that the Crown retain its flexibility in setting terms of licenses, the Commissioners said that "great changes are at hand in western commerce and development" and that the only sure change was that stumpage values would inexorably rise.[11] Realizing and sharing the government's overriding interest in forest revenues, they "definitely and emphatically"[12] urged the government to maintain its ability to cash in on the expected rise in values.[13] On another matter linked to the question of tenure, the Commissioners rejected witnesses' suggestions that operators be allowed to hold logged-off land at a reduced and nominal rental pending a second crop.[14] Two reasons were advanced: the great length of time required to grow a second crop, and that it would be administratively easier for the government itself to grow the crop than to supervise operators doing that.[15] Government acceptance of the responsibility for a second crop was also a part of the infrastructure of services which the Commissioners felt the government should provide for the lumber industry.

Echoing testimony received, the Commissioners said that the 1907 closure should "be continued indefinitely"[16] as rights to more than

sufficient timber had already been alienated. However, they did foresee the Crown at some future point wishing to sell further cutting-rights. Examples they furnished included the sale of burnt timber, the opening of certain areas for local needs, and even an increase in production necessitating access to more timber supplies being provided. The Commissioners also recognized the possibility of cartelization, and a consequent restriction of timber supplies, as timber cartels already existed in the American Pacific Northwest.[17] This reasoning shows that the Commissioners had more than an inkling of the concentration which was subsequently to develop in British Columbia's forest industry.[18]

Because of their recognition that, sooner or later, further access to Crown timber would be required, the Commissioners proposed a procedure for providing it. This system was new to British Columbia, and was designed to maximize Crown returns from the sale of fresh cutting-rights. "Berths" were to be surveyed and cruised by the forest service, "and an upset price fixed per thousand feet for each important species."[19] The limits would then be publicly auctioned, the successful applicant being the one who bid the highest bonus per thousand feet over and above the upset price and royalty charges. To ensure compliance with the cutting regulations, each successful bidder would immediately have to pay a cash deposit of 10% of the bonus bid. The timber would have to be removed, or forfeited, within five years. Burnt timber was to be disposed of in the same way, but the time limit was to be three years.[20]

The Commissioners rejected suggestions made at the hearings that 'fractional areas' should necessarily be assigned to operators logging adjacent limits.[21] Rather, these areas were to be disposed of in a manner similar to timber sales. After a survey, a cruise, and the subsequent determination of an upset price, either per thousand board feet, or per acre, sale was to be by public auction. In addition, there would be a ground rent pro-rated to be equal per acre to that charged on licenses. The Report thoughtfully noted that the term 'fractional area' should be precisely defined in the Land Act "in order to prevent disguised encroachment upon the legitimate areas of the Reserve."[22]

The only other basic--as distinct from administrative--change suggested in tenure arrangements concerned handloggers' licenses. During the hearings the few witnesses who gave opinions on this subject were in favour of continuing handloggers' licenses.[23] Since it was already a minor form of alienation, the Commissioners recommended that it be abolished altogether. The issuance of handloggers' licenses had resulted in thefts of trees from leased, licensed, and reserved Crown lands, they said. Furthermore, the logging methods employed by handloggers were both difficult to control, and wasteful of trees and, therefore, of potential Crown timber revenues.[24]

Other recommendations dealing with tenure were administrative, and can hardly have caused much concern to the Commissioners. It was proposed that, for the purposes of rental charges, no divided ownership of a

license be recognized.[25] One day each month was to be set aside as the renewal day for all licenses expiring that month.[26] Upon renewal, the terms of leases were to be altered to place them on as equal a footing as possible with licenses.[27] A license was to be created to allow for the cutting of sawlogs on pulp and tanbark leases.[28] The direction of these administrative changes, as well as the abolition of handloggers' licenses, was towards uniformity in the administration, and costs, of access to Crown timber. Since timber cut from one form of tenancy would compete with timber from another form, the Commissioners felt it incumbent upon them to ensure as much equality of Crown terms and charges as possible. They sought to avoid structuring inequality and unfair competition into the Crown's tenure arrangements.[29]

Despite the direction of these changes, the Commissioners did not recommend increasing the differential in license rentals between the Coast region and the Interior. During the hearings several Interior witnesses had argued that a license rental of $115 was too high compared with the $140 charged to Coast operators. These witnesses had pointed out that whilst license fees were less than a quarter higher, density of tree growth there often ranged from fifty to over one hundred percent higher, and had suggested lowering Interior rentals.[30] That the Commissioners did not mention this problem can probably be explained by their strong feeling that license fees should not be fixed for more than one year in advance, and the fact that the implementation of such a suggestion would, of course, have led to an immediate loss of Crown revenues.

The Commissioners recognized that without adequate statistics, this thrust towards uniformity of tenure arrangements would be thwarted. Moreover, the compilation of comprehensive forest statistics was to be part of the infrastructure provided for the lumber industry by the government. The lack of forest statistics had been made abundantly clear during the hearings: as they said in their Report, "the investigations of your Commissioners have been hampered by the lack of reliable data."[31] To deal with this problem, three proposals were put forward. It was suggested that all Crown grant timber lands be cruised thoroughly, the Commissioners pointing out that the government was losing revenues because the assessed taxation value of these lands was too far below their true market value.[32]

The Commissioners also wished to ensure that operators furnished thorough returns concerning their businesses, with the information being systematically compiled. Neither returns nor compilation of data was current practice.[33] Proper returns would ensure the requisite royalty payments, and full Crown forest revenues.

Lastly, the Commissioners recommended enforcement of a 1905 amendment to the Land Act which required all licenses to be surveyed before any part of any limit was logged.[34] By 1910 only 10% of licenses had been surveyed, hence the Commissioners could not be certain which areas of the province had been alienated, a recurrent problem during the hearings. The Report discounted arguments that surveys would reveal such a degree of over-

lapping licenses that many would be abandoned with a subsequent loss in Crown revenues. They pointed out that surveys would also disclose where fractional areas lay--something impossible to determine in 1910--and would enable the Crown to compensate for the revenue lost by license abandoment through sale of licenses to cut on those fractional areas.[35]

The Report also focused on two means of maintaining a future flow of Crown timber revenues: control of logging methods, and fire protection and prevention. Methods employed in logging operations had a direct bearing both on Crown revenues, and on the fire hazard presented by those operations during, as well as after the cutting of an area. To lessen the fire risk, to prevent the culling of stands, and to maximize potential Crown forest revenues from an area, the Commissioners recommended that merchantable timber left on site after logging be scaled, and the operator charged full royalty on that wood.[36] Furthermore, again to lessen fire risks, the Commission recommended that all debris left after logging should be disposed of by the operator. This provision was to apply to all logging operations, whether on private or public land. It is important to note that this last suggestion was put forward solely in the context of fire protection, and nothing was said about the possible beneficial or harmful effects that debris might have on natural regeneration--about which so much time had been spent during the hearings[37]--because the Commissioners were pre-occupied with immediate forest revenues, almost to the exclusion of any longer-term concern for reforestation.

Four recommendations were made concerning fire protection and prevention. They were comprehensive and sprang directly from evidence received during the hearings. The Commissioners agreed with the bulk of witnesses that the government should pay for a large part of fire protection infrastructure.[38] The costs of fire protection were to be borne equally by the government and by the holders of timber limits until the necessary surveys of timber lands had been carried out. From that point on the government would pay the total cost of the protection of unalienated timber, and half the protection costs for alienated timber.[39] The Commissioners also accepted the view of many Interior witnesses that railways were often the major causes of fires in certain areas.[40] Consequently, they recommended that railway companies and their operations be stringently supervised, the more so since a great deal of railway construction was scheduled to begin in the province.[41] The Dominion Railway Commission had promised to help provincial supervision of the transcontinental railways.[42] A further recommendation dealing with fire protection was that the government make a great effort to raise public awareness of the causes and implications of forest fires.[43] The final point on this matter was a suggestion that the government organize a fire patrol system. Permanent rangers were to supervise fire wardens hired for the duration of each fire season. Rangers were to be given powers of impressment to enable them quickly to hire sufficient men to fight fires.[44] All four of these recommendations involved an assumption that the government would organize and pay for the greater part of fire protection, an idea drawn from previous parallel developments in other Canadian jurisdictions.[45]

As a service to the lumber industry, and as a vehicle to implement many of the changes outlined in their Report, the Commissioners urged the creation of a Department of Forests, which would be under the control of the Chief Commissioner of Lands. The structure and functions of this new Department were clearly set out in the Report, and were akin to those of the United States Forest Service.[46] Under a Chief Forester--"a first-class scientific man, thoroughly well qualified...a man of exceptional ability"--were to be a statistician, an office staff, district foresters, and local forest rangers and fire wardens.[47] Except for fire wardens, these officials were to be full-time government employees, and none of them would be allowed to hold any timber rights or own any part of a logging or milling outfit.[48]

The Department was to be responsible for implementing recommendations concerning the pricing and allocation of fresh rights to cut Crown timber, lease and license renewals; the overall push towards uniformity and equality in terms of access to Crown timber; cruising, surveying, and gathering statistics on all forms of timber in the province; the supervision of logging operations to ensure compliance with such cutting regulations as the government or the Department might make; increasing public awareness; reforestation; and, of course, fire prevention and protection.[49] Interestingly, not much had been said about the creation of a Department of Forests at the hearings. It seems, in fact, to have been tacitly assumed that one would be set up.

To finance the work of the Department of Forests, the Commission forwarded one other recommendation, which had broad implications. It was suggested that the government create a special "Forest Sinking Fund" into which the government would deposit its whole 1910 income from forests. Of any annual increment above the 1910 income the government was advised to set aside a proportion which would decline as the increment grew; namely, 40% of the first $500,000 above the 1910 income level, 20% of the next $250,000 above that level, 10% of the next $250,000 above that level, and 5% of any sum greater than that, i.e. 5% of any amount above $1,000,000. The model here seems to have been the United States Forest Service which, since 1905, had received all the revenues from the United States National Forests.[50] This vast revenue was not only to be used for the mass of everyday matters falling within the purview of the Department, but also, and particularly, on investigative work which would focus on reforestation. The Report argued that in selling cutting-rights the Crown was depleting its capital stock. Thus, it was but sound business practice to re-invest the income derived therefrom to provide for the replacement of that stock by ensuring the growth of a second and subsequent crop of trees.[51] To put this suggestion in some sort of perspective, it should be noted that the Commissioners were asking the government to give up over a quarter of its annual Consolidated Revenues, and to apply this money solely to forestry. In fiscal 1909-1910 the government spent 1.03% of its Consolidated Revenues on forest matters. In fiscal 1910-1911 the figure was 2.7%, and in fiscal 1911-1912 it was 1.9%.[52]

At the time of its release in late 1910, the Report was generally well-received by the lumber industry,[53] although little commented upon by the newspapers. Later, the Report apparently gained wide currency and went to a second printing.[54] Some of its recommendations were quickly followed; others were already in place before the Commission was ever set up; others waited over a year to be enacted in the 1912 Forest Act; still others were never implemented. It is to this process of enactment that we now turn, focusing primarily on the Forest Act.

In early 1910 the government passed an amendment to the Land Act.[55] The section covering licenses contained two of the changes proposed in the Interim Report. If the land of a license was found to be suited and needed for agriculture, the licensee could be ordered to remove the timber within a given length of time. This change constituted a further refinement in the ongoing process of differentiation between agricultural land and forest land. The more important part of the 1910 amendments made licenses renewable for as long as they contained merchantable timber.[56] As was anticipated by licensees, this extension enhanced the security of tenure, and, therefore, the value of licenses, but the costs of buying and holding British Columbia timber licenses remained, in continental terms, relatively inexpensive. After this amendment was enacted, M.J. Scanlon, the very prominent American lumberman who had extensive holdings in British Columbia, put it quite plainly: "I regard prudent investments in British Columbia timber as unsurpassed by any other form of investment. At today's prices it is a better buy than it was three years ago."[57]

However, it was not as a result of due consideration of the Report that the amendment was enacted. Rather, it stemmed from "a vigorous agitation among holders." The government had announced in the (Spring) 1909 Session--before the Royal Commission was even appointed--its intention to extend the tenure of licenses.[58] It appears that the Interim Report did not embody conclusions that the Commissioners had by themselves drawn from the evidence submitted before them. Rather, the Interim Report was, in the main, a statement of what the McBride government wanted to hear, as shown by the following quote from a letter written by Fulton and sent to Flumerfelt in late October 1909:[59]

> I think it would be decidedly better to get together...and decide on some general method of dealing with the whole subject, and in particular we might be able to come to a conclusion along certain lines as suggested by the Premier. I will ask McBride...to make out and leave with me a memorandum of the points, if any, on which he would like if possible to have an interim report before the next Session.

The Commission merely served as a sounding board to make sure that extension would be a wise political move, and as 'rubber-stamp' for a decision which had already been taken. Furthermore, the manner in which the terms of licenses were amended was not original: both changes were conscious copies of identical provisions in Dominion licenses which had existed since 1884.[60]

The 1912 Forest Act also incorporated many of the recommendations of the Report. However, to view the 1912 Act as an embodiment of the Report can be misleading. Such a perspective begs the question of the novelty of the recommendations, as contained in the Act. In fact, many of both the Report's recommendations, and of the provisions of the Act had been on the

Statute books--albeit often unenforced--almost verbatim even before the Commission was appointed. Other sections were but strengthened forms of former legislation. Were it not for three important innovations, and substantive alterations of a few other sections, the Act would stand historically more as a simple consolidation of existing regulations. Moreover, even these three innovations were only such in the British Columbia context, having been largely borrowed from other North American jurisdictions.

The greatest innovation outlined in the Forest Act was in the provision of a services infrastructure for the forest industry; namely, the creation of a Provincial Forest Board, and a Forest Branch. The Board was made up of the Chief Forester and five other forestry officials.[61] Its duty was "to ensure the carrying into effect and enforcement of the provisions of this Act." Other than this, the functions of the Board remained unspecified: its duties were to be set down by Order-in-Council.[62] The Report provides no illumination, since it had never mentioned such a body. It appears that the duties of the Forest Board were to be in the realm of overall theory and policy, while those of the Forest Branch were to be on the practical and everyday side. British Columbia's Forest Service was to be based on the United States Forest Service, which had similar duties and organization.[63]

The Forest Branch was to "have jurisdiction over and...control and administer all matters relating to and in anywise connected with forestry."[64]

The Branch had many duties: it was charged with looking after Crown timber rights, administering money received therefrom, fire prevention, reforestation, disposal of Crown timber, "regulation in the traffic of timber and logs," and the enforcement of any regulations and laws pertaining to forestry.[65] As had been recommended, none of its officials was permitted to own any timber holdings or mills.[66]

However, an aspect of the contradiction in the relationship between the government and the forest industry was almost immediately exposed in the operation of the Forest Branch. On the one hand was the government's desire to maximize its net forest revenues, on the other was the forest industry's wish for the government to spend a large part of those revenues on a services infrastructure for that industry. This contradiction was resolved in the government's favour, so that from its very beginnings the Branch was plagued with underfinancing. Contrary to the Report's idea of a "Forest Sinking Fund," all provincial forest income--save the fire protection revenues--was to be paid into Consolidated Revenues.[67] Here we see the start of a trend which has continued through to the present day: government forest officials and departments have always been unable to fulfill properly the duties with which they are charged, if for no other reason than that they lacked continuity of income, and have consistently been underfunded.[68]

The other two innovations contained in the Act were central to the work of the Forest Branch: the disposal of Crown timber, should that become necessary, and fire protection. While both sets of arrangements were

new to the province, neither was original. They were based on experience drawn from Ontario, the Dominion, and the Federal Forest Reserves of the United States. Following the recommendations of the Report, the Act provided for competitive sale of cutting-rights to Crown timber. This new form of alienation came to be known as 'timber sales'. As of 1911 timber licenses could no longer be issued,[69] and, hence--apart from handloggers' licenses[70]--after 1912 timber sales were, until 1947, the only procedure for the disposal of Crown timber.[71] Whereas the Commission had asked for its definition, the term 'fractional area' was never even mentioned in the Act, and so the sole mechanism for selling the timber on those areas was also through timber sales.

For timber sales, the Forest Branch was to survey, cruise, fix an upset price, and advertise any area of timber to be sold. Each applicant had to tender a figure for a bonus, to be over and above the upset price established, and provide a cash deposit of 10%. Deposits were refunded to all but the successful tenderer. The Minister of Lands, or an authorized government official, had the discretion to decide whether the bonus had to be tendered as an absolute sum, or per thousand board feet.[72] Although the Act did not prescribe the five year time limit for cutting that the Report had proposed, in practice timber sales usually did have a two or three year limit imposed on them.[73]

As the Report acknowledged, the section of the Act covering timber sales had its origins in Ontario, in the Dominion, and in the U.S.A. National Forests. Ontario had used this system since 1843,[74] the Dominion

since 1884,[75] and the U.S.A. since 1905.[76] Moreover, legislation permitting the Chief Commissioner of Lands and Works to offer licenses for sale by public competition had been on the books in British Columbia since early 1908, but because the moratorium was then in place and because there was no pricing mechanism set out, the clause had been essentially inoperative.[77]

It is important to note that whereas the Commission had recommended timber sales be made by public auction, the government chose the method of sealed tenders. In 1908 the Dominion government had dropped the tender system in favour of "open bidding (which) resulted in very much higher bonuses being paid."[78] Ignoring the Commission's advise, and Dominion experience, the provincial government opted for a system which, while increasing Crown forest revenues, was more favourable to buyers of British Columbian timber than similar systems operating elsewhere.

In addition to the supervision of timber sales, the Forest Branch was to provide fire protection, a service that private industry considered most important. The work of the Forest Branch in this area was clearly outlined in the Act. The relevant sections were based both on the Report, and on previous legislation which was strengthened, especially in regard to railways. The Act adopted the Commission's suggestion that the holders of timber lands and the Crown should bear equally the cost of fire protection. The Commissioners must have expected the Crown's share to come from the proposed Forest Sinking Fund. Rather than create such a fund, the government chose to set up a smaller Forest Protection Fund. Licensees,

lessees, and owners of private timber land were to pay one cent per acre into the Fund. The government was to match this amount. The owners of timber sales would not have to contribute to the Fund. The Fund was to be used not only to fight fires, but also to build up services, such as lookouts, telephones, trails, and roads so necessary to prevent conflagrations.[79]

Interestingly, the first draft of the Forest Bill provided for a much broader fire protection assessment, covering all forest land. Lessees, licensees, and those owning Crown-granted forest land subject to royalties, were all to pay one cent per acre per annum. Those owning Crown-granted forest land which was not subject to royalties were to contribute an annual two cents per acre. In addition, those cutting on leased or licensed forest land, as well as those operating on Crown-grant forest land subject to royalties, were to pay a further 2.5% per Mfbm cut. Those logging on Crown-granted forest land which was not subject to royalties were to contribute an amount equal to 5% of the royalty collected from Crown grant forest land, which was subject to royalties.[80] During debate on second reading of this Bill, Minister of Lands W.R. Ross justified the extra assessment on lumbermen who were operating by pointing out that logging in, and of itself increased the hazard of fire.[81] Presumably, the removal of the 2.5¢ charge was one of the "few minor changes" suggested by delegations from the Coast Lumbermen and from the Mountain Lumber Manufacturers' Association, groups which generally liked the Bill.[82] Since the government was itself to contribute for fire protection an amount equal to

that raised from private industry, in the short-run the removal of the extra assessment on those operating saved the government itself additional forest expenditures, something the government was, of course, anxious to do.

Not only were lumbermen to pay only half of the costs of protecting their limits, but in addition the government undertook the administration and running of the whole fire protection system. The Commission's advice as to the organization of a fire patrol system was taken. The Forest Branch would enlist Fire Wardens and "constables" who were to be engaged in both fire suppression and fire prevention,[83] and were charged with enforcing the various provisions of the Act concerning the supervision of railway and logging operations.[84] In accordance with the wishes of the Commission, and following the practice of some American states, government forest officials were given broad powers of impressment to help them fight fires.[85]

Another major recommendation of the Commission in this sphere had been that all operators be forced to dispose of the slash from their logging sites. If enacted, such a provision might well have lessened government expenditure on both fire protection and reforestation. The contradiction between the forest industry's desire for cheap access to Crown timber and minimal governmental regulation of industry's use of the forests, and the government's wish to avoid spending much on husbanding that resource, was in this case resolved in favour of the industry and to

the detriment of the resource. In the Act the Commission's recommendation was diluted to a provision that operators had to dispose of their slash if the Provincial Forest Board or the Minister considered such slash a fire hazard and directed that it be disposed of.[86] Ross commented lamely during debate that forced slash disposal would be prohibitively expensive for operators,[87] when he knew full well that in the U.S.A.--where stumpage costs were considerably higher anyway[88]--slash disposal was often mandatory.[89] In this case, the government clearly showed that to save operators a minor cut in profits, and to save itself a short-run increase in forest expenditures, the government was prepared to risk waiting until slash posed a fire hazard, rather than force removal of debris before it could become a hazard. Despite this basic weakness, Chief Provincial Fire Warden W.C. Gladwin called the debris removal section "one of the most important provisions of the Act."[90] Half a loaf was better than no bread.

One regulation covering logging methods did manage to find its way into the Act. The Commission's suggestion that all merchantable timber not removed from any logging site subject to royalty charges be scaled and full royalty charged on it was accepted.[91] Back of this provision were three ideas: that stands be cut clean, and as little debris as possible be left behind; that sound timber should not be wantonly wasted; and, above all, that uncut merchantable timber meant lost Crown revenues. Similar regulations had been in effect for several years in Ontario[92] and Quebec.[93] In the U.S.A. the government charged double the

normal stumpage not only on uncut merchantable timber, but, also, on unnecessarily cut unmerchantable timber.[94]

Another of the Commission's recommendations that was embodied in the Act was the continuance of the 1907 moratorium on further alienations of Crown timber. A de facto Reserve of Crown timber had been created by this moratorium; the Forest Act clarified it, and made the Reserve de jure. Henceforth, reserves were to be set aside "for the perpetual growing of timber." Neither land nor cutting-rights were in future to be granted in any reserve. Provision was made for the exchange of lands or rights previously alienated in the areas later designated as reserves for lands or rights in areas outside reserves. Upon expiry, the land in any lease or license was to be placed in a reserve until it had been examined by the Forest Branch. Reserves could only be cancelled by an Order-in-Council.[95] A continued reserve on unalienated Crown timber, of course, suited those holding alienated Crown timber because the reserve shut off the supply of fresh cutting-rights, and so would increase the value of those rights already on the market.

The Report's thrust towards uniformity of regulations was consciously reflected in the Act. Speaking at the second reading, Ross specifically stated that one of the aims of the Act was to further equality in tenures.[96] The recommendation that Crown charges for cutting sawlogs on pulp or tanbark leases should be the same as charges for logging mill timber from licenses was enacted.[97] That the terms of leases should be made

as similar as possible to those pertaining to licenses was accepted,[98] and a section was also added allowing lessees to exchange their leases for licenses.[99] The suggestion that no dividend interest in a license be recognized found its way into the Act.[100] While the Commission had suggested that all licenses should be surveyed by December 31, 1915, the Act followed the time-honoured precedent of extending British Columbia forest deadlines, and set the date of March 31, 1918.[101] Not one year later, in 1913, the deadline was extended indefinitely, at the discretion of the Surveyor-General,[102] and legislation on this was still being relaxed a decade later.[103]

A different aspect of the theme of uniformity was the need for more comprehensive forest data. Before the Report, few figures had been systematically compiled.[104] Explicit in the Report, and implicit in the Act, was the idea that the Forest Branch would have a bureau of statistics.[105] The bureau was also a reflection of the concept of government provision of services for the lumber industry, and was to generate as well as compile statistics on such matters as conservation, reforestation, surveys and cruises. Since 1903 all operators had had to "keep correct books of account" covering their operations,[106] However, the lack of an organized Forest Branch meant that nothing was done either to ensure that books were kept, nor to use figures that were gathered. Private research could furnish information on possible uses of British Columbia's forests; thus, it was given token encouragement by a novel section in the Act. A Special Order-in-Council could exempt from royalty payments all

wood used by any company to develop wood by-products.[107]

The Commission's most emphatic recommendation was accepted by the government. Contrary to overwhelming testimony given at the hearings, in both the Interim Report and in the Final Report the Commission had strongly urged the government to retain its absolute right to alter the terms of licenses from year to year. The 1912 Act set license royalties of fifty cents per Mfbm,[108] and license rentals at $140 west, and $115 east, of the Cascades.[109] As an Act of the Legislature, these fees could, of course, be changed whenever the House was in Session.

The victory for government flexibility was but brief. Pressure from licensees did indeed prove overwhelming, and in 1914 the McBride government gave in. An amendment to the Forest Act increased the difference between Coast and Interior license rentals by fixing rentals until 1954 at $140 west, and $100 east of the Cascades. In addition, the 1914 Act introduced a sliding-scale for royalties based on the average wholesale price of lumber, and setting out charges for every five year period up to 1954.[110] The balance between the government's short-term desire for high forest revenues with flexible terms of tenure, and the industry's desire for long-run cheap access to the forest resource with great security of tenure was again resolved in favour of private industry.

To circumvent the possibility of a future government amending the

Act, and so changing the fees against the wishes of licensees, the schedule of fees up to 1954 was to be included in every license renewed after the passage of the 1914 Act.[111] This Act also altered the price structure of royalties by charging according to grade,[112] and these rigid new terms became part of the contract between the Crown and the holder of any given license. Ironically, the lumbermen's victory was Pyrrhic. The royalty schedule was set in terms of market prices for lumber, but did not take into account production costs. During and after World War One, general inflation meant that both production costs and lumber prices rose; so too did royalties, despite the fact that the gap between production costs and selling prices had not widened. Hence, operators had to pay higher royalties out of profits which were in real terms no greater than before.[113] Such was the price of their previous greed.

In continental terms, none of the 1912 Forest Act was innovative. While parts of it were new to British Columbia, fully three-quarters of the Act can be traced back to legislation which existed even before the Fulton Commission was appointed in mid-1909. Furthermore, those aspects of the Act that were new were to have serious problems when applied, mainly because of the chronic lack of government interest in anything but dollars. This problem was exemplified in the issue of underfinancing. The Department of Forests' initial underfinancing was compounded by the wartime enlistment of many of its staff, particularly the foresters. Hence, investigative work and the systematic compilation of statistics proceeded far more slowly than the Commission had envisaged, and was seriously to hamper the operations of

the Department.

The direction of the Report had been towards uniformity, greater knowledge of British Columbia's forest resources, and flexibility. At least on paper, the Act did achieve a fair measure of uniformity, considering the previous maze of tenures and regulations. However, in practice things did not work out so smoothly, in part because of wartime pressures. Deadlines were extended, and altered, tenures allowed to lapse and much later be renewed almost at whim. Also lacking was the statistical base on which equality, uniformity, and long-run stable government forest revenues had needs rest.

The difficulties that had been encountered with the 1914 royalty schedule highlighted another major problem. Without adequate knowledge of British Columbia's forests, nor of future market conditions, the government had to retain flexibility in its approach in order to reap the benefits of Crown ownership. Unfortunately, the flexibility outlined in the Act foreseeably proved too loose. On the one hand, both the Report and the Act consciously left government forestry measures unfettered for future generations. On the other hand, neither document set out any aims for the government to pursue. Throughout this period, even after the passage of the Act, it remained unclear what the government wanted from Crown forests other than an immediate source of revenues. During debate on the second reading of the Forest Bill, Minister of Lands W.R. Ross summed up the

government's orientation quite succinctly:[114]

> In its main features it (government forest policy) stands by itself as the soundest, most effective, most profitable, and most convenient method of obtaining a steady flow of revenue from the forests that has been as yet evolved by any country.

FOOTNOTES:

[1]Final Report of the Royal Commission of Inquiry on Timber and Forestry, 1909-1910, Fred J. Fulton, chair (Victoria: King's Printer, 1910). (Hereafter referred to as Report.)

[2]Interim Report of the Royal Commission of Inquiry on Timber and Forestry, 1909-1910. (Hereafter referred to as Interim Report.) Reprinted as pp. D77-78 of the Report.

[3]British Columbia. Statutes of British Columbia: 1912 (Victoria: King's Printer, 1910), c. 17, "An Act respecting Forests and Crown Timber Lands, and the Conservation and Preservation of Standing Timber, and the Regulation of Commerce in Timber and Products of the Forest."
"This Act may be known and cited as the 'Forest Act'," Forest Act 1912, s. 1.

[4]Report, p. D78.

[5]Ibid., pp. D77-78.

[6]Ibid., pp. D78.

[7]The only other suggestion in the Interim Report dealt with fire prevention. For the 1910 fire season the Commission asked the government to set aside double the amount allocated in 1909. This was done. The Commission also gave notice of their intention to recommend the creation of a Forestry Department. Both of these issues were dealt with more fully, and at a later point, by the Commission. We shall do likewise.

[8]Report, p. D49.

[9]See Provincial Archives of British Columbia (PABC), "Add. MSS" catalog, entry under "Fulton, Frederick John: British Columbia. Royal Commission of Inquiry on Timber and Forestry, 1909 Originals, 1909-10, 18cm.," vol. 1, pp. 1-119, and vol. 2, pp. 1-1112. Call number GR 271. (Hereafter referred to as Proceedings.)
See, for example, T.F. Paterson, Proceedings, vol. 2, p. 278; or F.S. Stevens, Proceedings, vol. 2, p. 718.

[10]See chap. 3, above.

[11]Report, p. D49.

[12]Ibid., p. D50.

[13]Ibid., p. D49.

[14]See example M.J. Scanlon, Proceedings, vol. 2, p. 73; or Otis Staples, ibid., p. 849.

[15]Report, p. D66.

[16]Report, p. D55; and also Proceedings, for example E. McGaffey, vol. 2, pp. 139-41; or F.K. DuBois, Proceedings, vol. 2, p. 980.

[17]John H. Cox, "Trade Associations in the Lumber Industry in the Pacific Northwest, 1899-1914," Pacific Northwest Quarterly 41 (October 1950): 288-308.

[18]See M.R. MacLeod, "The Degree of Economic Concentration in the British Columbia Forest Industry" (B.S.F. thesis, Faculty of Forestry, University of British Columbia, 1971).

[19]Report, p. D55.

[20]Ibid.

[21]See, for example, J.A. Sayward, Proceedings, vol. 2, p. 134; or S.H. Bowman, ibid., p. 642.

[22]Report, p. D55.

[23]See, for example, R.J. Skinner, Proceedings, vol. 2, p. 207; or J.S. Emerson, ibid., p. 331.

[24]Report, p. D56.

[25]Ibid., p. D57.

[26]Ibid.

[27]Ibid.

[28]Ibid., pp. D50-54.

[29]See especially their argument on equality between leases and licenses; ibid., p. D47.

[30]See, for example, A.E. Watts, Proceedings, vol. 2, p. 837; or Joseph Genelle, ibid., p. 985.

[31]Report, p. D63.

[32]Ibid., p. D46.

[33]Ibid., pp. D63-64.

[34]British Columbia. Statutes of British Columbia: 1905, c. 33, s. 3(4).

[35]Report, pp. D62-63.

[36]Ibid., p. D59.

[37]See, for example, D.C. Cameron, Proceedings, vol. 2, pp. 230-31; or C.F. Lindmark, ibid., pp. 668-69.

[38]See, for example, M.B. Carlin, ibid., pp. 41-42; or W.C. Brewer, ibid., p. 616.

[39]Report, p. D61.

[40]See, for example, Peter Lund, Proceedings, vol. 2, p. 867; or D. MacDougal, ibid., p. 927.

[41]Margaret A. Ormsby, British Columbia: a History, 2nd ed. (Toronto: MacMillan, 1976), pp. 355-56.

[42]Report, pp. D61-62.

[43]Ibid., p. D62.

[44]Ibid., pp. D60-61.

[45]See chap. 2, above.

[46]Elmo R. Richardson, The Politics of Conservation: Crusades and Controversies, 1897-1913 (Los Angeles: University of California Press, 1962), pp. 25-27.

[47]Report, p. D67.

[48]Ibid., p. D70.

[49]Ibid., pp. D66-70.

[50]M. Nelson McGeary, Gifford Pinchot: Forester-Politician (Princeton, New Jersey: Princeton University Press, 1960), p. 61.

[51]Report, pp. D71-73.

[52]Calculated from Report, p. D31; and H.N. Whitford and Roland D. Craig, Forests of British Columbia (Ottawa: Commission of Conservation, 1918), p. 120, and p. 124.

[53]Western Lumberman, January 1911, p. 33, c. 1-2, and p. 36, c. 1.

[54]Daily News-Advertiser (Vancouver), 25 January 1912, p. 13, c. 3.

[55]British Columbia. Statutes of British Columbia: 1910, c. 28.

[56]Ibid., s.6.

[57]Quoted in Western Lumberman, January 1911, p. 34, c. 2; see also Ibid., January 1912, p. 33, c. 1; and Whitford and Craig, p. 156.

[58]Report, p. D-49.

[59]PABC. F.J. Fulton to A.C. Flumerfelt, 22 October 1909, Official Letterbooks. Chief Commissioner of Lands and Works, vol. 9, "2nd July 1909 to 24th October 1909," p. 928.

[60]Report, pp. D79-80.

[61]Forest Act, 1912, s.5.

[62]Ibid., s.6.

[63]Samuel P. Hays, Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920 (Cambridge, Mass.: Harvard University Press, 1959), pp. 27-28; and Richardson, pp. 25-27.

[64]Forest Act, 1912, s.4(3).

[65]Ibid.

[66]Ibid., s.4(5).

[67]Ibid., s.4(6).

[68]Timber Rights and Forest Policy in British Columbia: Report of the Royal Commission on Forest Resources, Peter H. Pearse, Commissioner (Victoria: Queen's Printer, 1976), vol. 1, pp. 352-55.

[69]British Columbia. Statutes of British Columbia: 1911, c. 29, s.4. This had been recommended in the Report.

[70]The Commissioners' recommendation that handloggers' licenses be abolished was not followed, and handloggers' licenses continued as a minor form of alienation, but could only be issued by a special Order-in-Council. Forest Act 1912, s.31.

[71]Ibid., s.10.

[72]Ibid., s.11.

[73]British Columbia. Task Force on Crown Timber Disposal, Crown Charges for Early Timber Rights: Royalties and Other Levies for Harvesting Rights on Timber Leases, Licenses and Berths in British Columbia: First Report of the Task Force on Crown Timber Disposal (Victoria: Queen's Printer, 1974), p. 61.

[74]Ontario Department of Lands and Forests, A History of Crown Timber Regulations (Toronto: Ontario Department of Lands and Forests, 1957). Reprinted from The Annual Report of the Clerk of Forestry for the Province of Ontario 1899 (Compiled with the assistance of Mr. Aubrey White, Deputy Minister of Lands and Forests, 1887-1915), p. 190.

[75]Canada. Revised Statutes (1886), vol. 1, 49 Vict., c. 54, s.67; see also Report, p. D79.

[76]McGeary, p. 61.

[77]British Columbia. Statutes of British Columbia: 1908, c. 30, s.57(1).

[78]Whitford and Craig, pp. 105-106.

[79]Forest Act, 1912, s.125.

[80](Legislative Library): Bills 1912 (Victoria: King's Printer, 1912). See Bill no. 4: "An Act respecting Forest and Crown Timber Lands, and the Conservation and Preservation of Standing Timber, and the Regulation of Commerce in Timber and Products of the Forest." Located in the British Columbia Provincial Library, Victoria, British Columbia.

[81]Daily News-Advertiser (Vancouver), 21 January 1912, p. 2, c. 4; and Vernon News, 2 February 1912, p. 10, c. 6.

[82]Daily News-Advertiser (Vancouver), 27 January 1912, p. 11, c. 4.

[83]Forest Act, 1912, s.125(3).

[84]Ibid., s.115, and s.124.

[85]Ibid., s.130.

[86]Ibid., s.123, and s.124.

[87]Daily News-Advertiser (Vancouver), 26 January 1912, p. 13, c. 1.

[88]Western Lumberman, January 1912, p. 33, c. 1; and Whitford and Craig, p. 156.

[89]Report, p. D89; and Daily News-Advertiser (Vancouver), 26 January 1912, p. 5, c. 2.

[90]Writing in the Western Lumberman, August 1912, p. 59, c. 1.

[91]Forest Act, 1912, s.58(1).

[92]Report, p. D83.

[93]Ibid., p. D85.

[94]Ibid., p. D89, and p. D91.

[95]Forest Act, 1912, s.12.

[96]Vernon News, 1 February 1912, p. 10, c. 6.

[97]Forest Act, 1912, s.11(b). (That is, the second s.11(b)--there are two of them in this Act!)

[98]Ibid., s.14.

[99]Ibid., s.15.

[100]Ibid., s.28.

[101]Ibid., s.25(1).

[102]British Columbia. Statutes of British Columbia: 1913, c. 26, s.7.

[103]Report of the Commission relating to the Forest Resources of British Columbia, Honourable Gordon McG. Sloan, Commissioner (Victoria: King's Printer, 1945), p. Q95.

[104]Whitford and Craig, p. 116.

[105]Forest Act 1912, s.4(3).

[106]British Columbia. Statutes of British Columbia: 1903, c. 30, s.12.

[107]Forest Act, 1912, s.58(5).

[108]Ibid., s.58(1).

[109]Ibid.; "east" included the Atlin electoral district, presumably because the density of tree growth there is markedly lower than elsewhere west of the Cascades.

[110]British Columbia. Statutes of British Columbia: 1914, c. 76, s.18; and Forest Act, 1912, s.6-14.

[111]British Columbia. Statutes of British Columbia: 1914, c. 76, s.28.

[112]Ibid., s.6, and the attached schedule.

[113]Task Force on Crown Timber Disposal, First Report, p. 20.

[114]Daily Colonist (Victoria), 24 January 1912, p. 1, c. 1.

CONCLUSION

The McBride government's interest in British Columbia forests only extended as far as increasing government forest revenues without unduly hampering the development of the provincial forest industry. The circumstances surrounding the appointment of the Fulton Royal Commission, the operation and Report of that Commission, and the subsequent Forest Act of 1912, all bear testimony to the limited nature of that interest. The government's overriding concern with Crown forest revenues led it to make more attractive the commodity it was selling, namely, cutting-rights to Crown timber. Unfortunately, but predictably, the resolution of the contradiction between the government's desire for forest revenues, and the forest industry's desire for profits, precluded long-term concern for the resource base.

By the time of the December 1907 moratorium on further alienation, cutting-rights to approximately 10,000,000 acres of Crown forest land had been alienated. It is important to note that over 90% of these cutting-rights were held as timber licenses, the remainder being held as leases.[1] Timber licenses accounted for a very large proportion of Crown forest revenues, forest revenues in turn never accounting for less than 20% of total Crown revenues from 1905 until after World War 1.[2] Since timber licenses were annually renewable, to avoid large numbers of timber licenses being surrendered--and the consequent drop in Crown revenues--the government had to maintain the attractiveness of licenses qua commodities.

The McBride administration employed several techniques to increase and maintain the attractiveness of timber licenses. Changes introduced in 1905 transformed licenses into commodities by abolishing the previous restrictions both on the number of licenses an individual could hold, and on the transferance or sale of a license to a third party. The 1905 changes also increased licensees' security of tenure from 5 to 21 years. The result of those changes was that the number of licenses in good standing rose more than tenfold in just two years.[3] Increasing licensees' security of tenure--and, therefore, the attractiveness of holding Crown timber--was the impetus behind the decision in 1909 to make licenses renewable as long as they contained merchantable timber.[4]

Another method used to maintain the attractiveness of holdings of Crown timber was to provide legal access to that timber at a low and stable cost. Much of the Fulton Commission's hearings had been taken up with the question of fixing license royalty and rental charges for five or more years in advance, rather than from year to year as was then the case. Licensees favoured some fixity, the Commission did not, and nor in 1912 did the government. However, as we have seen, in 1914, in a move designed to bolster the attractiveness of holding licenses in a depressed economy, the government adopted a formula setting license fees for the next forty years.

The cost of access to Crown timber was also, in part, determined by the obligations imposed upon holders regarding such matters as fire pro-

tection and logging regulations. In the short-run the more fire protection was provided by the government, and the less logging methods were government-regulated, the more attractive and profitable holdings of Crown timber were. Hence, the government's consistent practice was the minimal regulation of the industry, combined with the increasing provision of certain services. For example, although the Commission had recommended that logging methods be regulated, specifically suggesting that slash disposal be compulsory, operators were able to convince the government that such regulation would be prohibitively expensive, and so the recommendation was not implemented. The recommendations covering fire protection were implemented, but only because, while they upped the cost of holding Crown timber very slightly (5% to 6%), the return to lumbermen in terms of a necessary service more than adequately compensated them for the additional annual charge of one cent per acre. Not surprisingly, where the recommendations suited the industry they were accepted by the government, but in the few instances such as logging regulations where the recommendations of the Commission did not suit the industry, they were not adopted.

The practice of minimal government regulation has especial significance in relation to the question of conservation, a concept much discussed towards the end of the first decade of the twentieth century. Conservation was used as a lever to pry from the government, via the Fulton Commission, further concessions, most notably the 1910 extension of the tenure of timber licenses. Licensees argued that if their licenses were

all to expire after 21 years, until that point stands would be slaughtered for only their finest timber, a wasteful practice. In fact, of course, they were interested in extending the tenure of their licenses not because of conservation, but because extension would increase the value of those licenses. When at the hearings a real conservation issue, such as slash disposal, came up it was seldom talked of in terms of conservation, but rather in terms of cost, thereby underscoring the impression that the forest industry was not the slightest bit interested in conservation, save as a lever and as a propaganda tool. The government preferred minimum regulation to conservation for two reasons. Minimum regulation and lack of measures promoting conservation made holdings of Crown timber cheaper and more attractive to the industry. Also, that absence of regulations and conservation measures made looking after Crown forests cheaper and easier for the government itself, as less Crown revenues would have to be expended on a government staff to supervise the implementation of conservation practices.

Forest fires was the one area of conservation that, by 1910, neither the government nor the industry could afford to ignore, precisely because fire had a palpable, immediate impact on the forest resource. Providing fire protection was part of the policy of making holdings of Crown timber attractive, but even in the area of fire protection a cheap compromise was reached. The government had planned to charge operators more than non-operators--because logging posed more of a fire hazard--and, then to match that total levy. Instead, the government was persuaded to

charge a low flat rate equally to all holders of Crown timber. This saved the government itself money because it had to match a lower levy. Here again we see the government balancing short-run profits for industry and net forest revenue for the government to the advantage of the former, and to the detriment of the resource base.

In an examination of provincial forestry arrangements in British Columbia two other points stand out: the 1912 Forest Act was not "unique" as Robert E. Cail claimed,[5] either in terms of previous provincial practice, or in terms of continental developments, especially in Eastern Canada. If anything, the reverse was the case, as the province borrowed most of its forestry legislation from other jurisdictions. Just as timber legislation in British Columbia was not unique, neither was the Report of the Fulton Royal Commission seminal. As with most Royal Commissions, it was appointed to elaborate on, and to justify politically, changes which had already been decided upon by the government; for example, the extension of the tenure of timber licenses. Unfortunately for the government their Commissioners seized upon a current fashion, becoming a little too interested in conservation. The government triumphed over this obstacle by the dilution or non-implementation of the Commissioners' recommendations in that sphere, and through the dexterous inclusion of the word "Conservation" in the full title of the 1912 Forest Act.[6]

Conservation of forests does not, however, simply mean protection from fire of existing timber--which was all the McBride administration took

it to mean--but rather the application of the concept of scientific management of the forest resource base. Without the consent of the forest industry, however, neither conservation nor scientific management of the forest resource base could be put into effect, because of the McBride government's extreme dependence on high net forest revenues to finance its public works activities. This dependence made the government more beholden to the lumber industry than vice versa. Hence, that government felt forced to comply--whether it wished to or not--with private industry's short-term profit-oriented desires, for fear of displeasing industry, and losing the Crown's major source of revenue.

FOOTNOTES:

[1]Calculated from Final Report of the Royal Commission of Inquiry on Timber and Forestry, 1909-1910, Fred J. Fulton, chair (Victoria: King's Printer, 1910), p. D23, and p. D27.

[2]Calculated from British Columbia, British Columbia in the Canadian Confederation: a Submission Presented to the Royal Commission on Dominion-Provincial Relations by the Government of the Province of British Columbia (Victoria: King's Printer, 1938), pp. 243-47, table 124.

[3]See chap. 2, above.

[4]See chap. 4, above.

[5]Land, Man, and the Law: the Disposal of Crown Lands in British Columbia, 1871-1913 (Vancouver: University of British Columbia Press, 1974), p. 91, and p. 96.

[6]British Columbia. Statutes of British Columbia: 1912 (Victoria: King's Printer, 1912), c. 17, "An Act respecting Forests and Crown Timber Lands, and the Conservation and Preservation of Standing Timber, and the Regulation of Commerce in Timber and Products of the Forest."

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APPENDIX A

GLOSSARY OF COMMON TERMS:

'berths'
- areas of Crown timber land held by individuals or companies.

'board foot'
- a measure of lumber of logs, denoting the volume of a piece of wood 12" x 12" x 1" (see also 'fbm').

'Coast'
- land lying to the west of an imaginary line drawn along the summit of the Cascade mountain range.

'Crown grant land'
- land sold or given away by the Crown.

'cruise'
- an assessment of the volume of timber within a given stand, carried out by a sampling method.

'culling'
- separating the sound logs from the unsound ones.

'fractional areas'
- small areas of Crown timber land lying between larger areas of Crown timber land which were held under license or lease.

'fbm'
- foot board measure (see also 'board foot')

'handloggers' license'
- a license to cut timber on an unspecified area of unalienated Crown timber land, for a flat fee per annum; use of steam-powered logging machinery forbidden.

'Interior'
- land lying to the east of an imaginary line drawn along the summit of the Cascade mountain range.

'leases'
- areas of Crown timber land held under rental from the Crown; the lessee was obliged either to construct and operate an appurtenant mill, or to pay a higher rental; royalties were also charged per Mfbm of timber cut from areas under lease.

'licenses'
- see 'timber licenses', and 'handloggers' licenses'.

'limits'
- areas of Crown timber land held by individuals or companies.

'merchantable timber'
- standing timber which it would be profitable to log.

'Mfbm'
- one thousand board feet.

'rentals'
- amount paid per acre on leases, and per 640 or 1,000 acres on timber licenses.

'royalty'
- amount of tax per Mfbm of logs arriving at a mill, payable on logs cut from timber leases, timber licenses, timber sales, handloggers' licenses, and land Crown-granted after 1887.

'scaling'
- measuring the fbm of a log.

'slash'
- wood debris left on site after logging.

'staking'
- a means of allocating timber licenses: the prospective licensee simply drove a stake into one corner of a sqaure mile area of timber, and applied to Victoria for a timber license to cover that area.

'timber license'
- a license to cut timber on either 640 or 1,000 acres of Crown land; royalties were also charged per Mfbm of timber cut from areas under timber license.

'timber sales'
- cutting-rights to areas of timber, allocated by public bidding for timber which had been cruised by Crown agents.

'unalienated'
- Crown timber land neither held under license or lease, nor Crown-granted.

'upset price'
- the reserve price of Crown timber at an auction.

APPENDIX B

An attempt was made to correlate witnesses' views on key issues with those witnesses' backgrounds. It had been hoped that a distinction between the views of operators and those of non-operators could be drawn. However, this did not prove possible because no consistent correlations were found. Below is a table showing witnesses' views on selected issues; witnesses are listed in order of appearance.

KEY:

1 - big business: operator.

2 - big business: non-operator.

2* - big business: operator/non-operator classification inappropriate.

3 - small business: operator.

4 - small business: non-operator.

4* - small business: operator/non-operator classification inappropriate.

5 - unclassified business.

6 - business organization.

7 - government.

8 - labour.

9 - miscellaneous, including totally unclassified, private individuals, and private experts.

\+ - YES

X - NO

Big business was defined as lumber companies meeting one or more of the following criteria: companies or individuals holding more than 10 timber licenses, or having cutting-rights to more than 6,400 acres, or

having more than 30 employees, or representing 'obvious' big business (such as eastern banks, or the Canadian Pacific Railway); or from R. A.-J. McDonald's thesis on the composition of the elite of the Vancouver business community at this time. Small business covers those outfits definitely falling below the criteria used for big business. Other categories, for example government, are self-evident from the Proceedings.

TABLE II

WITNESSES' VIEWS BY NAME AND BY BACKGROUND

NAME OF WITNESS	Occupational Code	In favour of Crown ownership of forest land	Make timber licenses perpetually renewable until logged off	Continue issuing handloggers' licenses	Continue 1907 moratorium	Lower license rentals	Fix royalties (# years)	% accessible timber alienated	Split fire costs: % government to pay	Slash: B = burn; P = pile; L = leave	Adequate reforestation will occur naturally
W.A. Anstie	6	+	+	+	+	X	+		50		+
A.T. Frampton	4*										
R.D. Craig	2										X
M.B. Carlin	1								50	L	+
L.H. Solly	2*									B	
W. Blakemore	2		+						50		
M.J. Scanlon	1				+					L	
E.E. Billinghurst	6										
J. Ducrest	4*										
R.H. Campbell	7										+
J.A. Sayward	5			+					50	P	+
E. McGaffey	6				+						
W. Regan	2*	+				X			50		
J.W. Coburn	5		+				X		100	P	+
T.A. Smith	5		+								
F.L. Ward	2										
R.J. Skinner	7	+	+	+			X		50	L	+
T. Wilson	7										+
D.C. Cameron	1	+	+		+				50	L	
W. Murray	1*										
A. MacMillan	9										
T.F. Paterson	1	+	+	+				60		L	+
J.S. Emerson	1		X	+	+				50		+
J. O'Brien	1								75	L	
W.T. Cox	7	+			+					B	+
W.I. Paterson	L		+	X			X		50		
E.H. Heaps	1		+	X		X	10		50	L	+
W. Tytler	2		+				10				
J.H. Latremouille	7							50		B	
J.A. Magee	1		+				X	90	50	L	
A.J. Lammers	1		+				X				
A.J. McDonald	7		+			+				P	
R. Trinder	7							65		L	
A. McL. Hawkes	7				+						
M.V. Allen	7				+						
C.T. Daykin	7				+						
Brett	7				+						
Swift	7				+						
P. Ellison	7				+						
C.J. Becker	7									P	+
S.C. Smith	3					X				L	
H. Lang	7										
O.L. Boynton	1		+		+	+	5		50	B	X
W.C. Brewer	1		+				X		50		
S.H. Bowman	1		+		+		X		100		
C.F. Lindmark	1					X	X	50		B	+
C.R. Skene	5							50	50	B	
J.M. Kellie	2		+		+	+	X	90			
A.G. Lang	9				+					L	+
F.S. Stevens	5		+							L	+
A.N. Wolverton	2		+			+			50		
J.M. Lay	2*								50		
G.O. Buchannan	6	+	X		+		5		50		
A.A. Carney	7								50		
C.S. Drewery	9									B	
R.J. Long	7									B	
H. Anderson	7										
A. Leitch	1		+		+	X			50	L	+

TABLE II continued:

NAME OF WITNESS	Occupational Code	In favour of Crown ownership of forest land	Make timber licenses perpetually renewable until logged off	Continue issuing handloggers' licenses	Continue 1907 moratorium	Lower license rentals	Fix royalties (# years)	% accessible timber alienated	Split fire costs: % government to pay	Slash: B = burn; P = pile; L = leave	Adequate reforestation will occur naturally
J.F. Armstrong	7										
A.E. Watts	1		+			+			50	L	X
Fink	9										
O. Staples	1				+	+				L	
P. Lund	1	+	+		+	+	X		100	L	
C.M. Edwards	9										
E.C. Chudleigh	2*										
A.T. Short	2*										
E. Mallendaine	7										
W. Pearce	2*										
G.F. Stevenson	6									B	
A.F. Krapfel	1		+						100		+
D.V. Mott	9		+		+	+	X			B	
D. MacDougall	7									B	
D.H. Telford	1										
R.H. McCoy	1										
J.W. Murphy	7										
A. DeWolff	1										
W.S. Bell	1										
A. McDougal	1		+		X				50	B	
F.K. DuBois	1		+		X	X	X			B	
J.W. Lawry	2										
J. Genelle	1					+			50		
A. Robinson	1	+			+						+
F.W. McLaine	2*										
C. Mix	7										
J. Leamy	7										
E. Bucklin	1	+									
E.J. Fader	2										
A.L. Lewis	1										
T. Turnbull	8		X	+		X	X				
W. Dodd	8		X	+		X	X				
H.A. Stoney	8		X	+		X	X				
J. Clark	1		+				X		50		
A.D. McRae	1		+						50		
J. Oliver	7		+			X					
P.D. Roe	1		+	+		X					
A. Hamilton	8		X	+		X	X				
N. McKinnon	2		+	+					50		
W.H. Higgins	1		X							L	
F.H. Parks	1		+			X	+		50		
A. Haslam	7					X	X	80			
W.C. Gladwin	7										
R.H. Chapman	7										
N.J. McArthur	6								50	L	
J.H. Demsey	6								50	L	
H.H. McDougall	6								50	L	
T. Magnusson	6								50	L	
E.P. Bremner	2*										
J. Moravec	2*										
W.J. Whiting	2*										
W.J. Sutton	5	+									
E.J. Palmer	1										
J.J. Shallcross	2*										
T. Elford	1										
D. Hankin	1										
Erich Ulin	9										
S. McB. Smith	9										