

And further, under the condition that the said licensee or his representatives shall comply with all regulations that are or may be established by order in council, and shall submit all timber, saw logs, or other lumber cut under this license to be counted or measured, and settle for the duties chargeable thereon, when required by me or any officer thereunto authorized, otherwise the said timber will be forfeited to the Crown, and the said licensee be subject to such other penalties as the act provides.

Given under my hand, at Toronto, the tenth day of April, in the year of our Lord one thousand eight hundred and seventy-three, in duplicate.

Ground rent paid for this license..... \$ 72.00
 Bonus 1980.00
 \$2,052.00

(Signed) THOS. H. JOHNSON,
 Assistant Commissioner.

(DESCRIPTION.)

This license not to interfere with prior licenses.

This license is subject to order-in-council of 19th April, 1872, authorizing the withdrawal at any time of any lot or lots, or portion of land, included in any license, when such withdrawal is deemed expedient in the interest of settlement.

On 27th April, 1885, an order-in-council was passed by which the Commissioner of Crown Lands was authorized at any time during the currency of the timber license to cancel the right under such license to cut timber other than pine upon any lots included in it which had been sold or located subsequent to the date of such license, or which might have been squatted upon with the bona fide intention of location or purchase, and that all timber licenses which might hereafter be issued should contain a condition in accordance with the above.

By another order in council of 27th April, 1887, the ground rent upon all licenses to cut timber thereafter issued was increased from \$2 to \$3 per square mile, and the Crown dues upon pine timber and saw logs were increased from the rate fixed by the regulations of 1869.

By another order in council passed 11th March, 1896, the right of license holders to cut timber upon certain lands granted to purchasers after the date of the original license was restricted to four years from the date of the patent.

Turning now to the other two licenses to which the suppliants claim, it appears that the timber berths covered by them were sold by auction in October, 1885, and that the first licenses issued to the purchasers were dated on 2nd October, 1888. Each license was in the following words, the description of the location indorsed upon them and the amount of the bonus constituting the only difference between them:

By authority of chapter 26 of the Revised Statutes of Ontario and the Crown timber regulations dated the 16th day of April, 1869, and for and in consideration of the payments made and to be made to Her Majesty,

I do hereby give unto Burton and Brother, and unto their agents or workmen, full power and license to cut every description of timber on lands or lots unlocated and unsold at the date of this license (or sold or located during the time this license is in force), and pine trees on lands or lots sold under orders in council of 27th May, 1869, or sold or located under the Free Grants and Homesteads Act of 1868, or amendment of the said Act by chapter 4 of the statutes of Ontario of 1880, and pine and cedar trees, when reserved, on lots sold under order in council of 3rd April, 1880, prior to the date of this license, and pine trees on lots patented under said chapter 4, or patented as mining lands under the General Mining Act of 1869, upon the location described on the back hereof by berth and road allowance, and to hold and occupy the said location to the exclusion of all others, except as hereinafter mentioned, from 2nd of October, 1888, to 30th of April, 1889, and no longer; with the right of conveying away the said timber through any ungranted, uncleared or waste lands of the Crown.

And by virtue of this license, the said licensees have right by the said statute to all timber cut by others during the term of this license in trespass on the ground hereby assigned, with full power to seize and recover the same.

But this license is subject to the following conditions, viz.:

To the withdrawal therefrom of lots located or sold under the Free Grants and Homesteads Act of 1868, prior to the passing of chapter 4 of the statutes of Ontario of 1880, and for which patent may be granted on the ground that five years had elapsed from the date of such location

and sale, and that the conditions of settlement had been complied with prior to the 30th April preceding the date or issue of the license.

That any person or persons may at all times make and use roads upon and travel over the ground hereby licensed.

That nothing herein shall prevent any person or persons from taking from the ground covered by this license standing timber of any kind (without compensation therefor) to be used for the making of roads or bridges or public works, by or on behalf of the province of Ontario, the authority of the Department of Crown Lands having first been obtained.

That persons settling under lawful authority or title within the location hereby licensed shall not in any way be interrupted in clearing and cultivation by the said licensees, or any one acting for them or by their permission.

That the Commissioner of Crown Lands, under order in council of 27th April, 1885, may at any time during the currency of the license cancel the right to cut timber other than pine upon any lots included in the description in this license which may have been sold or located subsequent to the date hereof, or upon any lots in said description which may have been squatted upon with the bona fide intention of location or purchase.

And further, under condition that the said licensees or their representatives shall comply with all regulations that are or may be established by order in council, and shall submit all the timber, saw logs or other lumber cut under this license to be counted or measured, and settle for the duties chargeable thereon, when required by me or any officer thereunto authorized; otherwise the said timber will be forfeited to the Crown, and the said licensees be subject to such other penalties as the Act provides.

Given under my hand at Toronto, the second day of October in the year of our Lord one thousand eight hundred and eighty-eight, in duplicate.

Amount payable for the license:—

Original { Ground rent..... \$ 118
 Bonus 20,650
 Interest.....
 \$20,768

(Sgd.) AUBREY WHITE,
 Assistant Commissioner.

It is admitted that the three licenses in question have been from time to time renewed by the Commissioner of Crown Lands in the names of the persons who obtained them originally or their transferees, and that each renewal has been framed in accordance with the regulations in force at the time the renewal was issued, and has not been limited only to those in force when the original was issued. The increased ground rent and Crown dues have been exacted in respect to the renewals of the license issued in 1873, and the conditions with regard to the withdrawal of the right to cut upon lots located or sold have been treated as binding upon the holders of that license, as well as upon the holders of licenses issued after they were adopted by the order in council referred to.

On 17th May, 1895, a new form of license was adopted by order in council, and licenses in this form were issued to and acted upon by the suppliants, the Canadian Bank of Commerce, who then, and for some time before, held all three licenses. The following is one of the licenses so issued, the others being precisely similar:

RENEWAL FOR 1897-8 OF LICENSE NO. 150 of 1896-7.

By authority of chapter 28 of the Revised Statutes of Ontario, 1887, and the Crown timber regulations dated the 16th day of April, 1869, (and subsequent orders in council affecting timber), and for and in consideration of payments made and to be made to Her Majesty,

I do hereby give unto the Canadian Bank of Commerce, and unto its agents or workmen, full power and license to cut every description of timber on lands or lots unlocated and unsold at the date of this license, and pine trees on lands or lots sold under orders in council of 27th May, 1869, or sold or located under the Free Grants and Homesteads Act, or patented or leased as mining lands under the mining laws, upon the location described on the back hereof by berth and road allowances, and to hold and occupy the said location to the exclusion of all others, except as hereinafter mentioned, from the 25th of September, 1897 to 30th of April, 1898, and no longer; with the right of conveying away the said timber through any ungranted, uncleared, or waste lands of the Crown.

And by virtue of this license, the said licensee has

right by the said statute to all timber cut by others during the term of this license in trespass on the ground hereby assigned, with full power to seize and recover the same.

But this license is subject to the following conditions, viz.:

To the withdrawal therefrom of lots located or sold under the Free Grants and Homesteads Act of 1868, prior to the passing of chapter 4 of the Statutes of Ontario of 1880, and for which patents may be granted on the ground that five years had elapsed from the date of such location or sale, and that the conditions of settlement had been complied with prior to the 30th April preceding the date or issue of the license.

To the withdrawal therefrom of all lots located or sold during the currency thereof immediately after location or sale as to timber other than pine.

That any person or persons may at all times make and use roads upon and travel over the ground hereby licensed.

That nothing herein shall prevent any person or persons from taking from the ground covered by this license standing timber of any kind (without compensation therefor) to be used for the making of roads or bridges or public works by or on behalf of the Province of Ontario, the authority of the Department of Crown Lands having first been obtained.

That persons settling under lawful authority or title within the location hereby licensed shall not in any way be interrupted in clearing and cultivation by the said licensee, or any one acting for it or by its permission.

That the Commissioner of Crown Lands, under order in council of the 27th April, 1885, may at any time during the currency of this license cancel the right to cut timber other than pine upon any lots included in the description in this license, which may have been squatted upon with the bona fide intention of location or purchase.

And further, under condition that the said licensee or its representatives shall comply with all regulations that are or may be established by order in council, and shall submit all the timber, saw logs or other lumber cut under this license, to be counted or measured, and settle for the duties chargeable thereon, when required by me or any officer thereunto authorized, otherwise the said timber will be forfeited to the Crown, and the said licensee be subject to such other penalties as the Act provides.

Given under my hand at Toronto the twenty-fifth day of September in the year of our Lord one thousand eight hundred and ninety-seven, in duplicate.

Amount payable for this license:—

Ground rent..... \$42.00
 Bonus
 Interest.....
 \$42.00

(Signed) AUBREY WHITE,
 Assistant Commissioner.

On 17th December, 1897, while the three renewals in this form were current, an order in council was passed in the following terms:—

ORDER IN COUNCIL ESTABLISHING, SUBJECT TO THE APPROVAL OF THE LEGISLATURE, CROWN TIMBER REGULATIONS OF 17TH DECEMBER, 1897.

ORDER IN COUNCIL

Approved of by His Honor the Lieutenant-Governor the 17th day of December, A.D. 1897:

Upon the consideration of the report of the Honorable the Attorney General dated 17th December, 1897, the committee of council advise that the following Crown timber regulations be approved of by Your Honor:

(1) Every license or permit to cut pine timber on the ungranted lands of the Crown, or to cut pine timber reserved to the Crown on lands located, sold, granted, patented, or leased by the Crown, which shall be issued on or after the 30th day of April, 1898, shall contain and be subject to the condition that all pine which may be cut into logs or otherwise under the authority or permission of such license or permit shall, except as hereinafter provided, be manufactured into sawn lumber in Canada, that is to say, into boards, deals, joists, lath, shingles, or other sawn lumber, or into waney board or square or other timber in Canada; and such conditions shall be kept and observed by the holder or holders of any such license or permit who shall cut or cause to be cut pine trees or timber under the authority thereof, and by any other person or persons who shall cut or cause to be cut any of such pine trees or timber under