

**Just Letting Her Rip and Hoping for the Best Didn't Work Out:  
Raw Log Export Controls in British Columbia, 1871 to 1947**

by

**Dave Lang**

**B.A., Hons, University of Victoria, 2019**

**A Thesis Submitted in Partial Fulfillment of the  
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## Abstract

Raw log exports from British Columbia have been a popular political football for more than 120 years. Governments of all stripes have denounced them while in opposition, but continued to allow them when in office. Whether and to what extent raw logs are exported is determined by the balance of power between government, capital, and public opinion. Government, motivated perhaps by public opinion, perhaps by concern for the long-term benefit of British Columbians, has introduced some modest raw log export controls, found a politically and economically acceptable balance between allowing and restricting raw log exports, and worked diligently to keep the issue quiet. Capital has fought for the right to export logs as it sees fit. The public, guided by a sense that exporting natural resources in their raw state is no way to build an economy, has consistently opposed the practice. The result has been more than a century of a three-way tug of war which has left none of the stakeholders particularly pleased.

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Components of this thesis, and the ideas in it, have been presented in different forms during my previous coursework at the undergraduate and graduate level.

## Preface

Aboriginal rights are rights held by Indigenous peoples, not by virtue of Crown grant, legislation or treaty, but by reason of the fact that Indigenous peoples have these inherent rights and were once independent and self-governing of most of the lands now making up Canada.<sup>1</sup>

Before examining raw log exports in British Columbia, it should be noted that the vast majority of land and resources discussed in this paper were wrested from the control of the First Nations of the province without their consent, in violation of laws in place at the time. Fourteen controversial “treaties” were signed on Vancouver Island, and the First Nations of the Peace River region in Northeastern BC became signatories to Treaty 8, but the rest of the province was simply taken. Following Confederation, BC fought against the modest requests of First Nations for additional reserve lands, collaborated with Canada in the gradual denial of First Nations’ rights to harvest furs, fish, and game animals, and refused to acknowledge Aboriginal title. Books like Robin Fisher’s *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890*, Paul Tennant’s *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989*, Cole Harris’s *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, and the collection of essays titled *To Share, Not Surrender: Indigenous and Settler Visions of Treaty Making in the Colonies of*

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<sup>1</sup> British Columbia Treaty Commission, “Aboriginal and Treaty Rights,” <https://bctreaty.ca/negotiations/aboriginal-rights>.

*Vancouver Island and British Columbia*, are available for those who wish to learn more about this dismal history, and First Nations' struggle to regain control of their land, resources, and future.<sup>2</sup>

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<sup>2</sup> Robin Fisher, *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890*, 2nd ed. (Vancouver: UBC Press, 1992 [1977]); Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990); Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press, 2002); Peter Cook, et al., ed., *To Share, Not Surrender: Indigenous and Settler Visions of Treaty Making in the Colonies of Vancouver Island and British Columbia* (Vancouver: UBC Press, 2021).

## Introduction

The Government [...] was doing everything possible to stop log export.<sup>3</sup>

- British Columbia Premier John Oliver, 5 December 1923.

This is no longer a situation where we can rely on that high-volume export of raw logs around the world to support forest-dependent communities. We need to get more jobs per tree. [...] The approach of previous governments of just letting her rip and hoping for the best didn't work out.<sup>4</sup>

- British Columbia Premier David Eby, 5 May 2023.

Two provincial leaders, separated by one hundred years, both stating their opposition to the exportation of raw logs from British Columbia. Why is Premier Eby fighting against something that Premier Oliver vowed he was “doing everything possible to stop?” Was Oliver lying? Did determined opposition from industry thwart his efforts? Did Oliver succeed, only to have his policies overturned later? What is it that makes the exportation of raw logs such a difficult thing to prevent? Are raw log exports, in fact, unstoppable? The answer, of course, is complicated. Oliver was certainly not the first BC politician to wrestle with this issue and it's not likely that Eby will be the last. While we can't see into the future, we can examine the past to see what we can learn.

If we want to examine the question of raw log exports, it's worth discussing what we mean by “raw logs,” and why some people are opposed to exporting them. Raw logs are also known by the delightfully technical term “unmanufactured timber,” or as “chopped down trees that have had their branches cut off but nothing else done to them.” Exporting means shipping these raw logs to

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<sup>3</sup> “Government's Log Export Policy Is Upheld by House,” *Victoria Daily Times*, 5 December 1923, 3.

<sup>4</sup> CPAC, “B.C. Premier David Eby Reveals Post-Secondary Education Action Plan,” 2 May 2023, YouTube, <https://www.youtube.com/watch?v=XhE7gXjoMAG>; Vaughn Palmer, “Eby Warns Forestry Sector to Fix Its Problems or Government Will,” *Vancouver Sun*, 5 May 2023, online edition; “Premier David Eby Says Days of ‘High-Volume’ Raw Log Exports Are Over,” *Vancouver Island Free Daily*, 4 May 2023, online edition.

another country to be made into things like two-by-fours, furniture, and musical instruments. And that's what some people don't agree with. They think that the trees from British Columbia should be made, or "manufactured," into things like two-by-fours, furniture, and musical instruments right here. This manufacture would provide jobs for British Columbians, and tax revenue for the provincial government. Of course, as mentioned earlier, the people doing the chopping usually hold the opposite opinion, arguing that unfettered exports would provide jobs for British Columbians, and tax revenue for the provincial government.<sup>5</sup> The instinct to retain local raw materials for the benefit of the local economy might be a remnant of BC's days as a British colony. After all, the point of the colonial project was to wrest control of natural resources for the use of the home country, not some other country. In addition to raw logs, British Columbians have attempted to prevent the export of other unprocessed commodities such copper, iron, and, pun intended, raw salmon.<sup>6</sup> BC is not an outlier in this respect. Most countries around the world have, at some point, restricted the export of some raw material, in an attempt to build their own manufacturing capacity. Even the United States, which for much of BC's history was the main market for raw log exports, has, at times, disallowed the export of some of its own raw logs.<sup>7</sup>

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<sup>5</sup> Ben Parfitt, "The Great Log Export Drain," *Policy Note*, 27 February 2017, <https://policynote.ca/log-export-drain>; Bill Dumont and Don Wright, *Generating More Wealth from British Columbia's Timber: A Review of British Columbia's Log Export Policies* (Victoria: British Columbia Minister of Forests and Range, 2006), 57-74, <https://n2t.net/ark:/13960/s24zdx86jcj>.

<sup>6</sup> "Ottawa Action Held Possible," *Vancouver Daily Province*, 1 February, 1940, 23; "Manufacture of Nitrates, He Says, Will Follow Establishment of Smelter on Coast," *Vancouver Sun*, 14 March 1930, 6; British Columbia Archives, GR-0435, [Fisheries], box 160, file 1920-2, BC Salmon Cannery Association to Commissioner of Fisheries, 6 March 1920; "Holding Our Salmon Canning Industry," *Vancouver Daily Province*, 15 December 1947, 4.

<sup>7</sup> Andy Kerr, *Oregon and Washington Raw Log Exports: Exporting Jobs and a Subsidy to Domestic Mills* (Ashland, OR: The Larch Company, 2012), 4-5, [www.andykerr.net](http://www.andykerr.net).

At the core of the raw log export issue is the balance of power between government, capital, and public opinion. The public has generally opposed raw log exports, preferring, as mentioned earlier, to keep processing jobs in British Columbia. Capital has fought vigorously to defend the right to export logs, especially logs sourced from privately owned forest land, known as Crown grants, and to harvest the forest by clearcutting. Government, motivated perhaps by public opinion, perhaps by concern for the long-term benefit of British Columbians, and certainly by the demands of capital, has reluctantly introduced some modest raw log export controls, found a politically and economically acceptable balance between allowing and restricting raw log exports, and worked diligently to keep the issue quiet. Labour, surprisingly, has little to say about the issue until well after the end of the Second World War. Attempts at unionization struggled to overcome ruthless opposition from capital and the diversity of interests between loggers and millworkers. The International Woodworkers of America (IWA) did not appear in British Columbia until 1937 and, as the name suggests, its focus was not on cross border issues that divided its members, like raw log exports, but those that united them, like working conditions and wages.<sup>8</sup> The IWA's newsletter, *BC Lumber Worker*, did not publish a single article addressing raw log exports between 1938 and 1947.<sup>9</sup> As labour historian Alexander Simon notes:

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<sup>8</sup> Jerry Lembcke and William M. Tatam, *One Union in Wood: A Political History of the International Woodworkers of America* (Madeira Park: Harbour Publishing, 1984), <https://n2t.net/ark:/13960/t4km6r63w>; Hak, *Capital and Labour*; Gordon Hak, "British Columbia Loggers and the Lumber Workers Industrial Union, 1919-1922," *Labour / Le Travail* vol. 23 (Spring 1989): 67-90, <https://doi.org/10.2307/25143136>.

<sup>9</sup> Thank you to the Kaatza Station Museum for searching through their collection of the *BC Lumber Worker* on my behalf.

In the 1940s, the IWA made a tacit bargain with industry. In exchange for security and relatively high wages, the union would expel radicals, accept the existing relations of production, and accept the capital-intensive structure of the industry that relies on massive quantities of timber and the export of minimally processed wood products.<sup>10</sup>

The old growth forests which were being harvested during the period under examination were not homogeneous – they contained a variety of tree species and a variety of grades of timber.<sup>11</sup> Cutting all of the trees on a parcel of land, instead of choosing which ones to cut, meant that there would always be a surplus of logs that could not easily be sold locally. In addition, forest companies, like any other actors in a capitalist system, wanted to make the most money possible and if they could make more selling their logs somewhere else, they felt strongly that they should be able to do so. As noted earlier however, the forest industry was not united in their opposition to raw log exports. Like the forests it cut down, the industry was diverse. Broadly speaking, during the first half of the twentieth-century, the industry was divided between loggers and manufacturers. Loggers tended to be in favour of raw log exports, and manufacturers opposed, since the more logs available to them, the lower the price. By the Second World War, however, integrated corporations that both logged and manufactured were more common. Matters were further complicated by things like international trade relations and the division of powers between the provincial and federal governments in Canada. Attempts by the federal government to tighten restrictions on raw log

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<sup>10</sup> Alexander Simon, “A Comparative Historical Explanation of the Environmental Policies of Two Woodworkers’ Unions in Canada,” *Organization & Environment* vol. 16, no. 3 (September 2003), 302, <https://doi.org/10.1177/1086026603251295>.

<sup>11</sup> “Douglas Fir, Hemlock Hit,” *Vancouver Daily Province*, 7 December 1940, 37.

exports from Crown grants during the Second World War underscored the power of capital as Canada was forced to back down under pressure from the United States government which defended the log export rights of the American owners of Crown granted land on Vancouver Island.<sup>12</sup> The regulatory compromise that followed fit the pattern that had been developed decades earlier: the public was mollified, government was able to effect some small changes, and capital was free to continue to do, for the most part, what it liked.

This thesis will begin with a review of what other historians have written on the topic, an explanation of how the right to cut logs has been managed in British Columbia, and a discussion of some of the early policy decisions that influenced later events. It will then proceed chronologically, tracing the evolution of raw log export regulations through periods that are defined by significant policy changes. Although the colony of British Columbia managed the public forest to some degree, colonial regulations were essentially the same as those in place immediately after BC became a province of Canada in 1871, so that is where this study will begin. The pace of regulatory change ebbed and flowed in the years that followed, but by 1947 the system that allowed raw log exports to continue under permit was complete. This system remained in place until the twenty-first century, when the provincial government introduced changes that greatly increased raw log exports, but we will leave those later developments, for a later writer.

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<sup>12</sup> "U.S. Lumber Operators Suggest Sending Their Own Logging Crews into the Forests of B.C.," *Vancouver Daily Province*, 22 December 1942, 27.

## Chapter 1 - Historical Review

The issue of log exports from British Columbia is one that can generate a lot of public attention, passion and interest. Virtually all stakeholders and First Nations have views on the topic.<sup>13</sup>

While it is true that log exports can generate a lot of attention, passion, and interest, amongst the public, they have not done so amongst historians, who have largely ignored the topic. This could be because there were bigger fish to fry. Questions of sustainability, institutional capture, and the under-representation of women in forestry have all attracted more attention than raw log exports. After all, as a percentage of the province's Annual Allowable Cut (AAC) – the number of trees the forest industry is allowed to cut down in a year – log exports have never exceeded 12 percent.<sup>14</sup> However, proving that the devil is in the details, for the years in which statistics are available, log exports often represent as much as 32 percent of the AAC in the Coast region – especially Vancouver Island.<sup>15</sup> This explains why, even if historians aren't particularly interested in raw log exports, people who live in communities affected by them are.<sup>16</sup>

A.R.M. Lower was the first academic historian to devote much of his focus to Canada's forest industry and, like many of those who followed him, he uses raw log exports as an example to

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<sup>13</sup> Dumont and Wright, *Generating More Wealth*, 7.

<sup>14</sup> Craig Shinn, *British Columbia Log Export Policy: Historical Review and Analysis* (Portland, OR: US Department of Agriculture, 1993), 48-49, <https://doi.org/10.2737/PNW-RP-457>; Dumont and Wright, *Generating More Wealth*, 13.

<sup>15</sup> British Columbia, Ministry of Forests, "British Columbia Log Export Permit Report, 2010-2014," <https://n2t.net/ark:/13960/s2q6vb34vkw>; British Columbia, Ministry of Forests, "British Columbia Log Export Permit Report, 2014-2018," <https://n2t.net/ark:/13960/s2btd84xzxj>; British Columbia, Ministry of Forests, "British Columbia Log Export Permit Report, 2018-2022," <https://n2t.net/ark:/13960/s2dmf05xkqm>; Julie Chadwick, "Will Fairy Creek Trees Be Exported as Raw Logs?," *Discourse*, 17 June 2021, online edition.

<sup>16</sup> David Haley, "Raw Log Export Ban Is Simply Bad Public Policy," *Cowichan Valley News Leader* (Weekend Edition), 3 December 2006, A16.

support his argument, rather than as a central theme in any of his work. Lower was suspicious of Canada's relationship with its larger trading partners such as Britain and the United States, writing that: "A staple trade such as the timber trade is essentially an exploitative trade and in it the dice are loaded in favour of the metropolis."<sup>17</sup> In *The North American Assault on the Canadian Forest: A History of the Lumber Trade Between Canada and the United States*, published in 1938 with, ironically, support from The Carnegie Endowment for International Peace, Lower shows how raw log export controls were introduced in Ontario near the end of the nineteenth century as a logical response to US trade policy. The Americans, Lower wrote, exhausted the forests of New York and Michigan, then looked northward for new supplies of timber, cutting logs on the Canadian side of the Great Lakes, before towing them across the water to their mills at home. While these Canadian logs could enter the US duty-free, Canadian manufactured wood products were subject to a tariff which made it difficult for Canadians to compete in the US market. Lower describes this practice as a "raid" that grew into an "invasion" and relates with evident pride Canada's "ingenious" solution to the problem: log export controls.<sup>18</sup> The new regulations, he writes, not only forced American capitalists to build mills in Canada, they "put a check on ruthless and wasteful exploitation of the forest."<sup>19</sup> The first raw log export controls in British Columbia were introduced in reaction to the same discriminatory tariff, with the same justification. As Lower explains:

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<sup>17</sup> A.R.M. Lower, *Great Britain's Woodyard: British America and the Timber Trade, 1763-1867* (Montreal: McGill-Queen's University Press, 1973), 250.

<sup>18</sup> A.R.M. Lower, *The North American Assault on the Canadian Forest: A History of the Lumber Trade Between Canada and the United States* (Toronto: Ryerson Press, 1938), 154-157, <https://n2t.net/ark:/13960/t0jt7q02b>.

<sup>19</sup> Lower, *The North American Assault*, 159.

Not only were Canadian lumbermen jealous of competitors who could take home raw material to be manufactured behind a tariff wall and sold against the Canadian product in a protected market, but also Canadians generally, or those of them who were aware of the situation, considered that they should have the benefits of manufacturing Canadian raw material.<sup>20</sup>

H.V. Nelles addressed Ontario's introduction of raw log export controls in *The Politics of Development: Forests, Mines & Hydro-Electric Power in Ontario, 1849-1941*, which was published in 1974.

As Lower's career progressed, he became less interested in metropolitanism as a theoretical model and began to focus more on how "the hard rock of business self-interest" influenced policy.<sup>21</sup> Nelles extends and refines Lower's criticism of the relationship between business and government, examining how, in addition to the obvious example of "political corruption of the time-honoured sort," the convergence of interests of powerful actors in both sectors has a corrosive effect on democracy.<sup>22</sup> He finds that politicians and government administrators in Ontario came to see the interests of the province and the interests of the natural resource sector as the same. This transformation reduced government to nothing more than a "client of the business community."<sup>23</sup> However, as mentioned, the business community is not homogeneous, especially when it comes to raw log exports. Indeed, when faced with the raw log export problem in 1897, the Ontario government found itself in "the situation it dreaded most."<sup>24</sup> The forest industry could not agree on

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<sup>20</sup> Lower, *The North American Assault*, 154.

<sup>21</sup> A.R.M. Lower, *Colony to Nation: A History of Canada* 4th ed. (Toronto: Longmans, Green and Company, 1946), 214.

<sup>22</sup> H.V. Nelles, *The Politics of Development: Forests, Mines & Hydro-Electric Power in Ontario, 1849-1941*, 2nd ed. (Montreal & Kingston: McGill-Queen's University Press, 2005 [1974]), 387.

<sup>23</sup> Nelles, *The Politics of Development*, 495.

<sup>24</sup> Nelles, *The Politics of Development*, 73.

what it wanted, with some companies in favour of export controls and some opposed. The public was strongly in favour of taking action so, fearing electoral defeat, the government reluctantly enacted legislation restricting raw log exports.<sup>25</sup> Soon after, Nelles writes, “all along the Lake Huron and Georgian Bay shorelines new sawmills were either under construction, or already in production.”<sup>26</sup> A similar scenario would play out in British Columbia, where a less than enthusiastic government attempted to satisfy a divided industry.

Although both Lower and Nelles addressed the raw log export question in Ontario, neither paid much attention to British Columbia. This task was left to Richard Rajala, who had studied with Nelles while completing his doctorate at York University. Like Nelles, Rajala saw the relationship between government and industry as an impediment to effective forest management, writing:

The research presented here suggests that governments [...] overwhelmingly dependent upon revenues generated by the timber industry, responded to corporate rather than long-term social or ecological needs in their regulatory initiatives.<sup>27</sup>

While Rajala doesn't address log exports directly, 1998's *Clearcutting the Pacific Rain Forest:*

*Production, Science, and Regulation* provides some insight into the forest industry practices which increased the pressure to export. At the beginning of the twentieth century, overhead yarding was introduced.<sup>28</sup> Yarding was the name for the process of collecting felled trees from all areas of a piece of timberland into one spot so they could be shipped for processing. Overhead yarding was faster

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<sup>25</sup> Nelles, *The Politics of Development*, 74.

<sup>26</sup> Nelles, *The Politics of Development*, 80.

<sup>27</sup> Richard Rajala, *Clearcutting the Pacific Rain Forest: Production, Science, and Regulation* (Vancouver: UBC Press, 1998), xxii-xxiii.

<sup>28</sup> Rajala, *Clearcutting the Pacific Rain Forest*, 7.

and cheaper than previous harvesting methods, but it made selective logging impractical, since any unwanted trees that were the wrong species, or of a lower quality, were destroyed by the desirable trees as they were dragged over them.<sup>29</sup> This meant that there was always a ready supply of difficult to market wood that exporters argued should be sent outside of the province.

Rajala wasn't the only historian interested in BC's forests. The first critical monograph aimed at the forest industry, *Green Gold: The Forest Industry in British Columbia*, was written by UBC professor Patricia Marchak and published in 1983. Trained as a sociologist, Marchak looks at the history of the timber trade in an effort to discover why the province had failed to progress from raw material exports to a more industrialized economy. Although she would later state that "the sale of logs [has] never been...a major part of BC's forestry export economy," in *Green Gold* she argues that "a stable and self-sufficient economy cannot be created by exporting natural resources and importing finished products."<sup>30</sup> Rather than examine the history of policy decisions, Marchak focuses on a data-driven analysis of the structure of the provincial economy and the forest industry, and the impacts that this has had on the citizens of the province. Marchak argues for more effective regulation, writing that "the priorities of the large corporations need not be the automatic priorities of the regional government," while recommending that the provincial government demand the implementation of truly sustainable forest practices, take a larger share of the profits earned from

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<sup>29</sup> Rajala, *Clearcutting the Pacific Rain Forest*, 20, 21, 85.

<sup>30</sup> Patricia Marchak, *Logging the Globe* (Montreal: McGill-Queen's University Press, 1995), 92; Patricia Marchak, *Green Gold: The Forest Industry in British Columbia* (Vancouver: UBC Press, 1983), xiii.

the forest, and use its increased financial resources to then diversify BC's economy and invest in its workforce.<sup>31</sup>

Like Rajala and Marchak, other academic authors who've written books covering BC's forest history direct their focus at other aspects of the forest industry at the expense of the raw log export question. Gordon Hak's *Turning Trees into Dollars: The British Columbia Coastal Lumber Industry, 1858-1913*, described by Marchak as "useful as a reference work," provides an accurate summary of early attempts at regulating raw log exports, but devotes only four pages to the topic, and offers little analysis.<sup>32</sup> Hak also briefly addresses log exports from the E&N railway grant in *Capital and Labour in the British Columbia Forest Industry, 1934-74*, noting the challenges faced by the provincial government when attempting to manage log exports from Crown granted land, as well as the cost to the provincial treasury of this unregulated activity.<sup>33</sup> *Lost Initiatives: Canada's Forest Industries, Forest Policy and Forest Conservation*, by Peter Gillis and Thomas Roach, spares but three pages for "the manufacturing condition," and overlooks the important connection between export controls and international trade policy. Additionally, in an attempt to show how industry ran roughshod over government, Gillis and Roach claim that provincial Timber Inspector R.J. Skinner "lost his job" after unsuccessfully skirmishing in an attempt to stop logger James S. Emerson from exporting

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<sup>31</sup> Marchak, *Green Gold*, 248-380.

<sup>32</sup> Patricia Marchak, review of *Turning Trees into Dollars: The British Columbia Coastal Lumber Industry, 1858-1913*, by Gordon Hak, *University of Toronto Quarterly* vol. 71, no. 1, (Winter 2001/02): 267; Gordon Hak, *Turning Trees into Dollars: The British Columbia Coastal Lumber Industry, 1858-1913* (Toronto: University of Toronto Press, 2000), 100-103.

<sup>33</sup> Gordon Hak, *Capital and Labour in the British Columbia Forest Industry, 1934-74* (Vancouver: UBC Press, 2007), 49.

logs.<sup>34</sup> This is a great story but it didn't happen. Not only did Skinner stay on as a Timber Inspector for the rest of his life, in 1907 he was given additional responsibilities as Assistant Commissioner of Lands and Works "for the purpose of dealing with Crown Timber Lands."<sup>35</sup> After his death, a forest service launch was named in his honour.<sup>36</sup>

Graduate students are often told that nobody will read their thesis, but, in forest history, there are several master's theses that that were read, and cited, by those who followed, including Rajala, Hak, and Gillis and Roach. Robert Marris' "Pretty Sleek and Fat: The Genesis of Forest Policy in British Columbia, 1903-1914," written in 1979, argues that BC's reliance on forest revenues limited its ability to challenge business. Examining the workings of the province's first Royal Commission on forestry, known as the Fulton Commission after its chair, Fred John Fulton, Marris finds that all the commissioners had ties to that forest industry. Citing a newspaper article in which BC Premier Richard McBride promised to approve industry friendly proposals before the commission had even completed its hearings, Marris writes that its function was simply to "rubber-stamp" a decision that had already been made, and "lend an aura of respectability" to a "give-away" to

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<sup>34</sup> R. Peter Gillis and Thomas R. Roach, *Lost Initiatives: Canada's Forest Industries, Forest Policy and Forest Conservation* (New York: Greenwood Press, 1986), 137-139.

<sup>35</sup> "Obituary," *Canada Lumberman & Woodworker* vol. 29, no. 22 (15 November 1909), 25, <https://n2t.net/ark:/13960/t4rj73498>; "Personal News and Business Notes," *Canada Lumberman & Woodworker* vol. 29, no. 22 (15 November 1909), 25, <https://n2t.net/ark:/13960/t4rj73498>; British Columbia, Order-in-Council 1907-0355, 13 May 1907, <https://www.bclaws.ca>.

<sup>36</sup> "Report of the Minister of Lands [1911]," in *Sessional Papers* [British Columbia, 1912] (Victoria, BC: King's Printer, 1912), 22, <https://doi.org/10.14288/1.0064434>.

lumbermen.<sup>37</sup> He notes that the government's dependence on forest revenue made it "more beholden to the lumber industry than vice versa."<sup>38</sup>

Stephen Gray was another graduate student who wrote an influential thesis during this period. "Forest Policy and Administration in British Columbia, 1912-1928," which focused on the years immediately following Marris's effort, was completed in 1982. Gray includes a chapter on log exports, but addresses a relatively narrow time frame and relies too heavily on material from forest department records. He overlooks the early years of export restrictions as described by contemporary accounts in trade journals and newspapers, with the result that he overstates the government's efforts to prevent the trade.<sup>39</sup> Echoing Nelles, Gray argues that, regardless of which political party held power, "government foresters stretched the rules as far as possible to accommodate the greed of private timberholders for local monopolies," serving "largely as an instrument of the forest capitalist class, rather than as an institution responsible to the people of the province."<sup>40</sup>

In contrast to historians, economists and foresters have written a number of theses and reports addressing raw log exports. Most of these are opposed to export controls. And most of them incorrectly date the start of raw log export controls in BC, disassociating the controls from US

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<sup>37</sup> Robert Howard Marris, "Pretty Sleek and Fat": The Genesis of Forest Policy in British Columbia, 1903-1914," (MA thesis, University of British Columbia, 1979), 33-34, <https://doi.org/10.14288/1.0094794>.

<sup>38</sup> Marris, "Pretty Sleek and Fat," 116.

<sup>39</sup> Stephen Gray, "Forest Policy and Administration in British Columbia, 1912-1928," (MA thesis, Simon Fraser University, 1982) 118-153, <https://summit.sfu.ca/item/4120>.

<sup>40</sup> Gray, "Forest Policy and Administration," 190.

tariffs that allowed Canadian logs to be imported into the US duty free, but imposed tariffs on imported wood manufactures such as shingles, doors, and lumber. The error appears to stem from the 1945 Royal Commission report on BC's forest resources written by commissioner Gordon Sloan. He states that an 1891 amendment to the provinces *Land Act*, "enacted that all timber cut from lands held under leases be manufactured within the Province."<sup>41</sup> Unfortunately, an examination of BC's *Land Act Amendment Act, 1891* shows that Sloan was mistaken, and his mistake has been repeated by a number of authors who cite him as their source.<sup>42</sup> This may seem like a minor issue, but disconnecting the implementation of raw log export controls from US tariff policies removes the valid economic justification for the introduction of raw log export controls and suggests that they are an unjustified impediment to economic development, rather than a rational response to a discriminatory trade policy. Duncan Kenneth Davies, who went on to become the Chief Executive Officer of BC's Interfor, one of the world's largest forest companies, and largest raw log exporters, wrote "Log Export Restriction in British Columbia: An Economic Examination" when he was completing a forestry degree at the University of British Columbia (UBC) in 1977.<sup>43</sup> Davies challenges "the arbitrary and unilateral view that domestic processing is the best use of the province's timber."<sup>44</sup> He argues that the most efficient market is an unregulated one and while this

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<sup>41</sup> Gordon Sloan, *Report of the Commissioner Relating to the Forest Resources of British Columbia* (Victoria: King's Printer, 1945), 92, <https://doi.org/10.14288/1.0320800>.

<sup>42</sup> British Columbia, "Land Act Amendment Act, 1891," in *Statutes of the Province of British Columbia* [1891], 49-54. Victoria: Government Printer, [1891], <https://heinonline.org>.

<sup>43</sup> Gordon Hamilton, "Forester Cultivates Stability in Notoriously Volatile Industry," *Business in Vancouver*, 10 April 2017, [biv.com](http://biv.com).

<sup>44</sup> Duncan Kenneth Davies, "Log Export Restriction in British Columbia: An Economic Examination," MA thesis, University of British Columbia, 1977, ii, <https://dx.doi.org/10.14288/1.0075431>.

may be true in the abstract, it doesn't help those living near the resources that are being efficiently shipped somewhere else for processing. Davies repeats Sloan's error regarding the date of the introduction of raw log exports, and, like Sloan, has been cited by authors who followed. Craig Shinn's *British Columbia Log Export Policy: Historical Review and Analysis*, despite repeating Sloan and Davies' mistakes, and introducing at least one of his own, provides useful information regarding the volume of raw logs exported each year, based on information given in BC government reports.<sup>45</sup> Although the accuracy of these figures is questionable, they are the best available. Christine Lane's *Log Export and Import Restrictions of the U.S. Pacific Northwest and British Columbia: Past and Present* might accurately describe log export controls implemented by the United States, but it introduces even more errors into the Canadian timeline and should be disregarded.<sup>46</sup> In an attempt to "set the story straight" regarding regulatory developments, a legislative timeline has been included with this thesis.

The historians referenced here all believe that the ability of government to regulate the forest industry is limited by its reliance on revenues derived from it and the "regulatory capture" that happens when government bodies assigned to regulate an industry, come to understand their role to be the furtherance of industry goals, rather than the protection of the resource for future generations. Though not all the historians addressed raw log exports directly, the system they all

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<sup>45</sup> BC did not establish "a tax on logs exported from British Columbia" in 1888 as Shinn states on page 4; Shinn, *British Columbia Log Export Policy*, 46-51.

<sup>46</sup> For example, BC's attempts to regulate the export of Crown granted logs was declared ultra vires in 1929, not 1926; Christine Lane, *Log Export and Import Restrictions of the U.S. Pacific Northwest and British Columbia: Past and Present* (Portland, OR: U.S. Department of Agriculture, 1998), 39, <https://doi.org/10.2737/PNW-GTR-436>.

describe is what allowed exports to continue despite public opposition. In fact, as Nelles shows, government could only regulate raw log exports to the degree that they did because industry could not agree whether it was in favour of, or opposed to them. Given the lack of industry consensus, British Columbia developed a regulatory system which both prohibited and allowed log exports in an attempt to please everyone. The demands of capital were a powerful counter to public opinion. There was no golden age which saw a principled government guarding the public's interests, no matter the cost. Policy was driven by little more than political expediency and a desire to satisfy competing sectors within the forest industry while extracting as much wealth as quickly as possible from it.

## Chapter 2 - Tenure

The bewildering mixture of forest tenures now prevailing in the Province defies easy summary; yet a clear understanding of the systems of rights now in use and of their relation to each other is fundamental to a public policy review. [...] It is not possible in a paper such as this to explain all the terms and conditions of forest tenures in exhaustive detail, for that would almost require a separate review of each contractual right.<sup>47</sup>

The right to cut down trees and sell or process them is referred to as “tenure.” There were five main types of tenure during the period under consideration: Crown grants, timber leases, timber licences, hand-logger’s licences, and timber sales.<sup>48</sup> Tenure is complicated, in part because, as Gillis and Roach note, “successive governments could not resist tinkering with the terms.”<sup>49</sup> Tenure is relevant to log exports because each type of tenure treated log exports differently. The amount of timber harvested from each type of tenure between 1934 and 1943 is shown in the chart below, which was published in the 1945 report of BC’s second Royal Commission relating to forestry, known as the “Sloan Commission,” after Commissioner Gordon Sloan.<sup>50</sup> Regarding tenure, Sloan wrote that, “the subject of log exports demands some understanding of the various forest tenures of the Province.”<sup>51</sup>

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<sup>47</sup> Peter Pearse, *Forest Tenures in British Columbia*, 2nd ed. (Victoria: Task Force on Crown Timber Disposal, 1974), iii, <https://n2t.net/ark:/13960/s20dxvfn1q>.

<sup>48</sup> “Licence” and “license” were used interchangeably by government, industry, and the press during this period. For consistency, this thesis uses “licence” except when quoting materials that use “license.”

<sup>49</sup> Gillis and Roach, *Lost Initiatives*, 135.

<sup>50</sup> Sloan headed another Royal Commission related to BC forestry in 1956.

<sup>51</sup> Sloan, *Report of the Commissioner*, 17.

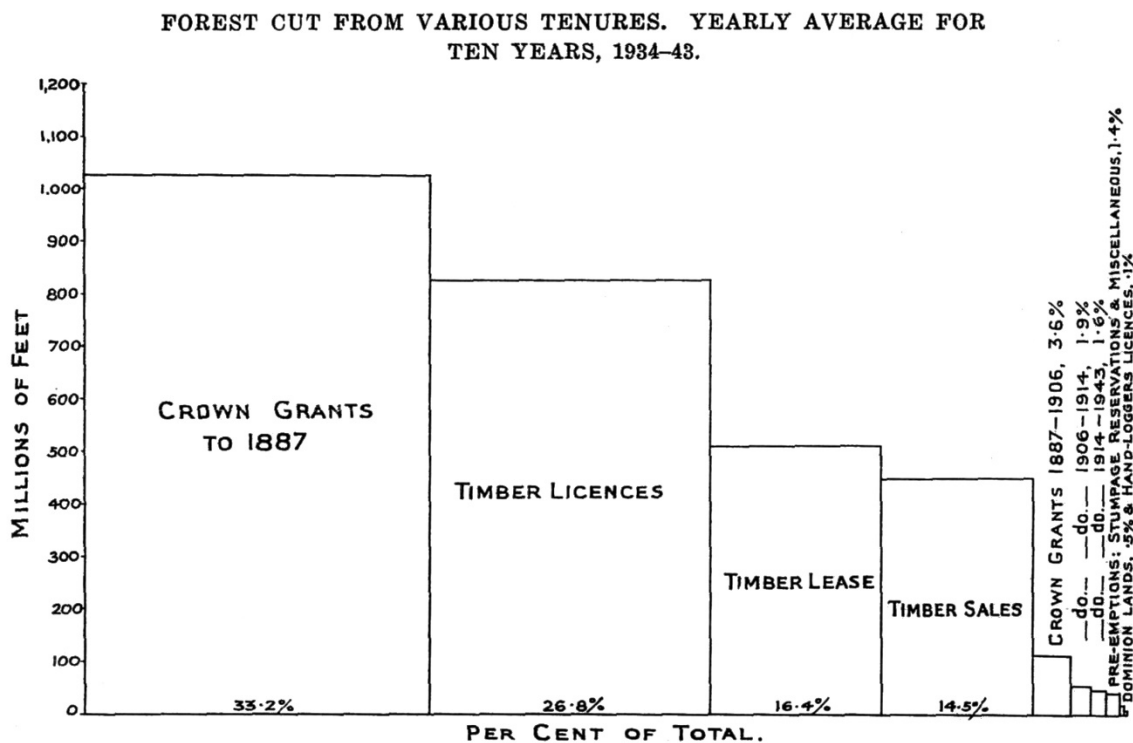


Figure 1. "Forest Cut from Various Tenures," Gordon Sloan, *Report of the Commissioner Relating to the Forest Resources of British Columbia* (Victoria: King's Printer, 1945), 82.

The first type of tenure, the Crown grant, resulted from the sale or transfer of land from the government to individuals, companies, or other governments, and dates back to at least 1859, when British Columbia colonial governor James Douglas issued a proclamation claiming ownership of all the land in the colony for the Crown and outlining terms for its sale. The proclamation made clear that "unless otherwise specially announced at the time of sale, the conveyance of the land shall include all trees."<sup>52</sup> Under this form of tenure government received little benefit other than the initial payment.<sup>53</sup> Privately held land is more difficult for the government to control and tax, since

<sup>52</sup> James Douglas, "Proclamation, 14 February 1859," University of British Columbia Open Collections, <https://doi.org/10.14288/1.0370690>; Robert Edgar Cail, *Land, Man and the Law: The Disposal of Crown Lands in British Columbia, 1871-1913* (Vancouver: UBC Press, 1974), 92, <https://doi.org/10.14288/1.0380460>.

<sup>53</sup> Gillis and Roach, *Lost Initiatives*, 131.

the province's culture and legal system hold private property rights as a powerful counter to the rights of the state. Crown grants had drawbacks for the purchaser as well. Early loggers wanted the trees on the land more than the land itself and, having cut the timber, had little desire to retain the much-devalued property.<sup>54</sup> The province regularly used Crown grants to pay for the construction of railways. The two most significant grants were issued to the Canadian government as part of British Columbia's entry into Confederation. One, often called "the Railway Belt," was to help build the Canadian Pacific Railway (CPR). The other, referred to as "the E&N Grant," was for the Esquimalt and Nanaimo (E&N) Railway on Vancouver Island. The E&N Grant was quickly transferred by the federal government to the E&N railway, but Canada retained control of the Railway Belt until it was transferred back to BC in 1930.<sup>55</sup> Canada issued a form of tenure called "timber berths." For the purposes of this discussion, the most significant difference between timber berths, and provincial forms of tenure issued prior to 1901, was that logs cut from timber berths were generally not exportable, except for an eighteen-month period around the start of the twentieth-century that resulted from an administrative oversight.<sup>56</sup> Canada also controlled the trees found on First Nation reserves in British Columbia. Although these reserve forests were, of course,

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<sup>54</sup> Gillis and Roach, *Lost Initiatives*, 131.

<sup>55</sup> Peter Pearse, *Crown Charges for Early Timber Rights: Royalties and Other Levies for Harvesting Rights on Timber Leases, Licences and Berths in British Columbia* (Victoria: Task Force on Crown Timber Disposal, 1974), 60, <https://n2t.net/ark:/13960/s2mkhkrpdkc>.

<sup>56</sup> Pearse, *Crown Charges for Early Timber Rights*, 60; Pearse, *Forest Tenures in British Columbia*, 38-39; Canada, "An Act Respecting the Public Lands of the Dominion," in *Statutes of Canada* [1872] (Ottawa: King's Printer, 1872), 72, [https://www.canadiana.ca/view/oocihm.9\\_08050\\_5](https://www.canadiana.ca/view/oocihm.9_08050_5); Library and Archives Canada, RG2, Privy Council, Order-in-Council 1881-1516, 11 November 1881; Library and Archives Canada, RG2, Privy Council, Order-in-Council 1898-1734, 1 July 1898; "Timber Regulations," *Canada Lumberman* vol. 21, no. 10 (October 1901), 5; Library and Archives Canada, RG2, Privy Council, Order-in-Council 1901-1519, 30 July 1901.

important to people living there, they were not a significant part of the forest industry in BC, as noted by an Indian Affairs official who wrote that: “the number of Indian Reserves in the Province is large, but only on a limited number is there any considerable quantity of timber.”<sup>57</sup>

As the economy grew following Confederation and the arrival of the CPR, the British Columbia government began to recognize the value of the timber that Crown land contained, and it altered the terms of Crown grants. On 7 April 1887 an amendment to the *Land Act* made two important changes.<sup>58</sup> The first required that all purchasers of Crown land make a declaration that it was not chiefly valuable for timber. This signaled the province’s intention to stop the sale of forest land. Historian Robert Cail notes that it was difficult to enforce this restriction due to both a lack of administrative staff, and public indifference, but, the province did ultimately manage to retain control of all but four percent of the province.<sup>59</sup> The second change ended the inclusion of timber in Crown grants. After this date, “all timber upon the land” was reserved for the Crown, meaning that ownership of that timber would be retained by the government, and not transferred with the sale.<sup>60</sup> Unfortunately, Crown grants predating this amendment contained vast timber resources.

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<sup>57</sup> Library and Archives Canada, RG10, Department of Indian Affairs, vol. 7851, file 30150-1 part 1, Letter to J.H. King, Minister of Health, Ottawa, 5 January 1929, reel C-12120.

<sup>58</sup> British Columbia, “An Act to Amend the Land Act, 1884,” in *Statutes of the Province of British Columbia* [1887] (Victoria: Government Printer, [1887]), 45, <https://heinonline.org>.

<sup>59</sup> Robert Edgar Cail, *Land, Man and the Law: The Disposal of Crown Lands in British Columbia, 1871-1913* (Vancouver: UBC Press, 1974), 93-95, <https://doi.org/10.14288/1.0380460>, although Cail dates the first attempt to end the sale of forest land to 1884, an examination of his source – British Columbia, “An Act to Amend and Consolidate the Laws Affecting Crown Lands in British Columbia,” in *Statutes of the Province of British Columbia* [1884] (Victoria: Government Printing Office, 1884), 71-97, <https://heinonline.org> – reveals that he is mistaken and that this restriction was introduced in 1887; Cail, *Land, Man, and the Law*, 106; Michael Begg, “Legislating British Columbia: A History of B.C. Land Law, 1858-1978” (MA thesis, University of British Columbia, 2007), 71, <https://dx.doi.org/10.14288/1.0077736>.

<sup>60</sup> British Columbia, “An Act to Amend the Land Act, 1884,” 45.

Sloan's 1945 Royal Commission report revealed that between 1934 and 1943, these Crown grants accounted for 33.2 percent of the timber cut in the province. In return for that 33.2 percent the government received a pittance in property taxes, while the other 67.8 percent provided over \$3,000,000 annually in fees and royalties for the public purse.<sup>61</sup>

Another form of tenure was the timber lease. This instrument had been introduced in the colonies of Vancouver Island and British Columbia before they were merged in 1866, and was continued when the united colony became a part of Canada. Timber leases were available to "any person, persons, or corporation duly authorized in that behalf, for the purpose of cutting spars, timber, or lumber, and actually engaged in those pursuits, subject to such rent, terms, and provisions, as shall seem expedient."<sup>62</sup> Between 1901 and 1903, leases were available for harvesting pulpwood as well.<sup>63</sup> The requirement that the lessee be "actually engaged in those pursuits" was designed to thwart speculators.<sup>64</sup> Requirements for construction and operation of a sawmill were included in the terms of these early leases, which could be for large areas of land. For example, the Moodyville Saw-Mill Company at Burrard Inlet leased 11,410 acres for twenty-one years in 1870

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<sup>61</sup> Sloan, *Report of the Commissioner*, 82.

<sup>62</sup> British Columbia, "No. 144. An Ordinance to Amend and Consolidate the Laws Affecting Crown Lands in British Columbia," in *The Laws of British Columbia Consisting of the Acts, Ordinances, & Proclamations of the Formerly Separate Colonies of Vancouver Island and British Columbia, and of the United Colony of British Columbia* (Victoria: Government Printing Office, 1871), 537, <https://dx.doi.org/10.14288/1.0222199>; Gillis and Roach, *Lost Initiatives*, 131, Gillis and Roach refer to "annually renewable leases," however the leases were not required to be renewed annually.

<sup>63</sup> British Columbia, "An Act to Amend the Land Act," in *Statutes of the Province of British Columbia* [1901] (Victoria: King's Printer, 1901), 137-142, <https://heinonline.org>; British Columbia, "Land Act Amendment Act, 1903," in *Statutes of the Province of British Columbia* [1903] (Victoria: King's Printer, 1903), 189-196, <https://heinonline.org>.

<sup>64</sup> Cail, *Land, Man, and the Law*, 95.

and a further 10,162 acres for the same length of time in 1875.<sup>65</sup> Leasing land was significantly cheaper than buying it. In 1873 the average price of an acre of Crown land sold at auction was \$1.09 while the annual rental rate included in leases averaged one cent per acre.<sup>66</sup> Leases were made even cheaper by the government's indifference to collecting these rents. In 1876 the total leased area was 29,413 acres, but the rental fees collected totaled just \$52.27, or .0177 cents per acre.<sup>67</sup> There was a marginal improvement in 1878. With 64,749 acres leased, the government managed to collect \$175.83 in rent, raising its per acre income to just over 2/10ths of a cent per acre, approximately one fifth of what was owed.<sup>68</sup> Although the leases were subject to forfeiture if rents were not paid, the government took no action. From the start then, the forest industry did largely as it pleased, and governments enforced the rules only when pressured by opposing politicians, or publicly embarrassed by open defiance of the law. This one-sided relationship continued throughout the period examined by this thesis.

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<sup>65</sup> British Columbia, "Return of Timber Leases," in *Sessional Papers* [British Columbia, 1876] (Victoria: Government Printer, 1876), 706, <https://doi.org/10.14288/1.0060164>; British Columbia, "An Act to Amend the Land Act, 1884," in *Statutes of the Province of British Columbia* [1888] (Victoria: Government Printer, [1888]), 46, <https://heinonline.org>; British Columbia, *Report of the Chief Commissioner of Lands and Works of the Province of British Columbia for the Year Ending 31st December, 1889* (Victoria: Government Printer, 1890), 172, <https://doi.org/10.14288/1.0065788>.

<sup>66</sup> British Columbia, *Report of the Chief Commissioner of Lands and Works of the Province of British Columbia from the 1st Day of January to the 30th Day of November, 1873* (Victoria: Government Printer, 1873), 66, <https://hdl.handle.net/2027/nyp.33433014113454>.

<sup>67</sup> British Columbia, "Return of Timber Leases," in *Sessional Papers* [British Columbia, 1878] (Victoria: Government Printer, 1878) 627, <https://doi.org/10.14288/1.0060181>; Cail, *Land, Man, and the Law*, 98.

<sup>68</sup> British Columbia, "Timber Leases," in *Sessional Papers* [British Columbia, 1879] (Victoria: Government Printer, 1879), 393, <https://doi.org/10.14288/1.0061180>; Cail, *Land, Man, and the Law*, 98.

The government's bargaining position may have been undermined by the lack of interest in timber leases. In 1876 there were only eight in effect, the four largest overshadowing the others.<sup>69</sup> A committee of MLAs recommended lowering the barrier to entry for timber leases, noting that since the *Land Act* required that lessees already be engaged in the business, it was difficult for new entrants to qualify.<sup>70</sup> Seeking to broaden participation in the industry, in 1884 the government introduced timber licences, a third form of tenure.<sup>71</sup> For the purposes of this discussion, it is not necessary to examine the complex evolution of these licences in depth, except to note their more significant features. They did not require the licensee to operate a sawmill, were for smaller areas of land than timber leases, were valid for shorter periods of time, initially restricted individual holdings to a single licence, and were non-transferable. In 1905 the Conservative government of Richard McBride changed the terms of these licences radically in an effort to make them more attractive to investors. A detailed discussion of these changes will follow in a later section. The first licences offered were known as general licences, later renamed special timber licences to distinguish them from a fourth type of tenure, hand-logger's licences. This type of tenure, introduced in an 1888 amendment to the *Land Act*, were intended for use by individuals working alone, equipped only with hand tools. The amendment stated that they were "personal, and shall only grant

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<sup>69</sup> British Columbia, "Return of Timber Leases," in *Sessional Papers* [British Columbia, 1876] (Victoria: Government Printer, 1876), 706, <https://doi.org/10.14288/1.0060164>.

<sup>70</sup> British Columbia, "Report of Select Committee - Timber Leases," in *Sessional Papers* [British Columbia, 1876] (Victoria: Government Printer, 1876), 739, <https://doi.org/10.14288/1.0060403>; Cail, *Land, Man, and the Law*, 100.

<sup>71</sup> British Columbia, "An Act Relating to the Cutting of Timber upon the Provincial Lands, and for the Purpose of Deriving a Revenue Therefrom," in *Statutes of the Province of British Columbia* [1884] (Victoria: Government Printing Office, 1884), 173-177. <https://heinonline.org>; Cail, *Land, Man, and the Law*, 100.

authority to the person named therein to cut timber” but hand-logging quickly evolved into a type of sharecropping system which saw mills pay licence fees for, and equip, loggers who then cut for them under contract.<sup>72</sup> Hak writes:

Hand-loggers were tied to the sawmills. Mills provisioned hand-logger outfits and guaranteed to take their logs...sawmills often paid the [hand-loggers'] licence fee. Hand-loggers, then, were not independent entrepreneurs, but rather employees roaming the coastal shores in search of small pockets of good, accessible, unclaimed Crown timber.<sup>73</sup>

As we shall see, the hand-logger's licences would become increasingly problematic for the government in the early twentieth century.

By 1910, BC had sold the cutting-rights to vast areas of its forest. Nearly 20,000,000 acres were covered by a mix of Crown grants, timber leases, and timber licences.<sup>74</sup> So much tenure had been doled out that the government had stopped issuing new leases and licences in 1905 and 1907 respectively. Nevertheless, 1912's *Forest Act* introduced yet another type of tenure: timber sales.

There were a number of justifications given for this decision. The first was that there were pieces of forest “adjoining existing leaseholds or timber limits” that had not yet been taken up due to the piecemeal way in which the land had initially been divided.<sup>75</sup> The forest industry felt that they should be given the timber on these parcels of land for free, and, to avoid that, the government proposed that

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<sup>72</sup> British Columbia, “An Act to Amend the Land Act, 1884,” in *Statutes of the Province of British Columbia* [1888] (Victoria: Government Printer, [1888]), 49, <https://heinonline.org>.

<sup>73</sup> Hak, *Turning Trees into Dollars*, 98.

<sup>74</sup> Fred J. Fulton, A.S. Goodeve, and A.C. Flumerfelt, *Final Report of the Royal Commission of Inquiry on Timber and Forestry 1909-1910*, (Victoria: King's Printer, 1910), D23-D27, <https://doi.org/10.14288/1.0064435>.

<sup>75</sup> Fulton, *Final Report of the Royal Commission*, D55

the cutting-rights be sold.<sup>76</sup> The second justification given was that the speculative purchase of timber licences had resulted in many of them being held by “non-operators.” In order to prevent these non-operators from combining their licences and creating monopoly conditions in the forest industry, it was suggested that it might become “expedient to throw areas of Reserve timber onto the market.” If that wasn’t convincing enough, it was suggested that “valid reasons might thus come into existence, from time to time, for the alienation of timber standing in the present Reserve.”<sup>77</sup> It’s difficult to imagine a more vague justification than “valid reasons,” but nobody challenged it, so the timber sale idea was approved. One thing that did not motivate the government to create timber sales was increasing the government’s share of forest revenues. Rather than use public auctions to sell this new type of tenure, as was done for forests managed by Canada, the United States, and Ontario, British Columbia chose to use a system of sealed bids, despite evidence which showed that public auctions returned greater government revenues.<sup>78</sup> As Marris pointed out: “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.”<sup>79</sup>

Tenure, as Commissioner Sloan ruefully notes, is “somewhat complicated and difficult to understand.”<sup>80</sup> What’s not difficult to understand, however, is that successive BC governments sold

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<sup>76</sup> Marris, “Pretty Sleek and Fat,” 81.

<sup>77</sup> Fulton, *Final Report of the Royal Commission*, D55

<sup>78</sup> Marris, “Pretty Sleek and Fat,” 93; H.N. Whitford and Roland D. Craig, *Forests of British Columbia* (Ottawa: Commission of Conservation Canada, 1918), 105-106, <https://n2t.net/ark:/13960/t6j11m862>

<sup>79</sup> Marris, “Pretty Sleek and Fat,” 93.

<sup>80</sup> Sloan, *Report of the Commissioner*, 86.

the rights to the province's forests on industry-friendly terms in order to maintain the steady stream of forestry-related revenues that they relied on. Government believed that its interests were aligned with those of the forest industry, and, for the most part, bowed to industry demands when dealing with regulatory issues such as tenure.

### Chapter 3 - Original Sins: The E&N Grant and Special Timber Licences

The subject of log exports also demands some understanding of two significant events in the history of British Columbia which undermined forest policy almost from the start. The first, mentioned earlier in our discussion regarding tenure, was the great land giveaway known as the E&N Grant. The second was the speculative timber licencing rush that Premier Richard McBride's Conservative government unleashed between 1905 and 1907. Both were controversial solutions to the same problem. British Columbia was broke. Late nineteenth and early twentieth century governments in BC ran structural deficits that could be not overcome. These financial challenges dated to the colonial period when the area was governed by the Hudson's Bay Company. Very little of the profit from the lucrative fur trade had been reinvested in the colony. Nor was the British government willing to invest in developing its remote possessions. Historian Jay Sherwood explains:

Although Britain had established the colonies and professed interest in her possessions, she gave little assistance to [British Columbia governor James Douglas], for Britain did not want to assume the colonies' financial burdens.<sup>81</sup>

British Columbia's other great resource bounty in the mid-nineteenth century came from Fraser River gold rushes. Between 1858 and 1864, approximately \$17.5 million worth of the

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<sup>81</sup> Jay Allen Sherwood, "A Political and Economic History of British Columbia 1871-1903," (MA thesis, University of Montana, 1976) 4-7, <https://scholarworks.umt.edu/etd/5143>

precious metal was mined. Unfortunately, almost all of it also left the colony.<sup>82</sup> As historian Jean Barman wrote, “British Columbia started life with a massive debt and falling revenues.”<sup>83</sup>

Confederation presented a solution to province’s financial woes: “the light from the east offered immediate relief,” Joseph Roberts observed in 1937.<sup>84</sup> Canada agreed to assume responsibility for BC’s \$1,045,000 debt, and when federal negotiators sweetened the offer to include a railway link to the other Canadian provinces, the impoverished colony couldn’t resist.<sup>85</sup> All BC had to do was give Canada a swath of land extending twenty miles on each side of the railway’s route to help offset the cost of the railway’s construction. Land was something that the future province had plenty of. Nearly three times the size of the United Kingdom, the area’s population was just 36,000, of whom roughly 28,000 were First Nations.<sup>86</sup> British Columbia joined Canada on 20 July 1871 but the honeymoon was short-lived and soon the province and the federal government were fighting about the railroad. Most British Columbians expected the Canadian Pacific Railway (CPR) to terminate in Victoria by following a route out of the coastal mountains through Bute Inlet, crossing Seymour Narrows to Vancouver Island, then proceeding south to the province’s capital. However, it was much easier and cheaper to terminate the railway in Burrard Inlet on the mainland. After much political wrangling a solution was found. The CPR would not extend to

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<sup>82</sup> Sherwood, “A Political and Economic History,” 4-7.

<sup>83</sup> Jean Barman, *The West Beyond the West: A History of British Columbia*, 3rd ed. (Toronto: University of Toronto Press, 2007 [1991]), 96.

<sup>84</sup> Joseph Roberts, “The Origins of the Esquimalt and Nanaimo Railway: A Problem in British Columbia Politics,” (MA thesis, University of British Columbia, 1937), 10, <https://doi.org/10.14288/1.0105546>.

<sup>85</sup> Margaret A. Ormsby, *British Columbia: A History* (Macmillan of Canada, 1958), 247, 245, <https://n2t.net/ark:/13960/t4xh7fm4g>.

<sup>86</sup> Barman, *The West Beyond the West*, 429.

Victoria, but a railway would be built on Vancouver Island between Esquimalt and Nanaimo. BC would provide a grant of land to help fund the project. Prominent BC coal baron Robert Dunsmuir was chosen to build the railway, and the federal government agreed to transfer the E&N Railway

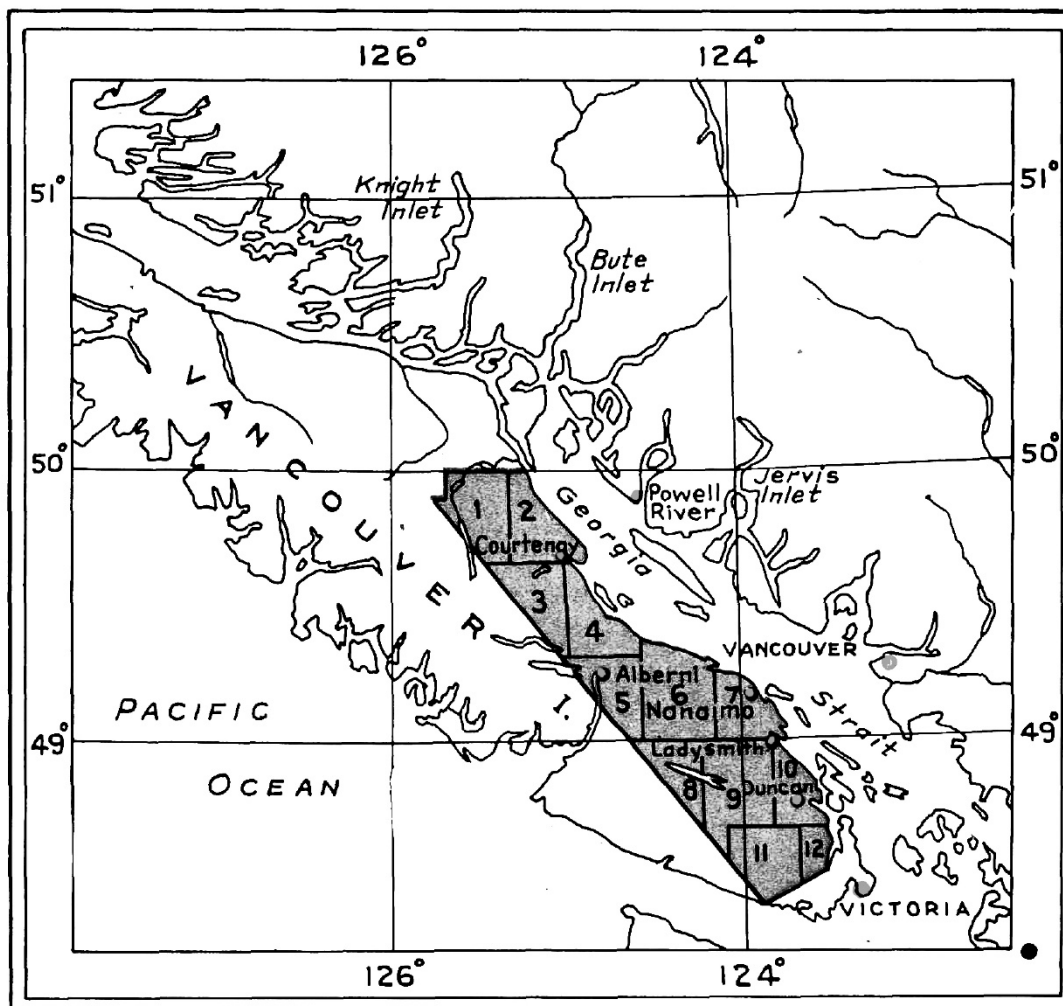


Figure 2. "The Esquimalt & Nanaimo Land Grant," Gordon Sloan, *Report of the Commissioner Relating to the Forest Resources of British Columbia* (Victoria: King's Printer, 1945), 181.

Grant, and all its resources, to him upon its completion.<sup>87</sup> In 1972's *The Rush for Spoils: The Company*

*Province 1871-1933*, Martin Robin describes the "virtuoso skills at bribery" wielded by Dunsmuir and

<sup>87</sup> Donald F. MacLachlan, *The Esquimalt & Nanaimo Railway, the Dunsmuir Years: 1884-1905* (B.C. Railway Historical Association, 1986), 53.

his partners that enabled the extraction of “huge concessions for a song” from the provincial treasury. The company received approximately 2,000,000 acres of the province’s best timber land as well as \$750,000 in return for constructing seventy-eight miles of railway.<sup>88</sup> Though he does not use the phrase “client state,” Martin is clearly describing one. According to Sloan, this grant contained “some of the finest Douglas fir stands on this continent.”<sup>89</sup> Dunsmuir was more interested in the land’s coal than trees, and eagerly sold portions of the grant to those with money to spend.

By 1905, when the CPR acquired the E&N Railway, six hundred thousand acres of the original grant had been sold off, much of it to forestry concerns like the Victoria Lumber and Manufacturing Company, an American-controlled firm based in Chemainus, BC.<sup>90</sup> Lumbermen taking timber from land that had formerly been part of the E&N Railway Grant made it more difficult for the government to regulate forestry on Crown land, since these regulations were viewed as unfair by timber lease or licence holders who gazed covetously at the freedom with which those possessing Crown granted land operated.

The next significant challenge also rose out of British Columbia’s continued financial difficulties. Despite the initial financial benefits of Confederation, by the early twentieth century the

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<sup>88</sup> Martin Robin, *The Rush for Spoils: The Company Province 1871-1933* (Toronto: McClelland and Stewart, 1972), 22. <https://n2t.net/ark:/13960/t5hb7766d>; What became known as the E&N Grant actually consists of four separate grants made between 1884 and 1925, but for the purposes of this thesis, they are discussed as one entity, as the later grants were made in compensation for complications which affected the fulfilment of the initial agreement – see W.A. Taylor, *Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, the Railway Belt and the Peace River Block* 4th ed. (Victoria: Government of British Columbia, 1997 [1975]).

<sup>89</sup> Sloan, *Report of the Commissioner*, 87.

<sup>90</sup> MacLachlan, *The Esquimalt & Nanaimo Railway*, 53; Fred W. Field, “Capital Investments in Canada,” *Monetary Times* vol. 46, no. 20 (20 May 1911), 2012.

province again faced financial crisis. In 1904, the government was so deeply in debt that banks refused to loan it any more money.<sup>91</sup> Conservative premier Richard McBride found a solution by updating forest policy to increase revenues. 1905's *Land Act* amendment made several significant changes to special timber licence terms that increased their appeal to investors. The new policy removed restrictions on the number of licences one person could hold, made them transferable, and made them renewable for up to 21 years.<sup>92</sup> Sales increased rapidly, both to speculators and to lumbermen looking to secure forest land as timber in eastern North America neared exhaustion.

In a 1907 article titled "Selling Our Birthright," the *Canada Lumberman & Woodworker* reported that:

More than once our attention has been drawn to the fact that desirable timber lands in Canada, when advertised for sale, are almost invariably snapped up by enterprising Americans... We endeavored to discover where these American enquiries originated and were not surprised to learn that they came largely from the States of Michigan, Wisconsin and Minnesota, a territory where timber is becoming extremely scarce, and which for years has been one of the busiest of American lumbering centres. Lumbermen there realize that the time must ere long arrive when the buzz of the saw will be silent in the land, and agriculture and commerce will have displaced entirely the great tracts of forest which once were. In anticipation of this, the far-sighted lumberman is casting about for a future field of operations. Today British Columbia is being overrun with American "speculators," as they are called; in reality shrewd, far-sighted business men, capable of anticipating the future of an industry which must grow with the advance of commerce and the adoption of correct methods of reforestation.<sup>93</sup>

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<sup>91</sup> Abraham E. Smith, "Financial Stringency in British Columbia," *Consular Reports* no. 283 (April 1904): 194.

<sup>92</sup> British Columbia, "Land Act Amendment Act, 1905," in *Statutes of the Province of British Columbia* [1905] (Victoria: King's Printer, 1905), 183-186, <https://heinonline.org>; Hak, *Turning Trees into Dollars*, 102.

<sup>93</sup> "Selling Our Birth Right," *Canada Lumberman & Woodworker* vol. 27, no. 10 (October 1907), 20.

Between 1905 and the end of 1907 money poured in. The number of special timber licences skyrocketed from 1,451 to 17,700, covering nearly 9,000,000 acres of land.<sup>94</sup> The market was so frenzied that even the government had no idea exactly how many licences had been sold.<sup>95</sup> On 23 December 1907, public pressure, and the fact that most of the forest land worth getting had now been gotten, caused the government to issue an Order-in-Council canceling the party and halting the issuance of these licences.<sup>96</sup> British Columbia's immediate financial problems had been solved. Looking back several years later, Price Ellison, BC's Chief Commissioner of Lands and Works, boasted of the growth in government revenues during the preceding decade:

In 1900 there were cut from licensed lands, leased lands and Crown granted lands in the province, 250,647,493 feet; in 1909 - a space of but nine years having elapsed - this has grown to the enormous total of 579,310,960 feet. In 1900 the total revenue from timber was \$145,766, being nine percent of the revenue of the whole province; while in 1909 the total revenue from this great asset of timber was \$2,343,907, or 43 percent of the entire revenue of the province. During the same period the total acreage under license showed a growth from 143,000 in 1900 to 9,500,000 acres in 1909.<sup>97</sup>

Although fiscal catastrophe had been averted, a new problem loomed. A powerful lobby group, the British Columbia Timber and Forestry Chamber of Commerce, was formed on 27 November 1907

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<sup>94</sup> British Columbia, *Report of the Minister of Public Works of the Province of British Columbia for the Fiscal Year 1908-09* (Victoria: King's Printer, 1910), 56, <https://doi.org/10.14288/1.0064348>; Whitford and Craig, *Forests of British Columbia*, 90; Richard Rajala, "Streams Being Ruined from a Salmon Producing Standpoint: Clearcutting, Fish Habitat, and Forest Regulation in British Columbia, 1900-45," *BC Studies* no. 176 (Winter 2012/13): 106, <https://doi.org/10.14288/bcs.v0i176.182928>; Hak, *Turning Trees into Dollars*, 106.

<sup>95</sup> Fulton, *Final Report of the Royal Commission*, D28.

<sup>96</sup> British Columbia, Order-in-Council 1907-0901, 23 December 1907, <https://www.bclaws.ca>; Hak, *Turning Trees into Dollars*, 109-110.

<sup>97</sup> "Discussion of B.C.'s Timber Bill," *Canada Lumberman & Woodworker* vol. 30, no. 6 (15 March 1910), 29.

to advocate on behalf of “owners of timber lands.”<sup>98</sup> This group included those holding Crown grants, as well as those holding timber licences, who now saw themselves as owners rather than tenants. They proved adept at wresting industry-friendly concessions from government.

The E&N Railway Grant and the 1905-07 licencing bonanza made an enormous amount of timber available for harvest. This increased demands for the right to export logs, since other than flipping special timber licences for a speculative profit, cutting trees was the only way to realize a return on these investments. The E&N timber could be cut at its owners’ pleasure, and, as Gray notes, “the Conservatives’ timber allocation policy had facilitated overcapitalization of licenced timberlands, putting tremendous pressure on a rather limited log market.”<sup>99</sup> If the local market was limited, then the only other option was to gain access to the export market.

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<sup>98</sup> “Owners of Timber Lands to Gather,” *Vancouver Daily Province*, 27 November 1901, 13; Hak, *Turning Trees into Dollars*, 109; “Timber Owners Will Present Petition,” *Vancouver Daily Province*, 11 December 1907, 1.

<sup>99</sup> Gray, “Forest Policy and Administration,” 151.

#### Chapter 4 - Public Quarrels: James Emerson and Early Attempts at Regulation

A whirlwind of official activity on the part of the Lands and Works Department centred over Broughton Island the latter part of last week, and the tugs, logging plants, camp equipment and log booms of Mr. J.S. Emerson, logger of this city, became mixed up in the vortex. Everything he owned was seized by the Government. Today Mr. Emerson is busily scanning the landscape from his balloon, and between looks trying to throw out an anchor to steady himself and his property in the face of the hurricane of official displeasure. He is dangling his landhook with the expectation of anchoring on the Courthouse this afternoon, and if successful, an application for the release of the seized property will be made today, the usual bonds being offered to secure the Government in its case.<sup>100</sup>

The first decade of raw log export controls in British Columbia was defined by a very public battle between a logger named James Emerson and the provincial government. Emerson took advantage of regulatory loopholes to export his logs and challenged officials to try to stop him. Ironically, Emerson was responsible for strengthening the laws he was fighting against, as he forced a reluctant government to fix the legislative flaws he pointed out.

Provincial restrictions on the export of logs began to appear in Canada near the end of the nineteenth century. At that time, a number of developments were becoming clearly understood by forest industry observers. The first was that the timber supplies of the Northeastern United States were nearing exhaustion. Production in Maine declined after 1840, followed by New York and Pennsylvania in 1850 and 1860 respectively.<sup>101</sup> Michigan's output peaked in 1892 and lumbermen there looked north across the border in search of new trees to feed their mills. The *New York Times*

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<sup>100</sup> "Steamers, Logs, Engines and Gear Under Seizure," *Vancouver Daily Province*, 6 November 1905, 1.

<sup>101</sup> Nelson Courtlandt Brown, *The American Lumber Industry* (New York: John Wiley & Sons, Inc., 1923), 258. <https://hdl.handle.net/2027/mdp.39015006894920>

reported early in 1898 that Americans had purchased “4,000 square miles of timber territory” in Ontario and planned to send the logs south for processing.<sup>102</sup> The *Philadelphia Enquirer* described how the “liberal laws of Canada” allowed US citizens to secure access to “literally thousands of square miles” of forest in Ontario and Quebec, adding that logs harvested there were “conveyed across the lakes in large rafts for manufacture in the United States.”<sup>103</sup> Canadians were well aware of the situation and the *Canada Lumberman* called for action, noting that “a number of [American] mill owners had cut out their holdings of pine, had purchased standing timber in Canada, and were floating over large quantities of logs to supply their mills.”<sup>104</sup>

It was also clear that the United States’ desire for Canadian logs was matched by its hostility to Canadian lumber. Under the terms of the Dingley Tariff, enacted by Republican president William McKinley on 24 July 1897, Canadian logs entered the US duty free, but lumber and other manufactured wood products faced import duties that even Americans described as “almost prohibitory.”<sup>105</sup> The *Detroit Tribune*, in an article reprinted by Toronto’s *Globe* newspaper, warned that the American protectionists had “carried this business farther than good sagacity would warrant,” adding that the tariff “practically [prevents] the Canadians from manufacturing their own natural product on their own soil, for if the Canadians are excluded from our markets their

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<sup>102</sup> “Canada and the Log Trade,” *New York Times*, 9 January 1898, 1.

<sup>103</sup> “Canadian Trade,” *Philadelphia Inquirer*, 2 October 1898, 25.

<sup>104</sup> “The Outlook for Lumbermen in Ontario,” *Canada Lumberman* vol. 19, no. 2 (February 1898), 8.

<sup>105</sup> Lower, *The North American Assault*, 156-157; Nelles, *The Politics of Development*, 66-67; “Canadian Trade,” *Philadelphia Inquirer*, 2 October 1898, 25.

manufacture is largely destroyed.”<sup>106</sup> In its own editorial, the *Globe* complained that becoming “hewers of wood and diggers of the ground for the North American continent is an idea that naturally does not commend itself to the Canadian mind.”<sup>107</sup> Adding insult to injury, American wood products, including lumber, were allowed to enter Canada duty free. Ontario lumbermen, reporting that “some of the largest mill-owners have already closed down their mills and are selling logs to Michigan buyers,” begged the Canadian government to either impose an import duty on American lumber, an export duty on logs, or restrict the export of logs entirely.<sup>108</sup> Their arguments fell on deaf ears.

In Ottawa, the Liberal government of Sir Wilfrid Laurier was reluctant to act. Laurier wanted to liberalize, not restrict, cross-border trade. Canadian settlers in the North-West Territories enjoyed the benefits of cheap US lumber.<sup>109</sup> In addition, the Dingley Tariff contained a “retaliatory clause,” which increased the import duty on Canadian lumber by the amount of any export duty that Canada imposed on logs, making that option counter-productive.<sup>110</sup> Although the federal government “adopted a sympathetic posture” and promised assistance, the safest course was to do nothing, and so nothing was done.<sup>111</sup>

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<sup>106</sup> “The Lumber Question,” *Globe* (Toronto), 29 August 1898, 4.

<sup>107</sup> “A Canadian Policy,” *Globe* (Toronto), 1 September 1898, 6.

<sup>108</sup> “Lumbermen Again in Session,” *Canada Lumberman* vol. 18, no. 11 (November 1897), 3-10.

<sup>109</sup> “The Lumber Trade,” *Vancouver Daily World*, 14 April 1898, 6.

<sup>110</sup> James Elliott Defebaugh, *History of the Lumber Industry of America* [vol. 1] (Chicago: American Lumberman, 1906), 457-458. <https://n2t.net/ark:/13960/t22b8zg1s>

<sup>111</sup> Nelles, *The Politics of Development*, 68.

Frustrated, the Ontario lumbermen turned next to their provincial government. However, as noted earlier, Premier Arthur Hardy's government did not want to impose export restrictions, despite vowing publicly to "protect Canadian industry and workmen against American aggression".<sup>112</sup> Putting aside its misgivings, Hardy's administration passed a law requiring that all logs cut from provincially owned land "be manufactured into sawn lumber in Canada" on 17 January 1898.<sup>113</sup> The benefit of what was known as the 'manufacturing condition' soon became apparent, as American lumbermen who were unable to source logs from Ontario packed up and moved north. The *Canada Lumberman* was jubilant, writing that "a number of Michigan saw mills have already been placed on Canadian soil, and others will follow as necessity demands."<sup>114</sup> Export controls were working, and four thousand kilometers away in British Columbia, lumbermen, politicians, and the public were starting to notice.

Regulating log exports in British Columbia was never going to be as easy as it was back east. The amount of privately owned timber land in Ontario was insignificant compared to the timber owned by the province, and Ontario sold only one type of licence to cut the trees it owned. These licences were renewed annually, and the province reserved the right to make changes to the terms of the licence at each renewal. As discussed previously, the situation in BC was much more complicated. Nevertheless, as British Columbians watched Ontario move to conserve raw materials

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<sup>112</sup> Nelles, *The Politics of Development*, 74.

<sup>113</sup> Ontario, "An Act Respecting the Manufacture of Pine Cut on the Crown Domain," in *Statutes of the Province of Ontario* [1898] (Toronto: Queen's Printer, 1898), 32. <https://heinonline.org>; Nelles, *The Politics of Development*, 74; Hak, *Turning Trees into Dollars*, 101.

<sup>114</sup> "Editorial Notes," *Canada Lumberman* vol. 21, no. 9 (September 1900), 8.

for domestic production, the idea began to gain traction. Vancouver's *Province* newspaper praised

Ontario's export restrictions:

The despatches from Washington which deal with the lumber question indicate that the action of the Ontario legislature in prohibiting the exportation of logs cut in the province has had the desired effect...It has long been a crying scandal that American owners of Canadian timber berths would send their men over to Canada, take out their logs and float them over to the American side, where the sawing was of course done.<sup>115</sup>

The following year, the paper, now known as the *Vancouver Daily Province*, described the "marvelous changes" that the laws had brought to Ontario's lumber industry, which had "forged rapidly ahead since the Ontario government prohibited the exportation of saw logs."<sup>116</sup> News of Ontario's policy success continued to spread, and groups in British Columbia began to call for the government to take action. The British Columbia Lumber and Shingle Manufacturers' Association complained that:

Instead of the manufacture increasing in our own country, the tendency is towards establishing new plants in adjoining United States territory, and this has already been done, the raw material being derived from British Columbia, manufactured in the United States, and thus has the advantage of the United States and Canadian markets.<sup>117</sup>

Support for that position came from the *Canada Lumberman*, which reprinted a letter from the Hastings Shingle Mfg. Co. explaining why they had opened a new mill in Washington State, adding sympathetically:

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<sup>115</sup> [untitled], *Province* (Vancouver), 15 April 1899, 4.

<sup>116</sup> "Marvelous Changes," *Vancouver Daily Province*, 1 August 1900, 9.

<sup>117</sup> "Requisition for Import Duty," *Canada Lumberman* vol. 21, no. 3 (March 1901), 5-6.

The manufacture of lumber in British Columbia is so handicapped by the free import of the United States product (while the Canadian product is shut out of the United States by an import duty), that some manufacturers have already removed their mills to the United States, where they may enjoy the advantages of both markets.<sup>118</sup>

Another voice pressing for export restrictions was the province's Lieutenant Governor, Henri-Gustave Joly de Lotbinière. De Lotbinière, a Quebecer with a forestry background, and founding member of the Canadian Forestry Association, had long argued for a halt to raw log exports. As early as 1886, he had penned a letter to the *Canada Lumberman* urging action to curtail the flow of logs south from Canada:

A heavy export duty on logs would prevent the cutting down of our forests by the American lumbermen, and it would secure work for our people and keep them here. It appears little short of madness, when we have got the raw material here and thousands of willing men to work it, that we should send away to our neighbors both the raw material and the men who can work it here. It is a suicidal policy, and it would be difficult to find a parallel for it in any other country.<sup>119</sup>

Shortly after taking office in Victoria in June 1900, de Lotbinière was promoting Ontario's policy to the British Columbia Board of Trade, calling upon the audience, which included several prominent lumbermen, to use the province's natural resources to develop its own manufacturing industries, employing "our young men" so they might "raise their families here." He reminded the audience that "all logs produced on Crown lands in Ontario must be manufactured in that province."<sup>120</sup> Historian Jack Little, who has written several books and articles on de Lotbinière's life,

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<sup>118</sup> "Justice for Canadian Lumbermen," *Canada Lumberman* vol. 21, no. 3 (March 1901), 8.

<sup>119</sup> "Mr. Joly on the Timber Trade," *Canada Lumberman* vol. 6, no. 4 (15 February 1886), 1.

<sup>120</sup> "Importance of Northern Trade," *Daily Colonist* (Victoria), 14 July 1900, 1, 6-7.

believes that he “undoubtedly influenced” the introduction of export controls in British Columbia.<sup>121</sup> Support for export restrictions continued to grow. In January 1901, the *Vancouver Daily Province* reported that logs were becoming scarce on the coast, while a later article estimated that twenty million feet would be exported that year.<sup>122</sup> On 22 March 1901, Conservative MLA and former Vancouver mayor James F. Garden told the legislature that “Ontario had placed an export duty on logs, and it might soon be necessary to follow her example.”<sup>123</sup>

Within weeks of Garden’s speech, British Columbia’s Chief Commissioner of Lands and Works W.C. Wells, a former sawmill owner from Ontario, introduced the first provincial legislation containing log export restrictions.<sup>124</sup> Passage of an amendment to the *Land Act* on May 11 added the following “manufacturing condition” to the sections concerning timber leases:

All timber cut from lands leased in accordance with this section must be manufactured within the confines of the Province of British Columbia; otherwise the timber so cut may be seized and forfeited to the Crown, and the lease cancelled.<sup>125</sup>

British Columbia’s first attempt at log export restrictions came during a tumultuous period in provincial politics. Politicians of this era, known as “loose fish,” did not adhere to a formal party

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<sup>121</sup> J.I. Little, “Advancing the Liberal Order in British Columbia: The Role Played by Lieutenant-Governor Sir Hector-Gustave Joly de Lotbinière, 1900–1906,” *Journal of the Canadian Historical Association* vol. 19, no. 1 (2008): 106, <https://doi.org/10.7202/037427ar>.

<sup>122</sup> “Business of 1900,” *Vancouver Daily Province*, 17 January 1901, 7; “Provincial News,” *Victoria Daily Times*, 24 October 1901, 7.

<sup>123</sup> “Provincial Legislature,” *Daily Colonist* (Victoria), 22 March 1901, 5.

<sup>124</sup> “Hon. W.C. Wells,” *Canada Lumberman* vol. 25, no. 4 (April 1905), 21.

<sup>125</sup> British Columbia, “Land Act Amendment Act, 1901,” in *Statutes of the Province of British Columbia* [1901] (Victoria: King’s Printer, 1901), 137-142. <https://heinonline.org>; Gillis and Roach, *Lost Initiatives*, 137; Hak, *Turning Trees into Dollars*, 101.

system, preferring instead to work as independent operators who formed coalitions to govern. In 1901, Premier James Dunsmuir had been in office for less than a year. Historian Martin Robin writes that “the Dunsmuir ministry was born at a time of extreme industrial discontent and the government was assailed on all sides by pressing petitioners.”<sup>126</sup> It is possible that Wells’ bill was intended to curry favour with coalition politicians or some of these “pressing petitioners,” but neither the scholarly record, nor newspaper and trade journal accounts shed much light on the origin of the export controls. Contrary to one article that claims that the controls were slipped in surreptitiously while the bill was in committee, specific wording was present in the first draft of the amendment forwarded to the legislature on 7 May 1901.<sup>127</sup> According to the newspaper record, the measure drew surprisingly little comment in the legislature, which is ironic considering the amount of attention it received after the story broke. The act passed with very little debate and became law on 11 May 1901.<sup>128</sup> Timber inspectors were instructed to begin enforcement on 16 May 1901.<sup>129</sup>

The press in British Columbia praised the government’s move. The *Vancouver Daily Province* wrote that log exports had “long been a crying evil,” and that the new law was “merely a case of legitimate protection for a British Columbia industry against unfair competition from a rival

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<sup>126</sup> Robin, *Rush for Spoils*, 75.

<sup>127</sup> “Loggers Will Lose Money on Cedar,” *Vancouver Daily World*, 17 May 1901, 1; British Columbia, Order-in-Council 1901-0194, 7 May 1901, <https://www.bclaws.ca>.

<sup>128</sup> “Provincial Parliament,” *Victoria Daily Times*, 8 May 1901, 6; “Provincial Parliament,” *Victoria Daily Times*, 11 May 1901, 3; “Provincial Legislature,” *Daily Colonist* (Victoria), 11 May 1901, 6.

<sup>129</sup> “Sites Are Secured,” *Vancouver Daily World*, 17 May 1901, 3.

country.”<sup>130</sup> The *Victoria Daily Times* lent its support by describing the positive changes the Ontario laws had brought:

The transformation is marvellous...four years ago the Soo was a town of 3,000 people; today it has at least 8,000. Four years ago Blind River had 210 people; now it has 1,100, and the increase of population was directly due to the prohibition of the export of logs.<sup>131</sup>

The *Canada Lumberman*, reporting that “this legislation is generally approved by the public and lumbermen of British Columbia,” summed up the argument for export controls neatly:

It is evident that the business of the logger will be injured by the legislation, but on the other hand the more important industry of the manufacture of lumber and shingles will be longer perpetuated. As to the advantages of the two industries little need be said. The logger expends a small sum for the cutting of the timber and exports it to a foreign country to be manufactured. The mill-man expends an equal sum in cutting the timber, and a much greater sum in manufacturing it into lumber, shingles, and other more finished products.<sup>132</sup>

Loggers were less enthusiastic. They complained that the provincial market was not large enough to absorb their output; that local mills wouldn't buy lower grades of logs; and that the new legislation had taken them by surprise.<sup>133</sup> Mill owners disputed the loggers' claims of a weak market. C.M. Beecher, of the British Columbia Mills, Timber, and Trading Company, Ltd., one of the largest firms in the province with three mills as well as its own extensive logging operations,

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<sup>130</sup> “British Columbia Timber,” *Vancouver Daily Province*, 16 May 1901, 4; “The Export of Logs,” *Vancouver Daily Province*, 27 May 1901, 4.

<sup>131</sup> “International Unions,” *Victoria Daily Times*, 26 July 1901, 4. The “Soo” likely refers to Sault Ste. Marie.

<sup>132</sup> “The British Columbia Timber Policy,” *Canada Lumberman* vol. 21, no. 12 (December 1901), 10; “The Canadian Timber Policy,” *Canada Lumberman* vol. 21, no. 7 (July 1901), 10.

<sup>133</sup> “The Loggers' Complaint,” *Vancouver Daily Province*, 17 May 1901, 2; Hak, *Turning Trees into Dollars*, 102.

offered to buy one million feet of logs immediately.<sup>134</sup> Undeterred, the loggers swiftly arranged a meeting with the Chief Commissioner of Lands and Works to plead their case. Wells gave the loggers a sympathetic hearing, assuring them that he would instruct the timber inspectors to “allow all logs in the water at the present time to be delivered at their originally intended destination,” effectively delaying the implementation of the law.<sup>135</sup> This concession was eventually extended to any logs exported before 31 December 1901.<sup>136</sup> Wells granted this extension despite having no legal authority to do so. No clause in the *Land Act* allowed him to suspend export restrictions at will, but unless someone challenged his decision in the courts, the press, or the legislative assembly, he was free to do as he pleased. The Chief Commissioner’s decision set two precedents that would come to define the relationship between the state and the loggers.<sup>137</sup> First, each time the loggers secured temporary permission to export logs already cut, they would cut more logs and press for the right to export those as well. Second, governments would suspend or enforce log export bans as political and economic pressure dictated, whether they possessed the legal means to do so or not.

When enforcement of log export restrictions began in 1902, the logging industry established the British Columbia Loggers’ Association (BCLA) to combat them and set about refining their counter arguments.<sup>138</sup> BCLA president W.H. Higgins appealed to conservationists by

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<sup>134</sup> British Columbia, “Report of the Chief Commissioner of Lands and Works of the Province of British Columbia for the Year Ending 31st December, 1900,” Victoria: King’s Printer, 1901, 521. <https://doi.org/10.14288/1.0064220>; “Sites Are Secured,” *Vancouver Daily World*, 17 May 1901, 3.

<sup>135</sup> “Concessions Are Granted,” *Vancouver Daily Province*, 25 May 1901, 6.

<sup>136</sup> “Will Enforce Export Law,” *Daily Colonist* (Victoria), 1 January 1902, 1.

<sup>137</sup> “Bowser Sees Injury to the Lumbermen,” *Cranbrook Herald*, 18 March 1920, 4.

<sup>138</sup> “Association of Loggers,” *Canada Lumberman* vol. 21, no. 12 (December 1901), 11.

explaining that the poor market for lower quality logs meant they would be left in the woods to rot if not sold out of the province. Reflecting the virulent racism that was common at the time, he also wrote that the sawmills did not deserve support as they employed “oriental cheap labor.”<sup>139</sup> However, with the *Canada Lumberman* reporting the revival and expansion of sawmills in Ontario, as well as American plans to establish new mills in British Columbia as a result of the export controls, neither the public nor the legislature was inclined to repeal the law.<sup>140</sup> In fact, the platform developed in 1902 by Richard McBride’s Conservatives as he set about introducing party discipline to provincial politics adopted a resolution supporting log export controls, stating:

It is advisable to foster the manufacture of raw products of the Province within the Province, as far as practicable, by means of taxation on the said raw products subject to rebate of the same in whole or part when manufactured in British Columbia.<sup>141</sup>

Nevertheless, Wells assured loggers that if they were unable to sell their logs in the province, “exceptions [would] be made in as many instances as are brought to the notice of the department.”<sup>142</sup> Even as politicians were declaring their public commitment to export controls, they were signaling their willingness to undermine them in negotiations with industry.

Not that the law was difficult to undermine. The intentions of its authors are unclear, but by accident or design 1901’s *Land Act* amendment had required only logs cut from leased lands to be

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<sup>139</sup> W.H. Higgins, “The British Columbia Export Law,” *Canada Lumberman* vol. 22, no. 3 (March 1902), 9.

<sup>140</sup> “Home Manufacture of Timber,” *Canada Lumberman* vol. 22, no. 3 (March 1902), 10; “The News,” *Canada Lumberman* vol. 22, no. 4 (April 1902), 15; “The Timber Policy Vindicated,” *Canada Lumberman* vol. 22, no. 5 (May 1902), 10.

<sup>141</sup> J. Castell Hopkins, *The Canadian Annual Review of Public Affairs, 1903* (Toronto: Annual Review Publishing Company, 1904), 219, <https://n2t.net/ark:/13960/t8gf8gz25>.

<sup>142</sup> “Permits for Lumber Export,” *Vancouver Daily Province*, 20 March 1902, 1.

manufactured in the province. Logs from the vast expanse of licenced lands were not covered. The

*Canada Lumberman* attempted to explain the confusion:

It was supposed that the law in the first instance covered all the lands in the province over which the Government has supervision. This was doubtless the intention of the Government, but it was found that timber taken from certain Crown lands could still be exported legally. Three methods for the disposal of timber are adopted in British Columbia, namely, first, by lease; second, special license; and third, hand-logger's license. It is claimed that nearly one-half of the logging operations are carried on under lease, and one-half under special permit, the operations of hand-loggers being of small account and chiefly by Indians. The law as first passed prohibited the exportation of timber taken off lands held under lease, not making any reference to timber cut from licensed lands.<sup>143</sup>

Quickly seizing on the opening, loggers announced an intention to challenge the law in the courts.<sup>144</sup> The government, realizing its mistake, passed Order-in-Council 1902-0324 on 10 July 1902, extending the manufacturing clause to "all timber cut from Provincial lands under special licences."<sup>145</sup> However, log exports continued and the *Vancouver Daily Province* reported in September that "a good deal of timber is still being exported to Washington in spite of the restrictions of the log export law."<sup>146</sup>

There were several possible sources for these logs. Wells may still have been granting export exemptions on a case-by-case basis. Another potential source was the hand-logger's licence. Since it was unclear whether such logs were or were not covered by the government's export

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<sup>143</sup> "The Timber Situation in British Columbia," *Canada Lumberman* vol. 22, no. 9 (September 1902), 10.

<sup>144</sup> "Loggers Will Test the Act," *Daily Colonist* (Victoria), 5 July 1902, 1.

<sup>145</sup> British Columbia, Order-in-Council 1902-0324, 10 July 1902, <http://www.bclaws.ca>; Hak, *Turning Trees into Dollars*, 102.

<sup>146</sup> "Logs for American Mills," *Vancouver Daily Province*, 9 September 1902, 9.

restrictions, some were exported until the question was resolved in 1906. Companies that wanted to export restricted logs routinely claimed they were cut under a hand-logger's licence.<sup>147</sup> This assertion was difficult to challenge since, once a tree was cut, it was impossible to say where it came from. BC did require that the owners of logs on the West Coast mark each one with a government issued "timber mark," but these marks only identified who the log belonged to, not the type of tenure the log was harvested from – an oversight not rectified until 1910.<sup>148</sup> Finally, and more significantly, many logs were exported from Crown granted land, since it was not yet covered by log export regulations. The McBride government took steps to discourage Crown grant exports on 12 December 1903.<sup>149</sup> An amendment to the *Land Act* imposed a graduated tax on all timber cut from land Crown granted prior to 7 April 1887. This graduated tax applied a higher rate to better quality logs than lower grades. Other than a non-refundable fee of one cent per thousand board feet, it was rebated if the logs were manufactured in British Columbia. Crown grants made after this date had not included timber rights and so timber from them was covered by existing export restrictions. On a separate note, this 1903 amendment also removed the parts of the *Land Act* that created pulp wood leases. Existing pulp leases remained in effect, but no new leases could be awarded. Unfortunately, the same parts of the *Land Act* that created pulp leases, were the parts that prevented the export of

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<sup>147</sup> Gillis and Roach, *Lost Initiatives*, 137.

<sup>148</sup> British Columbia, "An Act to Amend the Timber Mark Act," in *Statutes of the Province of British Columbia* [1910] (Victoria: King's Printer, 1910), 429, <https://heinonline.org>.

<sup>149</sup> British Columbia, "Land Act Amendment Act, 1903," in *Statutes of the Province of British Columbia* [1903] (Victoria: King's Printer, 1903), 189-196, <https://heinonline.org>; Library and Archives Canada, RG13, Department of Justice, vol. 338, file 1930-646, "Privy Council Appeal No. 115 of 1929."

raw logs cut on these leases. Loggers, seeing a regulatory loophole, cheered another victory and began exporting logs cut from these tenures as well.<sup>150</sup>

During this confusing flurry of activity, J.S. Emerson stepped onto the stage. He had been elected vice-president of the BCLA in 1903 and fiercely resented government interference in his operations.<sup>151</sup> In the summer of 1903 he traveled to Victoria with association president W.H. Higgins to “interview” the government and demand that controls be suspended until 1 July 1904.<sup>152</sup> When their efforts proved unsuccessful, Emerson decided to ignore the law.<sup>153</sup> The *British Columbia Lumberman* reported in March 1904 that he was “one of the few loggers not affected by the recent amendments to the *Land Act* in the matter of exporting logs to the Sound. His camps are all busy, and he has demand for more logs than he can supply.”<sup>154</sup>

In 1905, Emerson became the president of the BCLA and began to escalate his fight against export restrictions.<sup>155</sup> The industry still believed that logs cut under authority of hand-logger’s licences were not covered by the law, so he had been purchasing large amounts of these logs for export. When the new Chief Commissioner of Lands and Works, R.F. Green, denied export permission, Emerson was apoplectic.<sup>156</sup> He threatened to shut down his operations and leave the province, but then changed his mind and announced his intention to stay and fight. On 1 September

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<sup>150</sup> “Embargo on Export of Logs Partly Removed,” *Vancouver Daily Province*, 11 April 1905, 1.

<sup>151</sup> “The News,” *Canada Lumberman* vol. 23, no. 2 (February 1903), 20; Gillis and Roach, *Lost Initiatives*, 138.

<sup>152</sup> “Want Permit to Export Logs,” *Vancouver Daily Province*, 4 July 1903, 1.

<sup>153</sup> Gillis and Roach, *Lost Initiatives*, 138.

<sup>154</sup> “Vancouver and Vicinity,” *British Columbia Lumberman* vol. 1, no. 3 (March 1904), 12.

<sup>155</sup> “British Columbia Letter,” *Canada Lumberman Weekly Edition* vol. 11, no. 51 (18 January 1905), vi.

<sup>156</sup> “Say Order Kills Hand-Logging,” *Vancouver Daily Province*, 29 August 1905, 1.

1905, the *Vancouver Daily Province* printed an interview with Emerson where he issued a direct challenge to the government:

When the trouble over the hand-logger's booms and their export came up I told the timber officers that I had some booms on Jervis Inlet, and with respect to one in particular I told them that I intended to export it no matter what they said. Now Timber Officer Murray is on Jervis Inlet looking for that boom that he may seize it. I received advices [sic] from a tugboat captain this morning that he saw Mr. Murray looking for the boom. I don't intend to submit tamely, and will fight. I have consulted legal opinion, and was informed that my contentions were quite correct, and that the law the Government expects to use to stop me exporting is too foolishly constructed to merit intelligent discussion. I can win in the courts, and I am going to do so.<sup>157</sup>

The government accepted his challenge and seized the logs the following day.<sup>158</sup>

While waiting for the case to come to trial, Emerson lashed out at sawmill owners who supported export restrictions, and announced plans to open a mill that would manufacture rough lumber from the logs he was not allowed to export. He threatened to price the lumber so low that it would draw down the market, hurting his enemies even if it meant hurting himself by selling at a loss.<sup>159</sup> A week later, he promised to identify hypocritical mill owners who he claimed had also been illegally exporting logs.<sup>160</sup> Undaunted by the government's first seizure, he continued to export logs, which the government continued to seize.<sup>161</sup> In November, the *St. Clair*, a tugboat which had taken some of Emerson's export restricted logs across the border, was also impounded.<sup>162</sup> Emerson called

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<sup>157</sup> "Will Inspector Seize Log Booms," *Vancouver Daily Province*, 1 September 1905, 1.

<sup>158</sup> "Seizure of Boom Signal for Fight," *Vancouver Daily Province*, 2 September 1905, 1.

<sup>159</sup> "Says Loggers Will Attack Lumbermen," *Vancouver Daily Province*, 18 September 1905, 1.

<sup>160</sup> "Mills Alleged to be Exporting Logs," *Vancouver Daily Province*, 23 September 1905, 1.

<sup>161</sup> "Six Booms Have Been Seized," *Vancouver Daily Province*, 7 October 1905, 1; "Booms Belong to Emerson," *Vancouver Daily Province*, 10 October 1905, 12.

<sup>162</sup> "Government Seized Tug," *Vancouver Daily Province*, 3 November 1905, 1.

this “nothing less than a high-handed outrage” and, in a moment of prescience, suggested that he was being singled out for attention as a result of antagonizing the Chief Commissioner of Lands and Works.<sup>163</sup> There was more to come as less than a week later the Lands and Works department seized Emerson’s entire camp at Broughton Island. The *Vancouver Daily Province* tallied the score:

The tugs Shamrock and Uno, owned by Emerson, his donkey engines, all his camp gear and his booms of logs, were plastered with notices informing all who could read that the property was under seizure and that on no account must it be interfered with.<sup>164</sup>

Emerson scored a partial victory when his case came to trial on 11 November 1905. The judge ruled that although the export of logs cut by hand-loggers was prohibited, the government could not seize them simply because they suspected that they were going to be exported illegally. This ruling was problematic. Once the logs entered American waters they were out of the province’s jurisdiction and so could not be seized.<sup>165</sup> Eventually the federal customs authorities agreed to deny outbound customs clearance to tugboats exporting logs unless crews produced provincial export permits.

None of this controversy was making Emerson any friends. Fred J. Wood, manager of the Bellingham branch of the vast American E.K. Wood Lumber Company, frustrated by Emerson’s threats to undermine the market and expose fellow log exporters, dismissed him as a “piker,” a cheap, small-time operator who could not be trusted.<sup>166</sup> To make matters worse, loggers in British

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<sup>163</sup> “Government Seized Tug,” *Vancouver Daily Province*, 3 November 1905, 1.

<sup>164</sup> “Steamers, Logs, Engines and Gear Under Seizure,” *Vancouver Daily Province*, 6 November 1905, 1.

<sup>165</sup> “Can Government Seize Any Logs,” *Vancouver Daily Province*, 11 November 1905, 1.

<sup>166</sup> “Calls Emerson a ‘Piker,’” *Vancouver Daily Province*, 25 September 1905, 1.

Columbia were not rushing to join his crusade. In fact, the BCLA, perhaps frustrated by his inability to leave well enough alone, forced him from the association's presidency early in 1906.<sup>167</sup> While Emerson continued his battle with the province, the *American Lumberman* reported that "far from seeing their way to removing the export embargo, the government will take steps to remove any flaws in the act which render it difficult to convict for offenses against the regulations," adding that the law had convinced several U.S. investors to open new mills north of the border.<sup>168</sup>

Continued skirmishing over what logs were and were not covered by the export restrictions of the *Land Act* led to passage of the *Timber Manufacture Act* in 1906. Seeking a comprehensive resolution to the question, this act broadly applied the export restriction to all "ungranted lands of the Crown, or on lands of the Crown which shall hereafter be granted," eliminating challenges based on tenure type and restricting the export of timber cut from timber leases, special timber licences, timber sales, or hand-logger's licences.<sup>169</sup> Timber exported from existing Crown grants was still subject to taxation under provisions of the *Land Act* passed in 1903. Taking steps to close another loophole, in 1907 the government passed Order-in-Council 1907-0699, which required that an affidavit be completed verifying the logs' origin at the time of scaling.<sup>170</sup>

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<sup>167</sup> "Judge Stops Bowser in Examination of Emerson," *Vancouver Daily Province*, 18 July 1907, 1; "Emerson Lost and B.C. Loggers Won," *Vancouver Daily Province*, 19 July 1907, 7.

<sup>168</sup> "From the Canadian Southwest," *American Lumberman* no. 1600 (20 January 1906), 49; "Three Sawmills to Be Built on Coast," *Vancouver Daily Province*, 10 January 1906, 8.

<sup>169</sup> British Columbia, "An Act respecting the Use and Manufacture, within British Columbia, of Timber Cut on Lands of the Crown," in *Statutes of the Province of British Columbia* [1906] (Victoria: King's Printer, 1906), 377-378, <https://heinonline.org>.

<sup>170</sup> British Columbia, Order-in-Council 1907-0699, 17 September 1907, <http://www.bclaws.ca>.

W.I. Paterson, who became president of the BCLA in 1908, knew that the way to secure the right to export was not to publicly challenge the government, but to pledge support for the restrictions, while requesting exemptions justified by unusual business conditions. That spring, with the *Canada Lumberman and Woodworker* reporting “a lumber glut,” the latest Chief Commissioner of Lands and Works, F.J. Fulton, suspended export controls citing the “practical failure of the market in British Columbia for logs of the poorer grades.”<sup>171</sup> It is not clear exactly which laws were suspended, as there was absolutely no legal authority for Fulton’s actions. No legislative amendments or orders-in-council were passed by the government. Fulton simply decided that a suspension was justified and stopped enforcing the law. He assured the public that only logs “now in the water” would be eligible for export.<sup>172</sup> In the summer, he restated his pledge, saying that these logs would be marked with a special brand, and that only logs with this brand would be allowed out of the province.<sup>173</sup> The condition that only logs already cut would be exported had been ignored in 1901, and soon it was ignored again. Historian Gordon Hak notes that “the exemption did not only clear logs from the water, it also led to the reopening of camps, some of which were financed by U.S. mills.”<sup>174</sup> When export restrictions were reimposed on 8 September 1908, the logging industry rose in protest. The *Vancouver World* reported the loggers’ complaints: “Said one timber man this morning: ‘We can’t get any satisfaction from the government. We will know how

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<sup>171</sup> “Loggers Will Unload Surplus Output on Sound,” *Vancouver Daily Province*, 24 March 1908, 1.

<sup>172</sup> “Loggers Will Unload Surplus Output on Sound,” *Vancouver Daily Province*, 24 March 1908, 1.

<sup>173</sup> “Branding B.C. Logs,” *Canada Lumberman & Woodworker* vol. 28, no. 12 (15 June 1908), 27.

<sup>174</sup> Hak, *Turning Trees Into Dollars*, 103.

to act when our turn comes.”<sup>175</sup> The *Vancouver Daily Province* noted the financial impact of the prohibition on loggers who had entered into new contracts to supply logs to Puget Sound lumbermen but were now unable to deliver the logs they had cut.<sup>176</sup> Solemn promises proved no match for industry pressure, and Fulton once again relaxed the restrictions, this time until 1 November 1908.<sup>177</sup> Shortly after this deadline passed, the Department of Lands and Works seized another boom from J.S. Emerson. Now apparently repentant, he agreed to not export the logs in return for their release.<sup>178</sup>

Emerson’s public battle with the province over log exports may have ended, but he must have continued illegally exporting logs to some degree, as authorities seized yet another of his booms on 28 December 1909.<sup>179</sup> Past the point of patience, the provincial government brought the hammer down, taking the unprecedented step of passing an Order-in-Council canceling four of his timber licences, worth an estimated \$150,000.<sup>180</sup> Emerson fumed and vowed another court challenge, but each of his attempts to find a new loophole in the law was countered by the Department of Lands and Works. Although he did begin a lawsuit years later, he appears to have dropped it after the court ruled that he would have to pay the government’s costs regardless of the

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<sup>175</sup> “Heavy Losses of Timber Men,” *World* (Vancouver), 22 August 1908, 8.

<sup>176</sup> “Embargo on Logs Catches Americans,” *Vancouver Daily Province*, 22 August 1908, 1.

<sup>177</sup> “Export of Logs Again Permitted,” *Vancouver Daily Province*, 9 September 1908, 1.

<sup>178</sup> “The Export of Logs,” *Canada Lumberman & Woodworker* vol. 28, no. 17 (1 September 1908), 19.

<sup>179</sup> British Columbia, Order-in-Council 1910-0237, 10 March 1910, <http://www.bclaws.ca>; “Western Canada,” *Canada Lumberman & Woodworker* vol. 30, no. 6 (15 March 1910), 43; “Emerson Licenses Cancelled By Executive,” *Vancouver Daily Province*, 12 March 1910, 1.

<sup>180</sup> “Western Canada,” *Canada Lumberman & Woodworker* vol. 30, no. 7 (1 April 1910), 45.

outcome of the trial.<sup>181</sup> This case marked the end of his crusade against export controls. Where Patterson's lobbying brought success, Emerson's defiance forced the government to respond by tightening restrictions and brought him heavy financial losses. The next significant public challenge would not appear for nearly twenty years.

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<sup>181</sup> "Western Canada," *Canada Lumberman & Woodworker* vol. 30, no. 9 (1 May 1910), 47; "Government Seizes Boom of Logs," *Vancouver Daily Province*, 26 July 1910, 1; "Suit Brought Against Minister of Finance," *Victoria Daily Times*, 27 June 1913, 3; "In the Law Courts," *Sun* (Vancouver), 7 October 1913, 6.

## Chapter 6 - Regularization of Exports: Moving Behind Closed Doors

The forest industry in British Columbia continued to expand rapidly as the first decade of the twentieth century drew to a close. In 1909, with special timber licence holders pressing hard for legislation to make their licences renewable in perpetuity, the McBride government called the province's first Royal Commission on forestry. It was tasked with "making inquiry into and concerning the timber resources of the Province."<sup>182</sup> However, as Robert Marris points out, the commission, led by F.J. Fulton, ended up being little more than a "rubber stamp" endorsement of the government's acceptance of these demands for renewable licences.<sup>183</sup> The commission did spend some time reviewing log export restrictions. Witnesses largely supported a relaxation of controls on lower grades of cedar, citing a limited market for this material in British Columbia.<sup>184</sup> There was some suggestion that the current rules were being ignored. Neil McKinnon, cruiser and timberman since "he was old enough to hold a compass," referred to rampant smuggling of logs. He said he was personally aware of at least 15 million feet of cedar that had been illegally exported in 1907. Nobody on the commission seemed to be surprised or upset by his allegations.<sup>185</sup> When Fulton's final report was released in 1910, it recommended maintaining the status quo, pending further investigation.

The passage of the *Forest Act* in 1912 is often mentioned as a watershed moment in the history of the relationship between the state and the forest industry in British Columbia.

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<sup>182</sup> Fulton, *Final Report of the Royal Commission*, D28.

<sup>183</sup> Marris, "Pretty Sleek and Fat," 34.

<sup>184</sup> Gray, "Forest Policy and Administration," 121.

<sup>185</sup> "Logger and Cruiser at Opposite Poles," *Vancouver Daily Province*, 30 September 1909, 1; British Columbia Archives, GR-0271, [Royal Commission on Timber and Forestry, 1905-1911], box 880340-1660, file 27, Transcript of Hearings, 1272.

Incorporating many of Fulton's recommendations, the act brought together all the forestry related legislation in the province and created its first dedicated forest service, led by new Chief Forester H.R. MacMillan. There was little change concerning export controls, however. Fulton's suggested relaxation on lower grades was not included. The tax on exports from Crown grants was moved from the *Land Act* to Section 58 of the *Forest Act* and export restrictions covering Crown lands transferred to Section 100.<sup>186</sup> Both industry and government seemed content to continue to address log exports through negotiations conducted out of public view.

The next requirement for such negotiation arrived quickly and once again involved American trade policy. The United States tariff of 1909 imposed a retaliatory duty on paper and newsprint imported from any jurisdiction that restricted the export of the raw materials required to manufacture those products. British Columbia's pulp and paper industry pressured the provincial government for amendments to the *Forest Act* that would help them escape the retaliatory tariff.<sup>187</sup> Anxious to defend an industry that relied heavily on access to American pulp and newsprint markets, the province agreed to the necessary changes. The first came on 12 July 1912, when Order-in-Council 1912-0810 exempted two pulp leases from export restrictions. The following year, the *Forest Act Amendment Act, 1913* granted the Lieutenant- Governor in Council the authority to permit the export of pulpwood, and retroactively made Order-in-Council 1912-0810 legal by inserting the

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<sup>186</sup> British Columbia. "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," in *Statutes of the Province of British Columbia* [1912] (Victoria: King's Printer, 1912), 81-132, <https://heinonline.org>.

<sup>187</sup> Gray, "Forest Policy and Administration," 121.

following clause: “it is hereby declared that the Lieutenant-Governor in Council was duly authorized under this Act to pass Order in Council No. 810 on the twelfth day of July, 1912.”<sup>188</sup> Finally, in an apparent attempt to clarify once and for all the confused tangle of regulations concerning log exports from pulp leases, Order-in-Council 1913-0895 exempted all pulp wood which “has been or shall be cut” from “any export duty, export licence fee or other export charge of any kind whatsoever.”<sup>189</sup>

Unsettled market conditions following the outbreak of the First World War brought yet another request from the loggers for a suspension of the log embargo, this time for all species and grades of logs during a period of six months. Reading from the now familiar script, loggers promised to export only what was already cut and in the water. Despite protests from manufacturers, MacMillan supported the loggers’ request and recommended approval contingent upon the adoption of a graduated export tax schedule that varied based on the species and grade of log exported.<sup>190</sup> The McBride government passed an Order-in-Council adopting MacMillan’s recommendations on 26 August 1914. During later debates in the legislative assembly, W.J. Bowser, attorney general at the time of the order’s passage, admitted that it had been illegal and that “there

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<sup>188</sup> British Columbia, Order-in-Council 1912-0810, 12 July 1912, <http://www.bclaws.ca>; British Columbia, “Forest Act Amendment Act, 1913,” in *Statutes of the Province of British Columbia* [1913] (Victoria: King’s Printer, 1913), 113-122, <https://heinonline.org>.

<sup>189</sup> British Columbia, Order-in-Council 1913-0895, 23 June 1913, <http://www.bclaws.ca>; Gray, “Forest Policy and Administration,” 123.

<sup>190</sup> British Columbia Archives, GR-1441, [Lands Branch ‘O’ Files], file 03678-2, Export of Logs, 24 August 1914, 5-7, reel B03221; British Columbia, Order-in-Council 1914-1050, 26 August 1914, <http://www.bclaws.ca>; Gray, “Forest Policy and Administration,” 123-129.

was a grave question whether the Government had a right to permit that export.”<sup>191</sup> Still not satisfied, the BCLA argued that the export tax was too high to make export profitable and lobbied to have it reduced. Once again, a compliant McBride administration obliged, reducing the tax on 16 September 1914.<sup>192</sup> In a depressingly familiar story, once the export privilege was won, more logs were cut, and more extensions were granted. On 31 May 1916, an amendment to the *Forest Act* finally provided the Conservative government with the legal authority to permit the export of “unmanufactured timber...during the continuance of the present War and six months thereafter.”<sup>193</sup>

September 1916’s provincial election brought a new Liberal government, led by H.C. Brewster, to British Columbia but saw little immediate change in log export policies. However, even before Minister of Lands T.D. Pattullo arrived in Victoria to take up his position, Acting Chief Forester Martin Grainger provided him with an extensive report detailing the history of the debate, positions taken by both sides of the argument, and recent export levels. Grainger suggested increasing the tax on exported logs, as well as the formation of a committee to monitor the export situation and make further recommendations.<sup>194</sup> With manufacturers complaining about the price of logs throughout 1917, Pattullo, seeing the wisdom in Grainger’s advice, called a meeting for 20

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<sup>191</sup> “Bowser Sees Injury to the Lumbermen,” *Cranbrook Herald*, 18 March 1920, 4.

<sup>192</sup> British Columbia, Order-in-Council 1914-1095, 16 September 1914, <http://www.bclaws.ca>; Gray, “Forest Policy and Administration,” 125, Gray mentions the debate but does not report that the export tax was reduced.

<sup>193</sup> British Columbia, “Forest Act Amendment Act, 1916,” in *Statutes of the Province of British Columbia* [1916] (Victoria: King’s Printer, 1916), 69-71, <https://heinonline.org>; Gray, “Forest Policy and Administration,” 129.

<sup>194</sup> “Personal Items of British Columbia,” *Western Lumberman* vol. 14, no. 2 (February 1917), 30; British Columbia Archives, GR-1441, [Lands Branch ‘O’ Files], file 03681-2, Export of Logs, 5 December 1916, 67-128, reel B03222.

March 1918.<sup>195</sup> At this “Round Table Conference” all parties agreed to reintroduce export restrictions on the highest grades, and to set up a War Advisory Committee (WAC) consisting of three representatives from government, three from the manufacturers, and three from the loggers. This committee would approve or deny applications to export based on their understanding of the current log market. There was to be no investigation into the cause of log surpluses, or how they might be avoided in the future. There was no discussion of a plan to increase provincial manufacturing capacity. The committee’s task was simply to determine if a surplus existed, and if it did, then to allow export. Of course, when the market made the export of logs worthwhile, loggers were sure to create a log surplus. However, loggers also agreed to ensure that manufacturers had access to the raw material they needed, gaining the reluctant support of mill owners for the new system. After the war this committee became known as the Export Advisory Committee (EAC).<sup>196</sup>

The EAC brought stability to the log export question that had been lacking previously, largely removing negotiations from the public eye and reducing export related headlines as the committee made its decisions in the conference room. In many ways, this system facilitated rather than frustrated log exports. The EAC met monthly, but exporters were allowed to submit their applications to a three person “Emergency Committee” as well. The composition of the smaller committee mirrored that of the larger, with one commissioner coming from each of the three

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<sup>195</sup> British Columbia Archives, GR-1441, [Lands Branch ‘O’ Files], file 03678-3, Minutes of Meeting of Round Table Conference on Log Export, 26 March 1918, 84-87, reel B03221; Gray, “Forest Policy and Administration,” 132.

<sup>196</sup> Gray, “Forest Policy and Administration,” 132.

stakeholder groups. Soon, more applications were being presented to the Emergency Committee than the larger group.<sup>197</sup> Applications that were denied by the Emergency Committee were then forwarded on to the EAC, who could choose to uphold the restriction or allow export.<sup>198</sup> Although the official position was that the best grade of logs were not to be exported, committee records show that they were.<sup>199</sup> In addition, committee members themselves were often the most frequent export permit applicants.<sup>200</sup> In 1920 the government moved to extend the authority for this arrangement until 1930. After significant debate in the press and the legislature, the *Forest Act Amendment Act, 1920* was passed.<sup>201</sup> Once the committee system was established, legislative development slowed. Although log exports became an issue again during the election in 1924, regulations remained essentially the same throughout the 1920s, regardless of who occupied the Premier's chair.

The Export Advisory Committee seems to have succeeded in balancing the short-term interests of capital and government, but it's difficult to say whether it served the long-term interests of the public. Some logs were exported, and some logs were not. The vast majority of the Committees' records have not survived, so it is impossible to say how many requests for export

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<sup>197</sup> British Columbia Archives, GR-1441, [Lands Branch 'O' Files], file 04392-A, reel B03236.

<sup>198</sup> British Columbia Archives, GR-1441, [Lands Branch 'O' Files], file 03678-3, Minutes of Meeting of Round Table Conference on Log Export, 26 March 1918, 86, reel B03221.

<sup>199</sup> Gray, "Forest Policy and Administration," 132; British Columbia Archives, GR-1441, [Lands Branch 'O' Files], file 04932-A, Minutes of Log Export Advisory Committee Meeting, 24 January 1922, 15-17, reel B03236.

<sup>200</sup> Gray, "Forest Policy and Administration," 139.

<sup>201</sup> British Columbia, "Forest Act Amendment Act, 1920," in *Statutes of the Province of British Columbia* [1920] Victoria: King's Printer, 1920), 259-266, <https://heinonline.org>.

were denied.<sup>202</sup> While politicians claimed that log exports were prohibited, the Committee worked quietly behind the scenes to allow the export of millions of board feet of timber. This compromise only affected logs from Crown land, however. Owners of Crown granted logs faced their own set of restrictions, and in 1929, one company set out to change that.

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<sup>202</sup> The British Columbia Archives hold some of the records of the Export Advisory Committee for the 1920s, but everything after that is not available. The BC's Lands Branch was unable to find the files in 2023. A formal freedom of information request files with the BC Government also failed to turn up any additional records.

## Chapter 6 - Ultra Vires: BC Loses the Ability to Regulate

Owners of Crown granted logs had always resisted taxation and regulation on the grounds that the state did not have the authority to infringe on their property rights. In addition, they argued that since the *British North America Act* granted the federal, not provincial, government the authority to regulate international trade, that log export controls covering Crown granted land were ultra vires. For years most owners of Crown grant lands had refused to provide the Department of Lands and Works with even the most rudimentary information about their operations.<sup>203</sup> As mentioned previously, to discourage the export of logs from these areas, Section 58 of the *Forest Act* applied a tax on the entire cut from Crown grants, then refunded all but one cent per thousand board feet on logs manufactured in the province, those exported being subject to the entire tax bill. Officially, the government called this a timber tax, but even Forest Branch staff found this confusing. The Chief Forester himself, P.Z. Caverhill, mistakenly referred to the province's "right to levy an export duty on timber cut on E&N lands" while sparring with E.J. Palmer, manager of the powerful Victoria Lumber & Manufacturing Company, in 1921.<sup>204</sup> Industry argued that no matter what the tax was called, it functioned as an export tax and was, therefore, ultra vires. Palmer claimed that the company had tried to have booms of logs seized so that they might test the issue in court, but the government refused the challenge.<sup>205</sup> While the owners hoped for a showdown, the

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<sup>203</sup> See British Columbia, *Report of the Chief Commissioner of Lands and Works* for the years 1888-1902.

<sup>204</sup> British Columbia Archives, GR-1441, [Lands Branch 'O' Files], file 03681-3, Caverhill to Palmer, 9 December 1921, 113, reel B03222.

<sup>205</sup> British Columbia Archives, GR-1441, [Lands Branch 'O' Files], file 03681-3, Palmer to Pattullo, 5 December 1921, 112, reel B03222.

government hoped to avoid one. Under continuing pressure, in 1915 the Forest Branch agreed to stop collecting the timber tax on logs manufactured in the province. Once again, there was no legislative authority for the government's actions, given the absence of an amendment to the *Forest Act* or Order-in-Council. It simply gave business what it wanted. The news stayed out of the papers. Unlike J.S. Emerson, these people knew how to keep their mouths shut. All parties involved kept quiet and nobody complained. Between 1924 and 1928 this decision cost the government \$40,949.88 in lost revenue.<sup>206</sup> The timber tax payable upon export was less easily dismissed and the government had no intention of relinquishing this more significant source of revenue. The Forest Branch did not report amounts of timber tax collected separately from other forest revenues during the 1920s, making accurate figures difficult to obtain, but the *Vancouver Daily Province* suggested that this tax brought in \$200,000 a year.<sup>207</sup> The owners of Crown granted logs wanted to keep this money for themselves.

The fight against Section 58 was led by A.E. Munn, managing director of the McDonald Murphy Lumber Company. Munn was a well-connected forestry insider who held a controlling interest in the firm and had been in the lumber business for over thirty years. After moving to British Columbia in 1913, he became involved in the BCLA. First elected to a director position in 1914, he became president of the organization in 1917, and played an important role in the creation

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<sup>206</sup> British Columbia Archives, GR-1441, [Lands Branch 'O' Files], file 086011, Timber Tax, 14 June 1929, 83, reel B03746; Compiled by totaling the cut from lands Crown granted prior to 1887, as reported in Forest Branch reports for 1924 and 1928, then calculating the lost revenue, previous reports do not break out cut by tenure type.

<sup>207</sup> "Will Appeal Judgement on B.C. Log Tax," *Vancouver Daily Province*, 25 May 1929, 25.

of the WAC, the wartime committee that was supposed to regulate raw log exports, and which, as discussed previously, evolved into the Export Advisory Committee (EAC).<sup>208</sup> Mind you, he was also the committee member who presented the most applications for export. As Gray explains:

Munn and Kerr Timber Company Ltd. persisted in pushing high-grade booms through the Committee, though regulations prevented Munn from voting on his own applications. During June and July, 1922, 29 accounts were authorized for export by the Emergency Committee. Twenty-one of those had an excess of 50 percent high-grade logs, 14 of which had been logged by Munn and Kerr.<sup>209</sup>

Munn had his first run-in with government while he still lived in Ontario. Partnering with MPP J.D. Tudhope, he created the Munn Lumber Company in 1910. The pair then purchased timber rights in Algonquin Park from the St. Anthony Lumber Company and set about trying to sell those rights back to the Ontario government. When the province's first offer did not meet with their satisfaction, Munn began logging near the park's hotel and ranger headquarters. The public outcry forced the Ontario government to pay the Munn Lumber Company \$300,000 to extinguish their claim.<sup>210</sup> Reviews of Munn's behaviour were not complimentary. During his next open confrontation with government, he would ensure someone else's name was in the headlines.

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<sup>208</sup> "McDonald-Murphy Acquire Extensive Holdings," *Western Lumberman* vol. 25, no. 5 (May 1928), 750; "Record Log Production on Cowichan Lake," *British Columbia Lumberman*, vol. 9, no. 7 (July 1925), 34; "Will Log on an Extensive Scale," *Western Lumberman* vol. 10, no. 6 (June 1913), 38; "Loggers' Association in Annual Session," *Western Lumberman* vol. 11, no. 3 (March 1914), 42; "Items of Interest to the Trade," *Western Lumberman* vol. 14, no. 2 (February 1917), 34.

<sup>209</sup> Gray, "Forest Policy and Administration," 139.

<sup>210</sup> "Ontario," *Canada Lumberman & Woodworker* vol. 30, no. 4 (15 February 1910), 38; "Ontario," *Canada Lumberman & Woodworker* vol. 30, no. 3 (1 February 1910), 46; "Algonquin Park Timber May Be Saved," *Canada Lumberman & Woodworker* vol. 30, no. 15 (1 August 1910), 22; "Conserving Canada's Woodland Wealth," *Citizen* (Ottawa), 4 June 1910, 17; "Comment," *Citizen* (Ottawa), 25 May 1910, 6; S. Bernard Shaw, *Lake Opeongo: Untold Stories of Algonquin Park's Largest Lake* (General Store Publishing House, 1998), 15-16; "Algonquin Park Lumber Saved From Destruction," *Canada Lumberman & Woodworker* vol. 30, no. 22 (15 November 1910): 20.

The McDonald Murphy Logging Company began operations in British Columbia as early as 1917. In 1928 it reformed as the McDonald Murphy Lumber Company, incorporating investment capital from the John Schroeder Lumber Company, a large American firm based in Milwaukee, Wisconsin. These funds were used to acquire Block 75, a parcel of E&N grant land near Cowichan Lake, a tract described as “one of the finest and largest stands of timber on Vancouver Island.”<sup>211</sup> McDonald Murphy reportedly invested nearly \$2 million in the purchase. The scale of this expenditure can be understood by considering that this was twice the sum that the provincial government would earn from all the timber licences in the province during that year.<sup>212</sup> It is not clear why A.E. Munn chose to challenge Section 58 in 1929. Perhaps deteriorating market conditions forced his hand as the global economy drifted towards collapse. On 25 January British Columbia sawmill owners responded to a lack of demand for lumber by agreeing to an industry wide production curtailment of 20 percent for the month of February. Although the timber tax rate had not been increased since first established in 1903, the sheer volume of logs being exported meant the amount of tax became significant. American tariff policy may have come into play again. With the United States Congress threatening to increase tariffs on Canadian lumber and shingles, BC’s press and politicians called for increased provincial log export restrictions.<sup>213</sup> Now in

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<sup>211</sup> “Gordon Development Co.’s Manager,” *Western Lumberman* vol. 14, no. 8 (August 1917), 38; “Certificate of Incorporation,” *British Columbia Gazette* vol. 68, no. 23 (7 June 1928), 2209-2211; “McDonald-Murphy Acquire Extensive Holdings,” *Western Lumberman* vol. 25, no. 5 (May 1928), 750.

<sup>212</sup> British Columbia, *Public Accounts for the Fiscal Year Ended 31st March, 1928* (Victoria: King’s Printer, 1928), xviii, <https://doi.org/10.14288/1.0368908>.

<sup>213</sup> “Shingle Men May Not Be Badly Hit,” *Vancouver Daily Province*, 24 February 1929, 1.

opposition after the 1928 election, former Minister of Lands Pattullo attacked S.F. Tolmie's Conservative government regularly over the issue, reminding them that they had strongly criticized the Liberals' export policies while in opposition.<sup>214</sup> In March the *Vancouver Daily Province* printed a letter to the editor from a concerned citizen which read in part:

Why not tax all logs and pulpwood and pulp shipped to [America]? I say let them raise their tariff wall as high as Mt. Baker. What minerals and timber there are here we can keep for Canadian citizens.<sup>215</sup>

Perhaps Munn was simply in the mood for a fight, having lost his seat in British Columbia's Legislative Assembly in the 1928 election. Regardless of his motivation – and it seems likely that the Block 75 investment made in the hope of unfettered access to the American market played a part – once events were set in motion, they progressed quickly.

*McDonald Murphy v. Attorney General* was heard in British Columbia's Supreme Court in early May 1929 by Justice Aulay Morrison. Morrison had previously ruled that another provincial tax was ultra vires so it was no surprise when he again ruled against the government. Announcing his decision on May 23. Morrison wrote:

Applying epithets does not as a rule disclose the true character of a transaction or of a statutory enactment. Both parties invoke the apposite and well-known clauses of the B.N.A. Act in their contentions as to whether this tax is direct or indirect. I find no difficulty in assigning this tax to one of the blocs upon which the province must not trespass. I find that the nature and general tendency of the tax assailed is to pass it on to the purchaser, and is an indirect tax which is ultra vires the Legislature of British Columbia.<sup>216</sup>

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<sup>214</sup> "Pattullo Raps Sale of Bonds Without Bids," *Vancouver Daily Province*, 25 January 1929, 2; "Pattullo Says Budget Is a Ruse," *Vancouver Daily Province*, 23 February 1929, 22.

<sup>215</sup> "Canada Should Retaliate Against Tariff Wall," *Vancouver Daily Province*, 3 March 1929, 62.

<sup>216</sup> "Export Tax on Logs is Ultra Vires," *British Columbian* (Vancouver), 25 May 1929, 1.

Facing both the loss of \$200,000 a year in revenue and political pressure to take action to stop the export of logs, the Conservatives announced they would appeal the decision to the highest court possible at that time, the Judicial Committee of the Privy Council in England, bypassing the Supreme Court of Canada. The Privy Council again sided with McDonald Murphy on the grounds that the tax was ultra vires. With no further legal remedies available, the Tolmie government repealed Section 58 of the *Forest Act* on 25 March 1930. The Conservatives promised that they were working on a legal solution which would reassert control over log exports from Crown granted land, but nothing materialized and these exports continued without restriction until the federal government stepped in during the Second World War.<sup>217</sup>

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<sup>217</sup> “Will Appeal Judgement on B.C. Log Tax,” *Vancouver Daily Province*, 25 May 1929, 25; “B.C. Takes Steps to Legalize Timber Tax as Privy Council Threatens \$200,000 Revenue,” *Vancouver Daily Province*, 4 March 1930, 1; British Columbia, “Forest Act Amendment Act, 1930,” in *Statutes of the Province of British Columbia* [1930] (Victoria: King’s Printer), 53-55, <https://heinonline.org>.

## Chapter 7 - The Depression: People or Logs

The *Vancouver Sun* has always favored the policy of conserving British Columbia's natural resources by due restrictions against the export of unmanufactured logs. But when it comes to a question of conserving British Columbia logs or conserving British Columbia citizens, the government must give first consideration to the citizens. [...] The only issue before the government is whether to save people or logs.<sup>218</sup>

Although the economic problems brought to British Columbia by the Great Depression provided opponents of raw log export controls with a new argument in favour of loosening them, the 1930s saw the status quo maintained. The compromise developed during the First World War, which saw log exports from Crown land regulated by committee, ensured that manufacturers had access to the logs they needed, that loggers had the opportunity to export logs when they were able to make a convincing argument that it was necessary, and that the government was able to, for the most part, keep the issue out of the newspapers. There was little appetite for change and a divided forest industry was unable to force government to move in one direction or the other. Despite this, opposition MLA Duff Pattullo, who had been the Minister of Lands when the provincial Liberals held power, criticized the Conservative government of Simon Fraser Tolmie, arguing that raw log exports needed to be curtailed. Pattullo warned that: "Notwithstanding the direful conditions of today we have not come to the end of the world. We had better preserve our forests and not let

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<sup>218</sup> "People or Logs," *Vancouver Sun*, 10 June 1931, 6.

them be depleted.”<sup>219</sup> Nobody was so impolite as to remind him that the Conservatives followed exactly the same raw log export policies that the Liberals had.

Nothing changed after Pattullo became Premier in 1933, yet he was able to maintain his public opposition to raw log exports, even while his government allowed them, by arguing that since most raw log exports were coming from Crown granted land, he was powerless to stop them.<sup>220</sup> Pattullo wasn't wrong as the portion of raw log exports coming from Crown granted land averaged 82% during the 1930s, reaching a high of 94.1% in 1937.<sup>221</sup>

Whenever the subject of raw log exports resurfaced, the loggers and the manufacturers maintained their usual positions. After the BC Legislature's forestry committee suggested “banning all raw log exports” in 1935, J.H. Macdonald of the BC Lumber and Shingle Manufacturers Association expressed his support, suggesting that “there is no question the prohibition of this practise would be of benefit to the industry.”<sup>222</sup> It wasn't long before Fred B. Brown, representing the BC Loggers' Association, appeared to argue his case in favour of continued exports. Brown claimed that BC manufacturers had access to all the logs they needed and reminded everyone that most of the logs being exported were beyond the control of the provincial government.<sup>223</sup> In an attempt to get around this obstacle, the committee proposed “a substantial tax against log

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<sup>219</sup> “Log Export Continues,” *Victoria Daily Times*, 14 March 1933, 1; “B.C. Liberalism Demands Cheaper Money,” *Vancouver Sun*, 14 March 1933, 9.

<sup>220</sup> “B.C. Seeks Control of Crown Timber,” *Vancouver Daily Province*, 23 October 1934, 2; “Export of B.C. Logs Deplored in House,” *Vancouver Daily Province*, 27 February 1935, 21.

<sup>221</sup> Sloan, *Report of the Commissioner*, 99.

<sup>222</sup> “Log Export Ban Obtains Support of J.H. Macdonald,” *Nanaimo Free Press*, 7 March 1935, 1.

<sup>223</sup> “Claims Export of Logs Justified,” *Vancouver Daily Province*, 14 March 1935, 3.

exports.”<sup>224</sup> Someone must have reminded them that this tax scheme had been tried before unsuccessfully, and the issue faded away, yet again.

One good news story to arrive in the mid-1930s showed just how big an impact trade policy had on British Columbia’s manufacturing sector. In 1935 the *Vancouver Sun* reported that the number of wooden doors exported from BC had increased an astounding 5,700% between 1931 and 1934. That’s not a typo. The number of doors exported rose from 3,100 doors to 176,657.<sup>225</sup> How did that happen? Well, in 1932 member states of the British Commonwealth gathered in Ottawa to develop a mutually supportive trade policy that would help lift them out of the Depression. The “Ottawa Conference,” whose working principle was described as “the local producer is entitled to first place in his local market, other Empire producers second, and foreign producers third,” reduced trade barriers between Commonwealth nations.<sup>226</sup> British Columbians were hopeful that their timber exports would benefit from the agreements which had “knocked a good many holes in the walls separating Empire nation from Empire nation.”<sup>227</sup> When the incredible increase in door exports was announced, this was considered proof that they had.<sup>228</sup> Unfortunately, Britain’s economic power was waning and its successor, the United States, was still wedded to discriminatory tariffs that discouraged exports of things like wooden doors from BC.

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<sup>224</sup> “Suggest Log Export Tax,” *Victoria Daily Times*, 8 March 1935, 15.

<sup>225</sup> “Trade Boom Aids Vancouver,” *Vancouver Sun*, 27 April 1935.

<sup>226</sup> R.J.F. Boyer, “The British Empire Producer’s Conference,” *Australian Quarterly*, vol. 10, no. 2 (June 1938): 12, <http://www.jstor.org/stable/20629527>.

<sup>227</sup> “The Conference Ends,” *Vancouver Sunday Province*, 21 August 1932, 6.

<sup>228</sup> “Recovery Strides Clearly Revealed,” *News-Herald* (Vancouver), 21 July 1934, 8; “Log Export Worries Northwest,” *Vancouver Daily Province*, 22 March 1939, 29.

As the decade continued, the ongoing war between Japan and China renewed calls for the curtailment of raw log exports from British Columbia. The Japanese had been purchasing Crown granted land in the province and were sending the logs back home to be used in support of their war efforts. Pulp logs, which could be made into the explosive cellulose nitrate, were especially desired.<sup>229</sup> In 1937, with tensions between Japan and the West rising, the Japanese government moved to facilitate this trade by removing import duties on logs.<sup>230</sup> Provincial Lands minister Wells Gray, claiming to be “shocked” by these developments, asked the province’s Attorney General to find a solution to the problem of raw log exports from Crown granted land with no luck.<sup>231</sup> Recognizing the limitations of provincial power, the East Burnaby-Edmonds Liberal Association called upon the federal Liberal government led by William Lyon Mackenzie King for help.<sup>232</sup> Their voices were soon amplified by the Liberal MP from New Westminster, Thomas Reid, who promised that action would be taken to curtail raw log exports during the next session of parliament.<sup>233</sup> Reid did bring the subject up in the House of Commons on 29 May 1938, but he seems to have overstated his influence with King. Though he was supported in his argument for

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<sup>229</sup> “Are Japanese Invading B.C. Log Industry,” *Vancouver Daily Province*, 8 February 1936, 3; “Large Parcel of Island Timber is Sold to Japanese,” *Victoria Daily Times*, 19 June 1937, 1; “Island is Key of Defence Plan on Pacific Coast,” *Victoria Daily Times*, 17 August 1937, 1, 2; “Raw Log Exports Being Studied,” *Vancouver Daily Province*, August 18 1937, 21; “Fear Japan Seeks More Logs in B.C.,” *Vancouver Daily Province*, 13 September 1937, 19; “Japanese to Cut B.C. Timber Ship Logs Direct to Japan,” *Vancouver Daily Province*, 23 October 1937, 33; “Shocked Into Action,” *Victoria Daily Times*, 26 October 1937, 4.

<sup>230</sup> “Fear Japan Seeks More Logs in B.C.,” *Vancouver Daily Province*, 13 September 1937, 19; “Japanese Move Cause of Concern,” *Victoria Daily Times*, 13 September 1937, 1.

<sup>231</sup> “Gray Seeking Ban on Export of Logs,” *Vancouver Daily Province*, 25 October 1937, 1; “Shocked Into Action,” *Victoria Daily Times*, 26 October 1937, 4.

<sup>232</sup> “Burnaby Liberals Act on Log Export Issue,” *Vancouver Daily Province*, 4 November 1937, 5.

<sup>233</sup> “Confident of Grant for Bridge,” *Surrey Leader*, 10 November 1937, 1.

federal control of raw log exports by Nanaimo's Independent MP James Samuel Taylor, the government was not moved to act and those hoping to see the federal government step into the fray would have to wait until 1940, after the start of another war.<sup>234</sup>

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<sup>234</sup> Canada, *Debates of House of Commons* [Canada 1938 vol. 3] (Ottawa: King's Printer, 1938), 3086-3087, <https://parl.canadiana.ca>.

## Chapter 8 - Wartime Restrictions and the New Status Quo

During pre-war years it had been the practice to export considerable volumes of logs cut from Crown granted lands in British Columbia to sawmills and pulp mills on the west coast of the United States. In 1940 the Timber Controller found it necessary to impose restrictions on exports of Douglas fir logs in order to maintain production in Canadian sawmills and plywood plants. This move engendered a certain amount of dissatisfaction in the United States but was, nevertheless, unavoidable.<sup>235</sup>

After the outbreak of the Second World War the debate over raw log exports took on a new urgency. Canada was committed to providing Britain with the men and material it needed to fight Germany, and the federal government became increasingly involved in directing the Canadian economy. With demand for logs and lumber outstripping supply, regulators attempted to control the “considerable volumes” of logs exported from Crown granted land in BC, but soon found that powerful opposition from both Canadian and American business interests forced yet another compromise.

In the run up to war, raw log exports surged.<sup>236</sup> There was so much demand from the United Kingdom that BC’s forest industry imported American logs from Pacific Northwest states and, taking advantage of the preferential tariffs set up in the 1930s, exported those same logs to Britain at prices its southern competitors couldn’t match. Ironically, this inspired the US industry, which had long benefitted from the importation of Canadian logs, to lobby their own government

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<sup>235</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 268, file 196-16-16, [History of Timber Control], 11.

<sup>236</sup> Shinn, *British Columbia Log Export Policy*, 47; “Vancouver Exports and Imports Gain in 1939,” *Vancouver Sun*, 23 October 1939, 15.

to stop log exports. The *Vancouver Daily Province* noted dryly that “here the shoe pinches the other foot.”<sup>237</sup>

As the war progressed, Britain became increasingly reliant on wood products from Canada, and especially on those from British Columbia.<sup>238</sup> Shortly after France surrendered in June 1940, Canada, under the authority of its War Measures Act, as well as the Department of Munitions and Supply Act, created an organization called Timber Control, which was given the power “to conserve, co-ordinate and regulate the timber resources and industry of Canada in order to fulfil the present and potential needs of Canada and her allies.”<sup>239</sup> Former British Columbia Chief Forester H.R. MacMillan, who, establishing a pattern that others would follow, had left government employ to pursue a lucrative career in the industry he had previously regulated, was appointed Timber Controller. With a head office in Ottawa, and a branch office in Vancouver, Timber Control managed all aspects of the forest industry including production levels, prices, wages, and exports.<sup>240</sup> A few weeks after Timber Control was established, dry conditions and forest fires on the West Coast threatened to shut down logging on both sides of the border. At the same time, demand for logs was high, and the *Vancouver Sun* reported that “all fir booms reaching the open market are

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<sup>237</sup> “Log Export Worries Northwest,” *Vancouver Daily Province*, 22 March 1939, 29; “The U.S. and an Embargo on Fir Peeler Logs,” *British Columbia Lumberman*, vol. 23, no. 5 (May 1939), 44; “Northwest Opposes Log Shipments,” *Vancouver Daily Province*, 13 May 1939, 39; “The Tariff Shell Game,” *Vancouver Daily Province*, 2 June 1939, 4;

<sup>238</sup> John de Navarre Kennedy, *History of the Department of Munitions and Supply* [vol. 2] (Ottawa: King’s Printer, 1950), 243-244, <https://hdl.handle.net/2027/mdp.39015081266812>.

<sup>239</sup> “War Measures Act Proclaimed by Order-in-Council at Ottawa,” *Vancouver Daily Province*, 1 September 1939, 10; “Order-in-Council 1940-2716, 24 June 1940,” in *Proclamations and Orders in Council Passed under the Authority of the War Measures Act* [vol. 2] (Ottawa: King’s Printer, 1940), 130-132, <https://n2t.net/ark:/13960/t1qg05s4q>; Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 268, file 196-16-16, [History of Timber Control], 2.

<sup>240</sup> Kennedy, *History of the Department of Munitions and Supply* [vol. 2], 243-269.

snapped up by buyers on arrival.”<sup>241</sup> Confronted by a “shortage of fir [...] for essential war orders,” and with further shortages looming, Assistant Timber Controller, E.C. Manning, who also served as BC’s Chief Forester, announced a three-month prohibition on the “export of all fir sawlogs from British Columbia to non-British Empire destinations.” This order came into force on 10 July 1940, and was extended for two additional months on 10 October.<sup>242</sup> Federal Order-in-Council 1940-7156 extended the export restrictions indefinitely on 4 December 1940, with two significant changes: first, the order prohibited the export of Douglas fir logs regardless of destination; and second, exports were now allowed under permit from the Minister of National Revenue.<sup>243</sup> Over the course of the war, log export regulations for Douglas fir, and other species, were frequently introduced, amended, and revoked as the situation demanded.<sup>244</sup>

There was remarkably little opposition to these controls. In Canada, the industry was seized with a patriotic fervour and, accepting that restrictions on raw log exports were necessary, vowed to “do everything in our power, with wood, to smash a crushing, blood-sucking tyranny.”<sup>245</sup>

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<sup>241</sup> “Only Good Rain Can Prevent Forest Fire ‘Catastrophe,’ Warden Warns,” *Bellingham Herald*, 2 July 1940, 1; “Douglas Fir Logging May Be Continued,” *Nanaimo Free Press*, 6 July 1940, 1, 2; “Logging, Forest Travel Banned in Coast Area,” *Vancouver Sun*, 6 July 1940, 1; “Fir Shortage Increased by Woods Closing,” *Vancouver Sun*, 8 July 1940, 13; “Fires Halt All Logging,” *Tacoma News Tribune*, 9 July 1940, 1, 2.

<sup>242</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 267, file 196-16-5, [Timber Control, Informals], 6 July 1940; “Export of Fir Sawlogs Banned,” *Vancouver Sun*, 6 July 1940, 8; “Log Export Reduced,” *Victoria Daily Times*, 6 July 1940, 1; “B.C. Halts Export of Fir Saw Logs Outside Empire,” *Nanaimo Free Press*, 6 July 1940, 1; “Halted at Last,” *Victoria Daily Times*, 8 July 1940, 4; “Ban on Log Exports Remains,” *Vancouver Daily Province*, 8 October 1940, 23; “Fir Log Export Ban Extended,” *Vancouver Sun*, 8 October 1940, 19; “Ban Continues,” *Victoria Daily Times*, 8 October 1940, 1.

<sup>243</sup> “Order-in-Council 1940-7156, 4 December 1940,” in *Proclamations and Orders in Council Passed under the Authority of the War Measures Act* [vol. 3] (Ottawa: King’s Printer, 1941), 166-7, <https://n2t.net/ark:/13960/t6h14gt7w>; “All Fir Sales Under License,” *Vancouver Daily Province*, 11 December 1941, 31.

<sup>244</sup> Kennedy, *History of the Department of Munitions and Supply* [vol. 2], 243-269; “B.C. Halts Export of Fir Sawlogs,” *Vancouver Sun*, 17 July 1941, 23; “B.C. Fir Log Export Under New Embargo,” *Vancouver Daily Province*, 17 July 1941, 27.

<sup>245</sup> “Lumbermen Pledged to Victory,” *Vancouver Daily Province*, 2 November 1940, 38.

Meanwhile, the domestic market for fir was “exceptionally strong,” with buyers “for every stick that can be supplied.”<sup>246</sup> This strong market meant that there was little incentive to export to the US, where demand for fir was weaker.<sup>247</sup> Additionally, the export of hemlock, which was less desirable yet often made up a significant percentage of a stand of Douglas fir, was still allowed.<sup>248</sup> In the US, the log export restrictions were met with a shrug. The forest industry of Washington State, which was most affected by the curtailment of BC logs, was distracted by its own problems as it struggled to reach pre-Depression production levels, and worked to manage the conflicts between capital and labour that had resulted in a number of strikes and labour disruptions.<sup>249</sup> However, as America increased its material support for Britain through programs like Lend-Lease, and then became an active participant in the war, this equanimity would not last long.

As discussed previously, private ownership of the huge E&N land grant on Vancouver Island was a significant impediment to British Columbia’s efforts to prevent the export of raw logs. Just how significant became clear when Canada attempted to restrict the exportation of pulp logs to Washington State. In January 1942, citing “serious local shortages,” Canada’s trade minister J.A. MacKinnon announced that pulp logs would require a permit to be exported.<sup>250</sup> As usual, however,

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<sup>246</sup> “Fraser Mills in High Gear,” *Victoria Daily Times*, 5 July 1940, 18; “An Industry on Its Toes,” *Vancouver Daily Province*, 2 November 1940, 2.

<sup>247</sup> “Douglas Fir Orders Below Expectation,” *Everett Daily Herald*, 11 July 1940, 12; “Fir Market Disappoints,” *Tacoma News Tribune*, 12 July 1940, 24; “Logs Fill Willamette,” *Everett Daily Herald*, 18 July 1940, 4.

<sup>248</sup> “Douglas Fir, Hemlock Hit,” *Vancouver Daily Province*, 7 December 1940, 37.

<sup>249</sup> “Lumber Output Rises Slightly,” *Daily Olympian* (Olympia), 11 July 1940, 5; “Lumber Emergency’ Debated in Strike,” *Tacoma News Tribune*, 2 October 1940, 5; United States, *Strikes in 1940* (Washington: US Government Printing Office, 1941), 5; “U.S. To Investigate Douglas Fir Trade,” *Vancouver Daily Province*, 4 July 1941, 32.

<sup>250</sup> “Serious Shortages,” *Vancouver Daily Province*, 19 January 1942, 21.

this permitting policy had little effect on raw log export levels, since most permit applications were approved, as noted by the *Vancouver Daily Province*, which wrote that permits were “issued fairly liberally in view of the pressing need for logs in Washington.”<sup>251</sup> In fact, the permitting system was so liberal that in May federal authorities overruled BC’s log export control committee and allowed the export of a shipment of logs that their provincial counterparts had denied. Assistant Timber Controller D.D. Rosenberry blamed the decision on that old friend of the log exporter, the teredo worm, arguing that if the logs hadn’t been sent south, they would have been destroyed by these aquatic pests.<sup>252</sup> Newspapers countered that the logs were exported because “United States interests brought pressure on Ottawa.” BC’s frustrated Minister of Lands A.W. Gray, whose portfolio included responsibility for the province’s Forest Branch, claimed that the export would have a negative impact on BC pulp mills, which were struggling to get the supply of logs they needed to meet demand.<sup>253</sup> As the summer wore on, A.S. Nicholson, who had replaced H.R. MacMillan as Timber Controller, drafted an alarmist memo outlining looming log shortages and recommending the cessation of log exports “as quickly as we can taper it off.”<sup>254</sup> Shortly after this, he ordered that the export of pulp logs from British Columbia “be drastically reduced and restricted and practically eliminated.”<sup>255</sup> Those US interests referred to earlier reacted swiftly. Ninety-two percent of log

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<sup>251</sup> “Conference in Washington to Decide Contentious B.C. Hemlock Log Export Issue,” *Vancouver Daily Province*, 25 August 1942, 21.

<sup>252</sup> “Change in Log Export Policy Denied by Timber Controller,” *Vancouver Daily Province*, 4 May 1942, 21.

<sup>253</sup> “Ottawa Frees Logs’ Export,” *Vancouver Daily Province*, 2 May 1942, 33.

<sup>254</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 264, file 196-16 part 4, [Timber Control General Corr., 1941-42], A.S. Nicholson to Ben Alexander, 28 August 1942.

<sup>255</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 264, file 196-16 part 4, [Timber Control General Corr., 1941-42], “To Canada’s Lumber Industry,” 1 September 1942.

exports were coming from the privately held land in the E&N crown grant, and the owners of that land, which included individuals with names like Rockefeller and Weyerhaeuser, were no shrinking violets.<sup>256</sup>

With newspapers reporting that Canadian log export restrictions had decreased the normal supply of raw material for Puget Sound pulp mills by one-third, American politicians, led by Washington senator Monrad Wallgren, soon entered the log export fight.<sup>257</sup> Wallgren's counterpart, senator Homer Bone, accused Canada of using wartime needs as "a smoke-screen" in order to build up its own industry at its neighbour's expense.<sup>258</sup> Arguing in front of a committee chaired by Harry S. Truman, who would go on to become president of the United States, Wallgren pointed out that "many of the British Columbia lands in question were [...] owned by United States citizens," that that no export restrictions had been in place when the land was sold. He urged the US government to "get tough with the Canadians." Others testifying before the committee noted that "American citizens took these grants and built the Puget Sound sawmills on the understanding that there would be no interruption in the free flow of timber across the border." Truman added his

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<sup>256</sup> British Columbia, *Report of the Forest Branch for the Year Ending December 31st 1942* (Victoria: King's Printer, 1943), FF 38, <http://dx.doi.org/10.14288/1.0314366>; "Vancouver Island Timber Deal Adds to B.C.'s Log Production," *Vancouver Daily Province*, 4 January 1937, 17; "Americans Planned Big Investments," *Vancouver Daily Province*, 30 August 1905, 16; "Export Lumber Prices Raised," *Vancouver Daily Province*, 15 February 1902, 1; "U.S. Lumber Baron Predicts Curtailment," *Western Lumberman* vol. 8, no. 8 (August 1911): 49.

<sup>257</sup> "U.S. Control of Log Pools Meets Favor," *Tacoma Times*, 15 October 1942, 1, 2.

<sup>258</sup> "Bone Attacks Lumber Story," *Columbian* (Vancouver, WA), 17 September 1942, 2.

support, demanding that the export restrictions be lifted in order to avoid “a serious shortage of lumber in the United States.”<sup>259</sup>

While Nicholson continued to defend export controls in the press, the US did not hesitate to flex its dominant economic position in its wartime partnership with Canada and Britain. Wallgren, arguing that “there's something smelly about the whole thing,” suggested linking the log export question to the aid the US was providing to Britain through the Lend-Lease program, and called for “a little reciprocity.”<sup>260</sup> Earlier in the year, during a meeting between Canadian and US officials arranging for the shipment of logging trucks to BC, the Americans hinted that it might be difficult to get trucks for the Vancouver-based Lake Logging Company Ltd., as it was “in especial disfavor due to the fact that some time ago they refused to sell ten million feet of logs urgently need in the State of Washington in connection with the U.S. Defense Program.”<sup>261</sup> Perhaps most alarmingly, US politicians and mill owners demanded they be allowed to send American loggers to Vancouver Island to retrieve their logs.<sup>262</sup> This demand was rebuffed, but it was clear that something would have to change.

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<sup>259</sup> Library and Archives Canada, RG20, Department of Industry, Trade, and Commerce, vol. 299, file T-10310, [Log Exports, 1942-45], Telegram, 25 November 1942; Library and Archives Canada, RG20, Department of Industry, Trade, and Commerce, vol. 299, file T-10310, [Log Exports, 1942-45], Telegram, 27 November 1942.

<sup>260</sup> “Scores Log Embargo Deal,” *Tacoma News Tribune*, 26 November 1942, 1, 17; “Bloedel Defends Log Policy,” *Vancouver Daily Province*, 26 November 1942, 24; “Canada Snubs Plea for Logs,” *Spokesman-Review* (Spokane, WA), 26 November 1942, 2.

<sup>261</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 264, file 196-16 part 4, [Timber Control General Corr., 1941-42], D.H. Miller to S.D. Pierce, 24 April 1942.

<sup>262</sup> “U.S. Senators Fight Log Ban,” *Vancouver Daily Province*, 15 December 1942, 21; “Fear Lack of Timber,” *Tacoma News Tribune*, 16 December 1942, 5; “U.S. Lumber Operators Suggest Sending Their Own Logging Crews into the Forests of B.C.,” *Vancouver Daily Province*, 22 December 1942, 27.

The first thing that changed was the Timber Controller, A.S. Nicholson, who was moved out of harm's way after Henry Borden, Chairman of the Wartime Industries Control Board, found that Timber Control was "floundering."<sup>263</sup> Nicholson's replacement, A.H. Williamson, struck a more conciliatory tone with the Americans, and emphasized the degree to which Canada was attempting to meet American demand for wood products, "even at the cost of denying ourselves."<sup>264</sup> Privately, Williamson acknowledged that Canada could not completely stop raw log exports, and wrote that "it is obviously impossible for Canada to deny pulpwood to the United States and at the same time expect to secure from the United States greatly increased orders for pulp products, with the result that production which formerly took place in the United States would be transferred to Canada."<sup>265</sup> Of course, this transfer is exactly what the opponents of raw log exports had always wanted, and would never get. Williamson was soon meeting with his counterparts from the US War Production Board, and a compromise was hammered out.<sup>266</sup> Described as "reasonably satisfactory to all parties concerned," the deal allowed exporters to ship "a percentage of the average

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<sup>263</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 264, file 196-16 part 4, [Timber Control General Corr., 1941-42], Henry Borden to C.D. Howe, 28 October 1942; Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 268, file 196-16-16, [History of Timber Control], 2.

<sup>264</sup> "Canadian Director Replies on Logs," *Bellingham Herald*, 16 December 1942, 9.

<sup>265</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 264, file 196-16 part 1, [Timber Control General Correspondence, 1942-44], A.H. Williamson to A. Crabtree, 7 July 1943.

<sup>266</sup> "U.S. Senators Fight Log Ban," *Vancouver Daily Province*, 15 December 1942, 21; "U.S. Lumber Operators Suggest Sending Their Own Logging Crews into the Forests of B.C.," *Vancouver Daily Province*, 22 December 1942, 27; "Washington Parley on B.C. Log Exports," *Vancouver Daily Province*, 29 December 1942, 20; "Pulp Mills to Get B.C. Logs, Report," *Bellingham Herald*, 22 January 1943, 8.

of their [raw log] exports to the United States during the years 1935-1941 inclusive.”<sup>267</sup> When Timber Control Order 20, which formalized pulp log export restrictions, was introduced on 15 July 1943, British Columbia was exempted in order to facilitate this bargain.<sup>268</sup> In addition, Douglas fir log exports, which were regularly said to have been completely stopped, were in fact subject to constant negotiation, and “reviewed quarterly with the United States Lumber and Lumber Products Division,” as exports continued.<sup>269</sup>

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<sup>267</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 268, file 196-16-16, [History of Timber Control], 12; Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 264, file 196-16 part 1, [Timber Control General Corr., 1942-44], Plan for Administering Pulpwood Controls in Canada, 4 May 1943; Kennedy, *History of the Department of Munitions and Supply* [vol. 2], 248-249.

<sup>268</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 267, file 196-16-2-20, [Timber Control Order 20, Pulpwood Exports], Walter T. Patterson to A.J. Martin, 15 July 1943.

<sup>269</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 268, file 196-16-16, [History of Timber Control], 12.

## Chapter 9 - Post War: The New Old Status Quo

Dr. Foster said he does not think that Mr. Murray of Trade and Commerce attends any meetings of the Log Export Advisory Committee, and that Mr. Murray's capacity in connection with export permits is simply to 'rubber-stamp' them.<sup>270</sup>

Once the conflict with Germany and Japan ended, the pressing need for logs for the war effort ended as well. However, the need for the illusion of control over the export of raw logs from Crown granted land in BC continued. While Canada wanted to retain its raw materials as it focused on building houses for returning veterans, the US kept up pressure for increased log exports. Officials at Timber Control recognized that it no longer had the authority to fend off the Americans. Late in 1945, Deputy Timber Controller H.G. Munro wrote a memo to Williamson's successor, D.D. Rosenberry, explaining that "this is a question that can hardly be finally settled by [Timber Control and the Department of Munitions and Supply] now that the war is over." Munro recommended that the problem be handed to the Department of External Affairs or the Department of Trade and Commerce, adding that "the question of log exports to the United States has, as you know, been a considerable source of friction during the past few years between the two governments."<sup>271</sup> As the post-war period continued, Canada wound down Timber Control, renamed the Department of Munitions and Supply, the Department of Reconstruction and Supply,

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<sup>270</sup> Library and Archives Canada, RG39, Canadian Forest Service, vol. 756, file 351-1-7 part 1, [BC Log Exports], "Log Export from British Columbia," A.B. Vincent, 19 March 1969.

<sup>271</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 268, file 196-16-16, [History of Timber Control], 2; Library and Archives Canada, RG20, Department of Industry, Trade, and Commerce, vol. 299, file T-10310, [Log Exports, 1942-45], D.D. Rosenberry to H. Kemp, 23 November 1945; Library and Archives Canada, RG20, Department of Industry, Trade, and Commerce, vol. 299, file T-10310, [Log Exports, 1942-45], H.G. Munro to D.D. Rosenberry, 20 November 1945.

and in 1947, transferred control over raw log exports to the Department of Trade and Commerce with the introduction of the Export and Import Permits Act.<sup>272</sup> The efficacy of that control might be judged by the above quotation from a member of the Canadian Forest Service, who pointed out that the Department of Trade and Commerce's representative in Vancouver took a hands off approach to the permitting process, approving all the permit applications he was presented with.

British Columbia followed Canada's lead with regards to log export controls in the post-war era, and maintained the same permitting system that had been in place since 1918. As discussed earlier, this system had no impact on raw log exports from Crown granted land. Before the war ended, BC had appointed Chief Justice Gordon Sloan to head a Royal Commission on forestry. Sloan was quite critical of the unregulated forestry that took place on the E&N grant, and pointed out the lopsided nature of the deal, arguing that:

From 1887 to 1897 no records of the sale of timber lands were kept by the railway company, but it appears that from 1889 to July 31, 1944, the company disposed of 763,565 acres of timber land containing over 7,000,000,000 feet of timber and realized therefrom the sum of \$14,814,792.69, or about six times the contractors' investment in the railroad from Esquimalt to Nanaimo.<sup>273</sup>

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<sup>272</sup> John de Navarre Kennedy, *History of the Department of Munitions and Supply* [vol. 1] (Ottawa: King's Printer, 1950), ix, <https://hdl.handle.net/2027/mdp.39015081266820>; Kennedy, *History of the Department of Munitions and Supply* [vol. 2], 17-19; Canada, "The Export and Import Permits Act," in *Acts of the Parliament of the Dominion of Canada* [1947 Part 1] (Ottawa: King's Printer, 1947), 97-100, <https://heinonline.org>.

<sup>273</sup> "Tax Alienated E. & N. Lands Recommends Sloan," *Victoria Daily Times*, 10 January 1946, 9.

Nevertheless, Sloan's report, which made clear the large volume of raw log exports that originated from the E&N grant, did not recommend any regulatory changes to address the situation, and 1947's amendment to BC's Forest Act maintained the status quo.<sup>274</sup>

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<sup>274</sup> British Columbia, "Forest Act Amendment Act, 1947," in *Province of British Columbia Statutes [1947]* (Victoria: King's Printer, 1947), 183-194, <https://heinonline.org>.

## Conclusion

This is no longer a situation where we can rely on that high-volume export of raw logs around the world to support forest-dependent communities. We need to get more jobs per tree. [...] The approach of previous governments of just letting her rip and hoping for the best didn't work out.<sup>275</sup>

- British Columbia Premier David Eby, 5 May 2023.

So. Did government really 'let her rip' and hope for the best? It's complicated. After reviewing the history of raw log exports up to 1947, one wonders what British Columbia could have done differently. Examining the regulatory framework surrounding the issue reveals that financial pressures and bad decisions made in the early days of the province limited the available policy options with the result that governments have pursued essentially the same policies throughout the period under examination.

The giveaway of the E&N lands, which contained a significant portion of the most productive forests in the province, in exchange for the construction of seventy-eight miles of railroad track, presented a nearly insurmountable obstacle for those who wanted to stop raw log exports. The grant was made without any log export restrictions and it was extremely difficult to retroactively impose any. While it may be a bitter pill to swallow, BC sold this forest cheaply and its new owners believed they should be allowed to dispose of it however they wished. When Canada tried to impose controls during the Second World

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<sup>275</sup> CPAC, "B.C. Premier David Eby Reveals Post-Secondary Education Action Plan," 2 May 2023, YouTube, <https://www.youtube.com/watch?v=XhE7gXjoMAG>; Vaughn Palmer, "Eby Warns Forestry Sector to Fix Its Problems or Government Will," *Vancouver Sun*, 5 May 2023, online edition; "Premier David Eby Says Days of 'High-Volume' Raw Log Exports Are Over," *Vancouver Island Free Daily*, 4 May 2023, online edition.

War, powerful interests in Canada and the United States forced it to back down. In 1946 a critic asked Chief Forester C.D. Orchard why the province hadn't bought back the E&N lands. Orchard's candid response was that "there had never been a time" when the province could have afforded the purchase.<sup>276</sup>

Shortly after the E&N grant was finalized, the problem got worse. The provincial government, again motivated by financial necessity, sold licences to nearly all the remaining forests between 1905 and 1907. This dumped another immense amount of timber into the market, resulting in chronic overproduction. When the owners of these logs couldn't find a market in BC, they fought for the right to export them.

Compounding the problem of oversupply was the forest industry's favourite harvesting method – clearcutting. Though it came with significant environmental costs, clearcutting was the cheapest way to knock down the trees and move them to market. Unfortunately, the old-growth forest that was being cut was not a monoculture and various species of wood, of different grades, were present in most cut blocks. This meant that there was almost always an oversupply of hemlock, balsam, and lower grade cedar that had to go somewhere, and the owners of those logs argued that somewhere, should be somewhere else.

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<sup>276</sup> "Log Export Court Battle Reviewed," *Vancouver Sun*, 3 April 1946, 14.

It might be hoped that BC's forest service, seeing the problems brought about by overproduction and clearcutting, would recommend the government introduce regulations to address the issues. This didn't happen for a number of reasons. To start, the forest service saw itself as a partner of industry, rather than a protector of the public's interest. The province's first Chief Forester, H.R. MacMillan left government and joined the industry, eventually becoming part of MacMillan Bloedel, which at one point was Canada's largest forestry company. His successor, Martin Grainger, did the same. The forest service enforced what regulations there were selectively, for example deciding without legislative authority, and without telling anyone, to stop collecting a small tax on logs cut from Crown grants. The general attitude of the forest service was neatly summed up by another quote from C.D. Orchard who said, "no matter what some of us conscientious souls would like to do for posterity, we've got to eat today, else we will not be long enough here to produce the makings of posterity."<sup>277</sup>

Regardless, the provincial government was hardly clamouring for raw log export policy advice from the forest service. Reliant on forest revenues, handicapped by the division of powers between Canada's provincial and federal governments, and in a weak bargaining position in regards to the United States, the province also saw itself as a partner of industry, and worked out a system that allowed it to say that it was regulating raw log

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<sup>277</sup> C.D. Orchard, "Preposterous Prognosis," *Forestry Chronicle* vol. 35, no. 4 (December 1959): 275-281, <https://doi.org/10.5558/tfc35275-4>.

exports, at the same time that it was allowing exports. A key feature of this system was that it kept the issue out of the spotlight by making decisions behind closed doors. Eliminating the pressure to export logs would have required eliminating the clearcutting that produced unmarketable logs, reducing the harvest until the supply of logs matched the demand from manufacturers, and convincing the federal government to prohibit the export of logs cut from Crown grants. None of that would be easy, or even possible, and so it wasn't done.

Raw log exporters were strongly motivated, with a lot to lose, while opponents of log exports had less to lose, and were less focused. Opposition from within the forest industry lessened as it became integrated, with more manufacturers doing their own logging. Nobody presented a concrete plan to reduce raw log exports. Opponents just assumed that if logs weren't exported, local manufacturers would find a use for them. There was little serious talk of slowing the harvest rate. Too much of the economy relied on the forest industry, and everyone was benefitting from it. Of course, some benefitted more than others.

Although raw log exports haven't previously attracted much attention from forest historians, few would be surprised by what is presented here. The management of raw log exports mirrors that of the entire forest industry. Government acknowledged the concerns of the public and announced their intention to make changes, while working with industry to keep the dollars coming in. Critics in the 1980s called the system "talk and log." Now the

old growth is gone and much of the industry is too.<sup>278</sup> Is there anything to be learned from all of this? Perhaps, when considering other seemingly intractable public policy problems, we might wonder if there is a similar mix of pressures at play, and think about new ways to attack the issue.

Looking forward, the outlook for the reduction of raw log exports is mixed. Recent regulatory developments are disappointing. In December 2023, BC's Ministry of Forests announced further restrictions on the export of cedar and cypress logs.<sup>279</sup> At first glance this sounds encouraging. But if you've made it this far, you'll realize that announcements like these need to be taken with several grains of salt. Upon further investigation, it turns out that, according to the provincial government's annual raw log export report, cedar made up only 1.5 percent of log exports in 2023 while cypress, which presumably is included in "other" since it is not given a standalone entry in the report, has not risen from 0 percent since 2013.<sup>280</sup> And so it would appear that this most recent announcement follows the same pattern as those that came before it – tough talk masking a continuation of the status quo.

However, an encouraging development has been the increased First Nations involvement in

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<sup>278</sup> Karen Price, Rachel F. Holt, and Dave Daust, "Conflicting Portrayals of Remaining Old Growth: The British Columbia Case," *Canadian Journal of Forest Research*, vol. 51, no. 5 (May 2021): 749, <https://doi.org/10.1139/cjfr-2020-0453>.

<sup>279</sup> "Province Moves to Reduce Raw Log Exports," *Vancouver Sun*, 7 December 2023, A6; "B.C. Moves to Reduce Raw Log Exports, Boost Higher-Value Wood Manufacturing," *Province* (Vancouver), 7 December 2023, 2.

<sup>280</sup> British Columbia, Ministry of Forests, "British Columbia Log Export Permit Report 2010-2014," <https://n2t.net/ark:/13960/s2q6vb34vkw>; British Columbia, Ministry of Forests, "British Columbia Log Export Permit Report 2014-2018," <https://n2t.net/ark:/13960/s2btd84xzxj>; British Columbia, Ministry of Forests, "British Columbia Log Export Permit Report 2019-2023," <https://n2t.net/ark:/13960/s2thfxnmxmvg>.

the forest industry. Organizations like Iskum Investments, which represents “over twenty” coastal First Nations, demonstrate a strong understanding of the problems the forest sector faces, linking declining employment with the “[failure] to attract investment in domestic manufacturing of second-growth,” and warning that “new approaches are required to address the underlying issues of the sector.”<sup>281</sup> First Nations are using their growing financial clout to make significant investments in forestry, as evidenced, for example, by the purchase of a 34 percent stake in Western Forest Products, one of the largest forestry companies on Vancouver Island.<sup>282</sup> Only time will tell whether First Nations’ stated goals will actually result in the reduction of raw log exports, but as First Nations Forestry Council CEO Leonard Joe has said, “for far too long, First Nations have been sidelined in this sector [...] today, there are signs that this is changing.”<sup>283</sup> Hopefully, the raw log export story will change as well.

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<sup>281</sup> Emchayiiik Robert Dennis Sr. and Shannon Janzen, “Comment: First Nations Are Key to the Future of Coastal Forestry,” *Times Colonist* (Victoria), 24 August 2024.

<sup>282</sup> “First Nations on Vancouver Island Enter Partnership with Major B.C. Forest Company,” CBC News, 25 October, 2023, <https://www.cbc.ca>.

<sup>283</sup> “B.C. MP Introduces Motion to End Old-growth Logging on Federal Land, Ban All Exports by 2030,” 5 May 2023, CBC News, <https://www.cbc.ca>.

## Raw Log Export Control Regulatory Timeline

11 November 1881: Dominion timber regulations discouraging log exports by requiring licences to operate a sawmill in conjunction with their timber berth are implemented via Order-in-Council 1881-1516.<sup>284</sup>

1 October 1890: The United States reduces the import duty on Canadian lumber with the McKinley tariff.<sup>285</sup>

11 October 1890: Canada removes the export duty on raw logs via Order-in-Council 1890-2362.<sup>286</sup>

28 August 1894: The Wilson tariff removes import duty on Canadian lumber.<sup>287</sup>

24 July 1897: The Dingley tariff reintroduces import duty on Canadian lumber.<sup>288</sup>

17 January 1898: Ontario prohibits raw log exports from Crown lands.<sup>289</sup>

1 July 1898: Canada Order-in-Council 1898-1734 requires that logs from Dominion timber berths “must be manufactured at the saw mill of the licensee,” effectively prohibiting log exports.<sup>290</sup>

30 April 1900: Ontario prohibits pulpwood exports from Crown lands.<sup>291</sup>

11 May 1901: British Columbia prohibits raw log exports from timber leases in the *Land Act Amendment Act, 1901*.<sup>292</sup>

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<sup>284</sup> Library and Archives Canada, RG2, Privy Council, Order-in-Council 1881-1516, 11 November 1881.

<sup>285</sup> United States, Department of Commerce and Labor, *Manufactures 1905: Part 3 Special Reports on Selected Industries* (Washington: Government Printing Office, 1908), 623, <https://hdl.handle.net/2027/uc1.31175013633881>; Lower, *The North American Assault*, 156.

<sup>286</sup> Library and Archives Canada, RG2, Privy Council, Order-in-Council 1890-2362, 11 October 1890; Lower, *The North American Assault*, 156; Nelles, *The Politics of Development*, 63.

<sup>287</sup> United States, *Manufactures 1905: Part 3*, 623; Lower, *The North American Assault*, 156.

<sup>288</sup> Lower, *The North American Assault*, 157; Nelles, *The Politics of Development*, 66.

<sup>289</sup> Ontario, “An Act Respecting the Manufacture of Pine Cut on the Crown Domain,” in *Statutes of the Province of Ontario* [1898] (Toronto: Queen’s Printer, 1898), 31-33, <https://heinonline.org>; Lower, *The North American Assault*, 157; Nelles, *The Politics of Development*, 73.

<sup>290</sup> Library and Archives Canada, RG2, Privy Council, Order-in-Council 1898-1734, 1 July 1898.

<sup>291</sup> Ontario, “An Act Respecting the Manufacture of Spruce and Other Pulp Wood Cut on the Crown Domain,” in *Statutes of the Province of Ontario* [1900] (Toronto: Queen’s Printer, 1900), 29-31, <https://heinonline.org>.

<sup>292</sup> British Columbia, “Land Act Amendment Act, 1901,” in *Statutes of the Province of British Columbia* [1901] (Victoria: King’s Printer, 1901), 137-142, <https://heinonline.org>; Gillis and Roach, *Lost Initiatives*, 137, Gillis and Roach incorrectly state that special timber licences were covered as well; Hak, *Turning Trees into Dollars*, 101.

25 May 1901: BC's Commissioner of Lands and Works, W.C. Wells, delays enforcement of raw log export controls contained in the *Land Act Amendment Act, 1901* after protests from logging industry.<sup>293</sup>

30 July 1901: Canada Order-in-Council 1901-1519 re-introduces export controls for timber cut on federal Crown land.<sup>294</sup>

1 January 1902: BC begins enforcement of log export controls contained in the *Land Act Amendment Act, 1901*.<sup>295</sup>

17 March 1902: W.C. Wells promises industry that raw log exports will be allowed "in individual cases, where there was no demand for logs in British Columbia," despite having no legislative authority to do so.<sup>296</sup>

10 July 1902: BC Order-in-Council 1902-0324 extends raw log export prohibition to include timber cut from special timber licences.<sup>297</sup>

12 December 1903: BC's *Land Act Amendment Act, 1903* introduces a tax on timber cut from Crown granted land that is not subject to royalty. This includes the Esquimalt and Nanaimo Railway grant, as well as all land granted after 7 April 1887. This tax is refundable, except for one cent per thousand board feet, if the logs are manufactured in the province. This 1903 amendment also removes provisions for granting pulp leases, inadvertently removing raw log export restrictions from existing pulp leases.<sup>298</sup>

12 March 1906: BC's *Timber Manufacture Act, 1906* clarifies the language of log export controls, applying them to "all timber cut on ungranted lands of the Crown, or on lands of the Crown which shall hereafter be granted." These restrictions however, apply only to timber cut west of the Cascade

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<sup>293</sup> "Concessions Are Granted," *Vancouver Daily Province*, 25 May 1901, 6; Hak, *Turning Trees into Dollars*, 102.

<sup>294</sup> Library and Archives Canada, RG2, Privy Council, Order-in-Council 1901-1519, 30 July 1901.

<sup>295</sup> "Will Enforce Export Law," *Daily Colonist* (Victoria), 1 January 1902, 1.

<sup>296</sup> "Permits for Lumber Export," *Vancouver Daily Province*, 20 March 1902, 1.

<sup>297</sup> British Columbia, Order-in-Council 1902-0324, 10 July 1902, <https://www.bclaws.ca>; "Timber Licenses in British Columbia," *Canada Lumberman* vol. 22, no. 9 (September 1902), 6; Hak, *Turning Trees into Dollars*, 102.

<sup>298</sup> British Columbia, "Land Act Amendment Act, 1903," in *Statutes of the Province of British Columbia* [1903] (Victoria: King's Printer, 1903), 189-196, <https://heinonline.org>; British Columbia, "An Act to Amend the Land Act, 1884," in *Statutes of the Province of British Columbia* [1887] (Victoria: Government Printer, [1887]), 45-47, <https://heinonline.org>; Library and Archives Canada, RG13, Department of Justice, vol. 338, file 1930-646, "Privy Council Appeal No. 115 of 1929"; "Amended Timber Act Abortive," *Vancouver Daily Province*, 16 December 1903, 1; "Say Hon. Mr. Green Is Only 'Spoofing'," *Vancouver Daily Province*, 11 April 1905, 1.

Mountain Range, in the coastal region. Export controls on timber leases are duplicated in the Land Act, which is updated on the same day to apply only to leases in the coastal region.<sup>299</sup>

17 September 1907: BC requires owners of logs to complete affidavit regarding their origin in an effort to determine appropriate royalties, taxes, and export restrictions via Order-in-Council 1907-0699.<sup>300</sup>

18 March 1908: BC's Chief Commissioner of Lands and Works, F.J. Fulton, suspends raw log export restrictions on lower grades of logs after loggers complain of an unsold surplus, despite having no legislative authority to do so.<sup>301</sup>

8 August 1908: BC reinstates raw log export restrictions.<sup>302</sup>

9 September 1908: BC again suspends raw log export restrictions on lower grades of logs, despite having no legislative authority to do so.<sup>303</sup>

1 November 1908: BC reinstates raw log export restrictions.<sup>304</sup>

12 March 1909: BC's *Timber Manufacture Act, 1906, Amendment Act, 1909* extends raw log export prohibitions to cover the entire province. Restrictions on existing timber leases continue to apply only west of the Cascade Mountain Range. The Lieutenant-Governor in Council is given the authority to authorize the export of "piles, telegraph and telephone poles, ties and crib timber."<sup>305</sup>

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<sup>299</sup> British Columbia, "An Act respecting the Use and Manufacture, within British Columbia, of Timber Cut on Lands of the Crown," in *Statutes of the Province of British Columbia* [1906] (Victoria: King's Printer, 1906), 377-378, <https://heinonline.org>; British Columbia, "Land Act Amendment Act, 1906," in *Statutes of the Province of British Columbia* [1906] (Victoria: King's Printer, 1906), 121-126, <https://heinonline.org>; Hak, *Turning Trees into Dollars*, 102.

<sup>300</sup> British Columbia, Order-in-Council 1907-0699, 17 September 1907, <https://www.bclaws.ca>.

<sup>301</sup> "No More Logs Are to Be Exported," *Victoria Daily Times*, 8 August 1908, 1; "Heavy Losses of Timber Men," *World* (Vancouver), 22 August 1908, 8; Hak, *Turning Trees into Dollars*, 103, Hak dates the suspension of export controls 8 March 1908 but this news is not reported until an article in the *Vancouver Daily Province* on 24 March 1908, which suggests the later date given by the *Victoria Daily Times* and the *World* is correct.

<sup>302</sup> "Government Prohibits Export of Logs to Sound," *Vancouver Daily Province*, 8 August 1908, 1; Hak, *Turning Trees into Dollars*, 103.

<sup>303</sup> "Export of Logs Again Permitted," *Vancouver Daily Province*, 9 September 1908, 1; Hak, *Turning Trees into Dollars*, 103.

<sup>304</sup> "Export of Logs Again Permitted," *Vancouver Daily Province*, 9 September 1908, 1; Hak, *Turning Trees into Dollars*, 103.

<sup>305</sup> British Columbia, "An Act to Amend the Timber Manufacture Act, 1906," in *Statutes of the Province of British Columbia* [1909] (Victoria: King's Printer, 1909), 191, <https://heinonline.org>.

10 March 1910: BC's *Timber Mark Act Amendment Act, 1910* requires loggers to register a "separate and distinct mark or marks for each Crown grant, lease, or licence" being logged. This allows the source of logs to be identified and the correct export and royalty regulations to be applied.<sup>306</sup>

27 February 1912: BC's *Forest Act* gathers all forestry related legislation into one Act. The Act includes previously existing raw log export restrictions for both Crown granted and Crown lands.<sup>307</sup>

12 July 1912: BC Order-in-Council 1912-0810 exempts two pulp leases from log export restrictions.<sup>308</sup>

1 March 1913: BC's *Forest Act Amendment Act, 1913* clarifies timber mark requirements, stating that they must "clearly distinguish one from another the different classes of timber subject to different conditions of tenure, royalty, tax, or manufacture" and prohibiting unmarked logs from being floated or rafted on the water. The Lieutenant-Governor in Council is granted the authority to permit the export of pulpwood. BC Order-in-Council 1912-0810, enacted on 12 July 1912, is made legal retroactively.<sup>309</sup>

21 June 1913: BC Order-in-Council 1913-0895 exempts all pulp leases from raw log export restrictions.<sup>310</sup>

4 March 1914: BC's *Forest Act Amendment Act, 1914* simplifies the timber tax applied to raw logs exported from Crown grants, removing surcharges based on log size. This amendment also authorizes the government to exempt loggers from the requirement that logs be marked before being floated or rafted on the water."<sup>311</sup>

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<sup>306</sup> British Columbia, "An Act to Amend the Timber Mark Act," in *Statutes of the Province of British Columbia* [1910] (Victoria: King's Printer, 1910), 429, <https://heinonline.org>.

<sup>307</sup> British Columbia, "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," in *Statutes of the Province of British Columbia* [1912] (Victoria: King's Printer, 1912), 81-132, <https://heinonline.org>.

<sup>308</sup> British Columbia, Order-in-Council 1912-0810, 12 July 1912, <https://www.bclaws.ca>; Gray, "Forest Policy and Administration," 123.

<sup>309</sup> British Columbia, "Forest Act Amendment Act, 1913," in *Statutes of the Province of British Columbia* [1913] (Victoria: King's Printer, 1913), 113-122, <https://heinonline.org>.

<sup>310</sup> British Columbia, Order-in-Council 1913-0895, 23 June 1913, <https://www.bclaws.ca>; Gray, "Forest Policy and Administration," 123.

<sup>311</sup> British Columbia, "Forest Act Amendment Act, 1914," in *Statutes of the Province of British Columbia* [1914], 161-169, <https://heinonline.org>.

26 August 1914: Citing “unsettled conditions attending the present European War,” BC suspends log export restrictions via Order-in-Council 1914-1050. All raw logs “now cut within the Province” become exportable upon payment of a tax.<sup>312</sup>

16 September 1914: BC reduces the tax on exported raw logs after industry complaints.<sup>313</sup>

1915: BC’s Forests Branch agrees to stop charging timber tax on logs manufactured in the country after protest by manufacturers. This was done without public consultation, despite the Forests Branch having no legislative authority to do so. The *Forest Act* was not updated to reflect this arrangement before the relevant section was repealed in 1930.<sup>314</sup>

31 May 1916: BC’s *Forest Act Amendment Act, 1916* adds Sections 103A and 103B to the *Forest Act*, establishing legal authority for the Lieutenant-Governor in Council to permit export of raw logs “as he sees fit” during and for six months after the First World War as well as from areas bordering Alberta or the United States when it could be “proved to his satisfaction” that it was not economical to manufacture the logs in the province.<sup>315</sup>

20 March 1918: A “War Advisory Committee,” with representation from government, manufacturing and logging sectors, is formed to approve raw log export requests on a case-by-case basis. This committee would continue after the war as the “Export Advisory Committee.”<sup>316</sup>

29 March 1919: BC’s *Forest Act Amendment Act, 1919* changes Section 103B of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs “as he sees fit” until 31 March 1920.<sup>317</sup>

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<sup>312</sup> British Columbia, Order-in-Council 1914-1050, 26 August 1914, <https://www.bclaws.ca>; Gray, “Forest Policy and Administration,” 124.

<sup>313</sup> British Columbia, Order-in-Council 1914-1095, 16 September 1914, <https://www.bclaws.ca>; Gray, “Forest Policy and Administration,” 125, Gray mentions the debate but does not report that the export tax was reduced.

<sup>314</sup> British Columbia Archives, GR-1441, [Lands Branch ‘O’ Files], file 086011, Chief Forester to Minister of Lands, 14 June 1929, 83, reel B03746.

<sup>315</sup> British Columbia, “Forest Act Amendment Act, 1916,” in *Statutes of the Province of British Columbia* [1916] (Victoria: King’s Printer, 1916), 69-71, <https://heinonline.org>; Gray, “Forest Policy and Administration,” 129.

<sup>316</sup> “Shorter Hours and Log Embargo,” *Western Lumberman* vol. 15, no. 4 (April 1918), 24; Gray, “Forest Policy and Administration,” 132.

<sup>317</sup> British Columbia, “Forest Act Amendment Act, 1919,” in *Statutes of the Province of British Columbia* [1919] (Victoria: King’s Printer, 1919), 177-181, <https://heinonline.org>; Gray, “Forest Policy and Administration,” 134.

31 March 1920: BC's *Forest Act Amendment Act, 1920* changes Section 103B of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1930.<sup>318</sup>

3 November 1924: Legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1930 is transferred to Section 91 of BC's revised *Forest Act*.<sup>319</sup>

3 April 1929: The McDonald Murphy Logging Company challenges the legality of the sections of BC's *Forest Act* which tax raw log exports from Crown granted land in the province.<sup>320</sup>

23 May 1929: BC Supreme Court Justice Aulay Morrison rules in McDonald Murphy's favour, judging Section 58 of the *Forest Act* to be ultra vires, or beyond the powers of the provincial government.<sup>321</sup>

4 March 1930: BC's appeal of Morrison's Supreme Court decision is dismissed with costs by the Privy Council in England.<sup>322</sup>

25 March 1930: BC's *Forest Act Amendment Act, 1930* repeals Section 58 of the *Forest Act*, which had been found to be ultra vires. This removes the export tax from raw logs cut on Crown granted land. Section 91 of the *Forest Act* is changed, providing legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1931.<sup>323</sup>

1 April 1931: BC's *Forest Act Amendment Act, 1931* changes Section 91 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1932.<sup>324</sup>

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<sup>318</sup> British Columbia, "Forest Act Amendment Act, 1920," in *Statutes of the Province of British Columbia* [1920] (Victoria: King's Printer, 1920), 259-266, <https://heinonline.org>; Gray, "Forest Policy and Administration," 134.

<sup>319</sup> British Columbia, "An Act respecting Crown Timber and the Conservation and Preservation of Forests," in *Revised Statutes of British Columbia* [1924, vol. 1] (Victoria: King's Printer, 1924), 1183-1238, <https://heinonline.org>.

<sup>320</sup> British Columbia Archives, GR-1441, [Lands Branch 'O' Files], file 086011, Statement of Claim, 4 April 1929, 5-12, reel B03746; "Export Tax on Logs Attacked," *Vancouver Daily Province*, 1 May 1929, 12.

<sup>321</sup> British Columbia Archives, GR-1441, [Lands Branch 'O' Files], file 086011, Statement of Claim, 4 April 1929, 5-12, reel B03746; "Export Tax on Logs is Ultra Vires," *British Columbian* (Vancouver), 25 May 1929, 1.

<sup>322</sup> Library and Archives Canada, RG13, Department of Justice, vol. 338, file 1930-646, "Privy Council Appeal No. 115 of 1929"; "B.C. Takes Steps to Legalize Timber Tax as Privy Council Threatens \$200,000 Revenue," *Vancouver Daily Province*, 4 March 1930, 1.

<sup>323</sup> British Columbia, "Forest Act Amendment Act, 1930," in *Statutes of the Province of British Columbia* [1930] (Victoria: King's Printer, 1930), 53-55, <https://heinonline.org>.

<sup>324</sup> British Columbia, "Forest Act Amendment Act, 1931," in *Statutes of the Province of British Columbia* [1931] (Victoria: King's Printer, 1931), 95-96, <https://heinonline.org>.

24 March 1932: BC's *Forest Act Amendment Act, 1932* changes Section 91 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1933.<sup>325</sup>

7 April 1933: BC's *Forest Act Amendment Act, 1933* changes Section 91 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1934.<sup>326</sup>

29 March 1934: BC's *Forest Act Amendment Act, 1934* changes Section 91 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1939.<sup>327</sup>

30 June 1937: Legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1939 is transferred to Section 95 of BC's revised *Forest Act*.<sup>328</sup>

30 November 1939: BC's *Forest Act Amendment Act, 1939* changes Section 95 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1942.<sup>329</sup>

24 June 1940: Timber Control created within the Department of Supply and Munitions and given the power "to conserve, co-ordinate and regulate the timber resources and industry of Canada in order to fulfil the present and potential needs of Canada and her allies."<sup>330</sup>

10 July 1940: "Export of all fir sawlogs from British Columbia to non-British Empire destinations" is prohibited for three months by order of the Timber Controller.<sup>331</sup>

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<sup>325</sup> British Columbia, "Forest Act Amendment Act, 1932," in *Statutes of the Province of British Columbia* [1932] (Victoria: King's Printer, 1932), 75-76, <https://heinonline.org>.

<sup>326</sup> British Columbia, "Forest Act Amendment Act, 1933," in *Statutes of the Province of British Columbia* [1933] (Victoria: King's Printer, 1933), 45-47, <https://heinonline.org>.

<sup>327</sup> British Columbia, "Forest Act Amendment Act, 1934," in *Statutes of the Province of British Columbia* [1934] (Victoria: King's Printer, 1934), 79-82, <https://heinonline.org>.

<sup>328</sup> British Columbia, "Forest Act," in *Revised Statutes of British Columbia* [1936, vol. 1] (Victoria: King's Printer, 1936), 1349-1414, <https://heinonline.org>.

<sup>329</sup> British Columbia, "Forest Act Amendment Act, 1939," in *Statutes of the Province of British Columbia* [1939] (Victoria: King's Printer, 1939), 165-171, <https://heinonline.org>.

<sup>330</sup> "Order-in-Council 1940-2716, 24 June 1940," in *Proclamations and Orders in Council Passed under the Authority of the War Measures Act* [vol. 2] (Ottawa: King's Printer, 1940), 130-132, <https://n2t.net/ark:/13960/t1qg05s4q>.

<sup>331</sup> "Log Export Reduced," *Victoria Daily Times*, 6 July 1940, 1; "B.C. Halts Export of Fir Saw Logs Outside Empire," *Nanaimo Free Press*, 6 July 1940, 1; "Halted at Last," *Victoria Daily Times*, 8 July 1940, 4.

10 October 1940: “Export of all fir sawlogs from British Columbia to non-British Empire destinations” is prohibited for three months by order of the Timber Controller.<sup>332</sup>

4 December 1940: Canada Order-in-Council 1940-7156 prohibits the exportation of Douglas fir logs except under permit from the Minister of National Revenue.<sup>333</sup>

17 July 1941: Export of all fir sawlogs from British Columbia is temporarily prohibited by order of the Timber Controller.<sup>334</sup>

12 February 1942: BC’s *Forest Act Amendment Act, 1941-42* changes Section 95 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs “as he sees fit” until 31 March 1945.<sup>335</sup>

11 November 1942: Timber Control Order 14 restricts the exportation of Canadian Douglas fir logs of certain grades.<sup>336</sup>

15 July 1943: Timber Control Order 20 restricts the exportation of Canadian pulpwood, except from British Columbia, which is exempted “because of commitments in the U.S.”<sup>337</sup>

28 March 1945: BC’s *Forest Act Amendment Act, 1945* changes Section 95 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs “as he sees fit” until 31 March 1946.<sup>338</sup>

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<sup>332</sup> “Ban on Log Exports Remains,” *Vancouver Daily Province*, 8 October 1940, 23; “Fir Log Export Ban Extended,” *Vancouver Sun*, 8 October 1940, 19; “Ban Continues,” *Victoria Daily Times*, 8 October 1940, 1.

<sup>333</sup> “Order-in-Council 1940-7156, 4 December 1940,” in *Proclamations and Orders in Council Passed under the Authority of the War Measures Act* [vol. 3] (Ottawa: King’s Printer, 1941), 166-7, <https://n2t.net/ark:/13960/t6h14gt7w>; “All Fir Sales Under License,” *Vancouver Daily Province*, 11 December 1941, 31.

<sup>334</sup> “B.C. Halts Export of Fir Sawlogs,” *Vancouver Sun*, 17 July 1941, 23; “B.C. Fir Log Export Under New Embargo,” *Vancouver Daily Province*, 17 July 1941, 27.

<sup>335</sup> British Columbia, “Forest Act Amendment Act, 1941-42,” in *Statutes of the Province of British Columbia* [1942] (Victoria: King’s Printer, 1942), 43-44, <https://heinonline.org>.

<sup>336</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 266, file 196-16-2-14, [Timber Control Order 14, Fir Saw Log Exports].

<sup>337</sup> Library and Archives Canada, RG28, Department of Munitions and Supply, vol. 267, file 196-16-2-20, [Timber Control Order 20, Pulpwood Exports], Walter T. Patterson to A.J. Martin, 15 July 1943.

<sup>338</sup> British Columbia, “Forest Act Amendment Act, 1945,” in *Statutes of the Province of British Columbia* [1945] (Victoria: King’s Printer, 1945), 125-126, <https://heinonline.org>.

11 April 1946: BC's *Forest Act Amendment Act, 1946* changes Section 95 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1947.<sup>339</sup>

3 April 1947: BC's *Forest Act Amendment Act, 1947* changes Section 95 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 31 March 1948.<sup>340</sup>

14 May 1947: Canada transfers control over raw log exports to the Department of Trade and Commerce, via *The Export and Import Permits Act*.<sup>341</sup>

28 April 1948: BC's *Forest Act Amendment Act, 1948* changes Section 95 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 30 April 1949.<sup>342</sup>

7 February 1949: Legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 30 April 1949 is transferred to Section 94 of BC's revised *Forest Act*.<sup>343</sup>

24 March 1949: BC's *Forest Act Amendment Act, 1949* changes Section 94 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 30 June 1951.<sup>344</sup>

18 April 1951: BC's *Forest Act Amendment Act, 1951* changes Section 94 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 30 June 1953.<sup>345</sup>

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<sup>339</sup> British Columbia, "Forest Act Amendment Act, 1946," in *Province of British Columbia Statutes* [1946] (Victoria: King's Printer, 1946), 81-94, <https://heinonline.org>.

<sup>340</sup> British Columbia, "Forest Act Amendment Act, 1947," in *Province of British Columbia Statutes* [1947] (Victoria: King's Printer, 1947), 183-194, <https://heinonline.org>.

<sup>341</sup> Canada, "The Export and Import Permits Act," in *Acts of the Parliament of the Dominion of Canada* [1947 Part 1] (Ottawa: King's Printer, 1947), 97-100, <https://heinonline.org>.

<sup>342</sup> British Columbia, "Forest Act Amendment Act, 1948," in *Province of British Columbia Statutes* [1948] (Victoria: King's Printer, 1948), 89-97, <https://heinonline.org>.

<sup>343</sup> British Columbia, "Forest Act," in *Revised Statutes of British Columbia* [1948, vol. 2] (Victoria: King's Printer, 1948), 1633-1712, <https://heinonline.org>.

<sup>344</sup> British Columbia, "Forest Act Amendment Act, 1949," in *Province of British Columbia Statutes* [1949] (Victoria: King's Printer, 1949), 59-63, <https://heinonline.org>.

<sup>345</sup> British Columbia, "Forest Act Amendment Act, 1951," in *Province of British Columbia Statutes* [1951] (Victoria: King's Printer, 1951), 95-97, <https://heinonline.org>.

17 October 1953: BC's *Forest Act Amendment Act, 1953* changes Section 94 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 30 June 1958.<sup>346</sup>

20 March 1958: BC's *Forest Act Amendment Act, 1958* changes Section 94 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 30 June 1963.<sup>347</sup>

1 January 1961: Legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until 30 June 1963 is transferred to Section 97 of BC's revised *Forest Act*.<sup>348</sup>

20 March 1964: BC's *Forest Act Amendment Act, 1964* removes the expiry date from Section 97 of the *Forest Act*, extending legal authority for the Lieutenant-Governor in Council to permit the export of raw logs "as he sees fit" until such time as the legislation is changed.<sup>349</sup>

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<sup>346</sup> British Columbia, "Forest Act Amendment Act, 1953," in *Province of British Columbia Statutes* [1953] (Victoria: Queen's Printer, 1953), 127-130, <https://heinonline.org>.

<sup>347</sup> British Columbia, "Forest Act Amendment Act, 1958," in *Province of British Columbia Statutes* [1958] (Victoria: Queen's Printer, 1958), 47-51, <https://heinonline.org>.

<sup>348</sup> British Columbia, "Forest Act," in *Revised Statutes of British Columbia* [1960, vol. 2] (Victoria: Queen's Printer, 1960), 1471-1544, <https://heinonline.org>.

<sup>349</sup> British Columbia, "Forest Act Amendment Act, 1964," in *Province of British Columbia Statutes* [1964] (Victoria: Queen's Printer, 1964), 79-81, <https://heinonline.org>.

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